

Project 8 Winery Project

SCH# 2022010188

Final Environmental Impact Report

Prepared for
Placer County



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Prepared by



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SCH# 2022010188

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1. Introduction and List of Commenters

1. INTRODUCTION AND LIST OF COMMENTERS

1.1 INTRODUCTION

This Final Environmental Impact Report (EIR) contains agency and public comments received during the public review period of the Project 8 Winery Project (proposed project) Draft EIR. This document has been prepared by Placer County, as Lead Agency, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Section 15132. The Introduction and List of Commenters chapter of the Final EIR discusses the background of the Draft EIR and purpose of the Final EIR, identifies the comment letters received on the Draft EIR, and provides an overview of the Final EIR's organization.

1.2 BACKGROUND

The Draft EIR identifies the proposed project's potential environmental impacts and the mitigation measures that would be required to be implemented. The following environmental analysis chapters are contained in the Draft EIR:

- Aesthetics;
- Agriculture and Forestry Resources;
- Air Quality and Greenhouse Gas Emissions;
- Biological Resources;
- Cultural Resources;
- Energy;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Noise;
- Public Services and Utilities;
- Transportation;
- Tribal Cultural Resources;
- Wildfire;
- Effects Not Found to be Significant;
- Statutorily Required Sections; and
- Alternatives Analysis.

In accordance with CEQA, the Draft EIR was sent to the State Clearinghouse (SCH#: 2022010188) for distribution to State agencies on November 14, 2022 for a 45-day public review period. In addition, the Draft EIR and a Notice of Availability (NOA) for the Draft EIR were published on the Placer County Community Development Resource Agency website. Printed copies of the Draft EIR were made available for review at the Penryn Library (2215 Rippey Road), the Placer County Community Development Resource Agency office in Auburn (3091 County Center Drive),



and the County Clerk's Office (2954 Richardson Drive). A public hearing was held on December 15, 2022 to solicit public comments regarding the Draft EIR.

1.3 PURPOSE OF THE FINAL EIR

Under CEQA Guidelines Section 15132, the Final EIR shall consist of:

1. The Draft EIR or a revision of the Draft.
2. Comments and recommendations received on the Draft EIR.
3. A list of persons, organizations, and public agencies commenting on the Draft EIR.
4. The responses to significant environmental points raised in the review process.
5. Any other information added by the Lead Agency.

As required by CEQA Guidelines, Section 15090(a)(1)-(3), a Lead Agency must make the following three determinations in certifying a Final EIR:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency's independent judgment and analysis.

Under CEQA Guidelines Section 15091, a public agency shall not approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects. Findings of Fact must be accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The Findings of Fact are included in a separate document that will be considered for adoption by the County's decision-makers.

Pursuant to CEQA Guidelines, Section 15093(b), when a Lead Agency approves a project that would result in significant and unavoidable impacts, the agency must state in writing the reasons supporting the action (Statement of Overriding Considerations). The Statement of Overriding Considerations shall be supported by substantial evidence, and are subject to adoption by the County's decision-makers along with the Findings of Fact. The Project 8 Winery Project would result in a significant and unavoidable impact related to substantially degrading the existing visual character or the quality of public views (Impact 4-2), causing long-term changes in the visual character associated with cumulative development of the proposed project in combination with future buildout of the HBPCP and BRSP areas (Impact 4-4), and conflicting or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) (Impact 16-5); thus, a Statement of Overriding Considerations must be adopted if the project is approved.

1.4 LIST OF COMMENTERS

Placer County received 94 comment letters during the public comment period on the Draft EIR for the proposed project and four comment letters after the close of the comment period. The comment letters were authored by the following agencies, groups, and individuals:

Agencies

Letter 1 Placer County Air Pollution Control District
Letter 2 Central Valley Regional Water Control Board



Groups

Letter 3 Defend Granite Bay (Letter 1 of 3, 12/12/22)
Letter 4 Defend Granite Bay (Letter 2 of 3, 12/13/22)
Letter 5 Defend Granite Bay (Letter 3 of 3, 12/26/22)
Letter 6 Placer Business Alliance
Letter 7 Placer County Visitors Bureau
Letter 8 Preserve Penryn (Letter 1 of 2, 12/16/22)
Letter 9 Preserve Penryn (Letter 2 of 2, 12/27/22)
Letter 10 Public Interest Coalition

Individuals

Letter 11 Keri Askew Bailey
Letter 12 Patricia Avalos
Letter 13 Arietta Balestreri
Letter 14 Andy and Andrea Bell
Letter 15 Damon Belman
Letter 16 Cheryl Berkema (Letter 1 of 3)
Letter 17 Cheryl Berkema (Letter 2 of 3, 12/23/22)
Letter 18 Cheryl Berkema (Letter 3 of 3, 12/28/22)
Letter 19 Moises Bermudez
Letter 20 Leslie Lockhart Bisharat
Letter 21 Carol Brock
Letter 22 Amanda Budde
Letter 23 Amanda Carnes
Letter 24 Catherine Chappell
Letter 25 Jacob Coleman
Letter 26 Muriel Davis (Letter 1 of 2, 11/18/22)
Letter 27 Muriel Davis (Letter 2 of 2, 12/27/22)
Letter 28 Eric Dede
Letter 29 Donna Delno
Letter 30 Stacia Delucchi
Letter 31 Chris DeNoyer
Letter 32 Doug DiRuscio
Letter 33 Julia Duarte
Letter 34 Michael Duarte
Letter 35 Chad Erikson
Letter 36 Fabricio Garcia
Letter 37 Alec Goeken
Letter 38 Salvador Gonzalez
Letter 39 Lawrence Gouveia
Letter 40 Brad Heisler
Letter 41 Ann Henderickson-Pantos
Letter 42 Alice Jack (Letter 1 of 2, 12/13/22)
Letter 43 Alice Jack (Letter 2 of 2, 12/13/22)
Letter 44 Grant Kageta
Letter 45 Janet Kellman
Letter 46 Joseph Kelly
Letter 47 Peter Kessler
Letter 48 Cord Lamphere
Letter 49 Doug McDougall



Letter 50	Judy McKeig
Letter 51	Wayne Nader
Letter 52	Patty Neifer (Letter 1 of 3, 12/3/22)
Letter 53	Patty Neifer (Letter 2 of 3, 12/13/22)
Letter 54	Patty Neifer (Letter 3 of 3, 12/14/22)
Letter 55	Janice Nelson
Letter 56	Enrique Gayton Ortega
Letter 57	Glen Osborn
Letter 58	Kevin Owens
Letter 59	Garrett Patterson
Letter 60	Ingrid Phippen
Letter 61	Aldo Pineschi (Letter 1 of 2, 12/15/22)
Letter 62	Aldo Pineschi (Letter 2 of 2, 12/15/22)
Letter 63	Bruce Richie
Letter 64	Bob Romness
Letter 65	Aaron Rudolph
Letter 66	Gayle Russell
Letter 67	Anairis Sandoval (Letter 1 of 2, 12/15/22)
Letter 68	Anairis Sandoval (Letter 2 of 2, 12/15/22)
Letter 69	Justin Simarro
Letter 70	Nick Sorenson
Letter 71	Sue Stack (Letter 1 of 3, 11/26/22)
Letter 72	Sue Stack (Letter 2 of 3, 11/26/22)
Letter 73	Sue Stack (Letter 3 of 3, 12/2/22)
Letter 74	Claudia Starkey
Letter 75	Michael Sutton
Letter 76	Leanna Sweeters
Letter 77	Joseph Valencia
Letter 78	Paula Valencia
Letter 79	Lulu Vasquez (Letter 1 of 4, 12/10/22)
Letter 80	Lulu Vasquez (Letter 2 of 4, 12/10/22)
Letter 81	Lulu Vasquez (Letter 3 of 4, 12/10/22)
Letter 82	Lulu Vasquez (Letter 4 of 4, 12/10/22)
Letter 83	Scott Vaughan
Letter 84	Tony Vitalie
Letter 85	Ron Volle
Letter 86	Ellie Waller
Letter 87	Isaiah Walton
Letter 88	Leslie Warren
Letter 89	Randy Watanabe
Letter 90	Mark Westberg
Letter 91	Gabriele Windgasse (Letter 1 of 2, 12/14/22)
Letter 92	Gabriele Windgasse (Letter 2 of 2, 12/27/22)
Letter 93	Rob Wolf
Letter 94	Unknown

Late Letters

Letter 95	Holly Johnson
Letter 96	Erin Lindner



Letter 97 Roseamari La Rocca
Letter 98 Elizabeth Stone

In addition, 35 verbal comments were received during the public hearing held on December 15, 2022 to solicit public comments regarding the Draft EIR. A summary of the comments from the Draft EIR comment hearing are included as Letter 99.

Letter 99 Summary of Verbal Comments: Draft EIR Public Hearing (December 15, 2022)

1.5 ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following chapters:

1. Introduction and List of Commenters

Chapter 1 provides an introduction and overview of the document, describing the background and organization of the Final EIR. Chapter 1 also provides a list of commenters who submitted letters in response to the Draft EIR.

2. Responses to Comments

Chapter 2 presents the comment letters received and responses to each comment. Each comment letter received has been numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. The response to each comment will reference the comment number.

3. Revisions to the Draft EIR Text

Chapter 3 summarizes minor changes made to the Draft EIR text since its release.

4. Mitigation Monitoring and Reporting Program

CEQA Guidelines, Section 15097, requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The intent of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure implementation of the mitigation measures identified within the EIR for the Project 8 Winery Project.



2. Responses to Comments

2. RESPONSES TO COMMENTS

2.1 INTRODUCTION

The Responses to Comments chapter contains responses to each of the comment letters submitted regarding the Project 8 Winery Project (proposed project) Draft EIR during the public review period and a response to the verbal comments received at the hearing to receive public comment on the Draft EIR.

The County appreciates the time and effort taken by commenters to express their views and concerns as a part of this process. These views and recommendations are considered by County staff in developing the staff recommendation, and by the Planning Commission and Board of Supervisors in their deliberations and decision-making regarding certification of the EIR and adoption of the proposed project.

Section 15088(a) of the CEQA Guidelines directs that lead agencies must prepare written responses to those comments received during the Draft EIR comment period that raise “significant environmental issues.” The County is not required to respond to comments on non-CEQA issues or to respond to late comments. Nevertheless, the County has chosen to respond to all comments received on the Draft EIR in this Responses to Comments chapter. The County has opted to take this broad approach to facilitate the public process, document the exchange of information, and provide important information about considerations relevant to the proposed project.

Where a comment provides the opinion, preference, or observation of the commenter (e.g., opinions on the merits of the project that are unrelated to its environmental impacts), without substantiation, this is acknowledged for the record, and no further response is provided. All comments, whether substantiated by facts or simply reflecting the position of the commenter, have been considered by the County throughout this process.

According to CEQA Guidelines Section 15088, “The level of detail contained in the response... may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.” Thus, when a commenter expresses general concerns like the proposed project would result in “more traffic,” “increased noise,” “effects on water quality,” or “increased light and glare,” a specific response is not offered. Rather, the commenter is referred to those sections of the Draft EIR where the referenced general concern is evaluated in detail. For example, project-related traffic and its effect on the regional roadway network is evaluated in Chapter 16, Transportation, of the Draft EIR. Potential impacts related to noise and vibration associated with construction and operation of the proposed project are addressed in Chapter 14, Noise, of the Draft EIR. The potential effects of the project on local hydrology and water quality, including groundwater, are addressed in Chapter 12, Hydrology and Water Quality, of the Draft EIR, and project-related effects associated with light and glare are assessed in Chapter 4, Aesthetics, of the Draft EIR.



2.2 MASTER RESPONSES

Many of the commenters raised similar concerns regarding the proposed project alternatives, the project site's Williamson Act Contract, the proposed 75-foot-tall Octagon Building and gravity processing, the proposed accessory restaurant, and the proposed Zoning Text Amendment (ZTA). Rather than responding individually, master responses have been developed to address the comments comprehensively. These master responses have been referenced, as needed, in the individual responses to comments that follow.

Summary of Master Responses

The following is a summary of the master responses provided below.

- Master Response 1: Project Alternatives
- Master Response 2: Williamson Act
- Master Response 3: Octagon Building and Gravity Processing
- Master Response 4: Accessory Restaurant
- Master Response 5: ZTA

Master Response 1: Project Alternatives

As summarized in Draft EIR section 21.3, and provided in CEQA Guidelines section 15126.6, an EIR shall provide a reasonable range of alternatives that achieves the project objectives but avoids or reduces significant project impacts. The alternatives analysis is not required to consider every project alternative but is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. (See CEQA Guidelines, Section 15126.6(a).) The alternative analysis in the Draft EIR considered four different alternatives. One alternative (Off-Site Alternative) was considered but rejected from detailed analysis for the reasons outlined in Chapter 21; Alternatives Analysis of the draft EIR. Three alternatives were analyzed in detail (see Draft EIR, Chapter 21). The County believes this provides a reasoned choice of alternatives for consideration by the public and decisionmakers.

Requirement to Avoid or Substantially Lessen Significant Effects of the Proposed Project

Pursuant to 15126.6(a) and (b), alternatives must be capable of “...avoiding or substantially lessening any significant effects of the project...” The following discussion will demonstrate how the Draft EIR complies with this mandate.

In addition to the No Project Alternative required pursuant to CEQA, the alternatives evaluated in the Draft EIR were conceptually designed with an intent to substantially lessen the two significant and unavoidable effects identified for the proposed project: aesthetics and vehicle miles traveled (VMT) (see Section 20.5 of Chapter 20, Statutorily Required Sections).

The Reduced Height Alternative was conceptually designed to address the project's significant and unavoidable aesthetic impact attributed to the 75-foot-tall octagon building atop the on-site hill. The Draft EIR determined that implementation of the proposed project would result in substantial degradation to public views as seen from Callison Road/Main Entry and the commuter rail line, due primarily to the proposed octagon building, which would extend above the existing tree canopy on the hillside and silhouette against the sky (see Draft EIR, p. 4-25). The Draft EIR requires implementation of Mitigation Measure 4-2 to reduce the project's aesthetic impact to the extent feasible. The mitigation, among other things, requires additional plantings along the project's Callison Road frontage, a living façade on floors 2-4 of the octagon building, and



structural materials on the upper portion of the octagon building that are representative of the surrounding oak woodland.

Under the Reduced Height Alternative, the octagon building would be split into two shorter buildings, each built to a height of 36 feet, which is the maximum allowable height for buildings within the Farm Building 20-Acre Minimum (F-B-X 20) zoning designation. As such, a ZTA adding height limit exceptions to the Placer County Winery and Farm Brewery Ordinance, Section 17.56.330 of the Placer County Code, and a Conditional Use Permit (CUP) to allow the octagon building to reach a height of 75 feet from the finished grade, would not be required under the Reduced Height Alternative. Given that the Reduced Height Alternative would reduce the height of the octagon building by approximately 39 feet, the split building under the Alternative would not be tall enough to create the desirable pressure for the wine to be filtered, as proposed by the project. As such, a 75-foot agricultural structure would be developed on-site atop the hill under the Reduced Height Alternative, and would be used solely for the gravity filtration process. A Minor Use Permit would be required to allow the structure to be constructed at a height of 75 feet. While this alternative is still anticipated to substantially degrade the visual character of the public viewpoints studied in the Draft EIR, thus not avoiding the project's significant impact, Sections 15126.6(a) and (b) require either avoidance or substantially lessening of a proposed project's significant impact(s). The alternative would substantially lessen the project's significant aesthetic effect by reducing the octagon building by 39 feet, and while the alternative includes a 75-foot-tall agricultural structure, this structure would consist of a scaffold-like open frame, allowing views through the structure, rather than the octagon's solid walled structure. Thus, the agricultural structure would not be as imposing as the octagon building. In summary, the Reduced Height Alternative's substantial lessening of the proposed project's significant aesthetic impact meets the requirement for a CEQA alternative in Section 15126.6(a) and (b).

The Reduced Operations Alternative was conceptually designed to address the project's significant and unavoidable VMT impact attributed to the operations of the proposed project. Under the Reduced Operations Alternative, while the proposed project would operate seven days a week, under the Alternative the winery would operate four days a week (Thursday through Sunday). In addition, while the proposed project would include up to 220 events per year, including 208 Agricultural Promotional Events, and a maximum of 12 Special Events, the Reduced Operations Alternative would assume a maximum of 115 events per year, including 103 Agricultural Promotional Events and 12 Special Events. Finally, the Reduced Operations Alternative would comply with the maximum attendee requirement of 50 people at a time for Agricultural Promotional Events. As such, a CUP to increase the number from 50 to 75 maximum attendees at one time for Agricultural Promotional Events would not be required under the Reduced Operations Alternative.

Based upon these reduced operational parameters, the Reduced Operations Alternative would generate 1,452 average daily VMT, which would be a reduction of 43 percent, as compared to the average daily VMT generated under the proposed project (2,561 average daily VMT). While this alternative is still anticipated to result in a significant and unavoidable VMT impact, 15126.6(a) and (b) require either avoidance or substantial lessening of a proposed project's significant impact(s). The alternative would substantially lessen the project's significant VMT effect by reducing the proposed project's average daily VMT by 43 percent. In summary, the Reduced Operations Alternative's substantial lessening of the proposed project's significant VMT impact meets the requirement for a CEQA alternative in Section 15126.6(a) and (b).



Project Objectives

Commenters have claimed that the objectives of the project are too narrow. The County disagrees that the project objectives are too narrow because, as the court has found in other cases, the objectives do not essentially call for the project to operate as proposed (*We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683). This is evidenced by the inclusion of an alternative that would substantially modify the proposed operations of the project, as described above, and another alternative that would substantially reduce the height of the proposed octagon building by approximately 50 percent as compared to the proposed project.

An oft cited concern is Project Objective #3, Technology, which states the following:

Optimize unique and energy efficient gravity flow processing to preserve the ideal molecular structure of the wine or minimize oxidation with the integration of the latest optical sorting technologies, data measuring, and fermenting methods to consistently produce high quality wine on-site and preserve operational flexibility.

This objective stresses the applicant's desire to produce high quality wine through advanced technological processes. The applicant's proposed means of achieving gravity flow processing is utilization of the octagon structure atop the hill located on-site. Neither the applicant, their objective, nor the Draft EIR, claim that this is the only available means of gravity flow processing, nor do they claim that gravity flow filtration is mandatory to produce a high-quality wine. In further support, page 3-9 of the Draft EIR states in reference to the octagon:

The building would sit atop the hill located in the northern portion of the project site in order to allow for gravity filtration down to the wine cave level, as well as to provide views overlooking the existing vineyards below (see Figure 3-6).

The Draft EIR clearly states that the octagon is the means by which the applicant proposes to achieve gravity filtration. Nevertheless, the applicant did consider other means of providing the gravity flow processing on-site, and potential environmental ramifications. For example, a feasibility study done during the preliminary design phase of Project 8 explored excavating the cave to a depth deeper than currently proposed, which brought to light multiple challenges associated with meeting critical life safety requirements. For example, the cave, as proposed, represents the maximum depth that can be achieved before exceeding the maximum allowable emergency egress path of travel in a sprinklered facility. Increasing the depth, as suggested by several commenters, would introduce requirements for a series of multiple additional emergency exits which would render the cave impractical to construct and require substantial additional on-site excavation and need for soil off-haul, the latter of which would not be required for the proposed project. Please see Master Response 3 for additional discussion regarding the anticipated benefits of the proposed method of gravity filtration as compared to other means.

The above excerpt also acknowledges that the octagon is a means by which views of the vineyards can be provided to patrons of the winery from the tasting room level. This is particularly relevant to achieving Project Objective #4, Tasting and Dining, the Experience, which states the following:

Provide on-site wine tasting, offered daily, and carefully crafted food and wine pairings in an iconic tasting/dining room with spectacular views of winery vineyards and the surrounding areas of Placer County in order to create memorable experiences for visitors and elevate Placer County as an agri-tourism destination.

In short, the experience offered to patrons of Project 8 Winery is designed to be immersive and memorable. The octagon building, with respect to its architectural form and function, is at the



center of how the “iconic” distinction will be achieved from both an interior and exterior perspective. The interior, specifically the tasting room level, provides a unique opportunity to enjoy a tasting and/or food pairing experience while viewing the property’s vineyards as well as greater Placer County and beyond. The exterior achieves this by incorporating design features inspired by local history. For instance, the design of the top of the building is based on the sand domes seen on historical, original 1864 steam locomotives which were developed to enable the drive wheels of cargo laden trains to generate sufficient friction to travel through mountain passes like the Sierra. The use of weathered steel on the exterior also takes inspiration from antique equipment prevalent in the mining and railroad industries. Additionally, exterior walls throughout the winery’s design incorporate rammed earth construction in an effort to showcase the rich native soils of the area. Lastly, visitors to the winery will be able to get a firsthand look at various phases of the winemaking operations even before or without expenditure. This is made possible by viewing points with unrestricted access incorporated throughout the site beginning at the lower processing building where visitors get a view of the final steps of the winemaking process. From there, a carefully designed walking path will lead them to a pedestrian bridge over the main drive, affording views of the vineyards and valley below, before bringing them to a viewing area at the entrance to the main cave from which the main fermentation room and array of tanks can be observed. The walking path then meanders up the hillside to a sub-level underneath the octagon building where there will be an opportunity to see the grape processing operations.

Master Response 2: Williamson Act

Commenters have raised concerns about the proposed Project 8 Winery’s consistency with Agricultural Preserve/Williamson Act Contract PLN22-00200, including the proposed 3,700 square foot residential use in the octagon building. The Draft EIR (page 5-20) states:

“...on June 14, 2022, Resolution 2022-122 was adopted to rescind an existing 54-acre Agricultural Preserve (AGP 148) in order to establish two new Agricultural Preserves and Williamson Act Contracts PLN21-00578 and PLN22-00200. Agricultural Preserve PLN22-00200 encompasses APN 031-220-061, a portion of which contains the approximately 18-acre project site (see Figure 3-2 and Figure 5-3 of the Project Description). According to Resolution 2022-122, the inclusion of the northernmost project parcel (APN 031-220-061), where the proposed winery operations would occur, in an Agricultural Preserve and Williamson Act Contract is consistent with the Placer County General Plan, HBPCP, and the applicable provisions of State law, because such action would result in conservation of valuable agricultural land and improve the financial viability of Placer County’s agricultural economy. Land Conservation Agreement PLN22-00200 governing the northernmost parcel specifies compatible uses, among which include facilities for the purpose of selling products produced on the land, together with accessory facilities, sales of agricultural products produced off the premises, provided that the sale of such products is incidental and secondary to the sale of agricultural products produced on the premises.”

On January 30, 2023, the Planning Department consulted with the Agricultural Commissioner and determined the proposed winery, accessory tasting room, accessory restaurant are compatible uses under a Williamson Act contract because these uses assist in the promotion of products produced on the land, are compatible with continuing agricultural operations, and are secondary to the sale of agricultural products produced on the premises (see Appendix 1). This determination is consistent with the list of compatible uses identified in Table 2 – Allowable Compatible Uses in Section 17.64.090 of the Placer County Code. The California Land Conservation Act of 1965 (the “Williamson Act”; Gov. Code § 51200 et seq.) delegates authority to determine compatible uses to the local agency, and Section 17.64.090 of the Placer County Code provides the compatible uses allowed within the county. The table identifies agricultural accessory structures, agricultural



processing, and accessory storage as allowed on Residential-Agricultural and Farm zoned properties. As such, the identified uses, including operation of the winery, tasting room and other accessory uses, such as the restaurant, are compatible uses on the property because they assist in the promotion, production, marketing and sales of agricultural products onsite and are permissible uses on lands enrolled in the Williamson Act.

In addition, as described in the Draft EIR, the second level of the octagon building would also include an approximately 3,700 sf residence that would be used by the owner primarily during harvest times. A single-family residence is a compatible use, as defined in the Land Conservation Agreement PLN22-00200 (13.1) and Table 2 of Placer County Code Section 17.64.090, given that the residential unit would be related to an agricultural use on-site. The purpose of allowing residential uses on land subject to a Williamson Act contract is to support on-site agricultural operations and is not providing nonagricultural related rural homesites. Residential uses, including one single-family dwelling per preserve contract, is allowed for the owner/manager of the parcel subject to the contract.

Master Response 3: Octagon Building and Gravity Processing

Several commenters express concern that the gravity processing proposed by the applicant is unnecessary, and essentially, a ruse, the real intent of which is to provide views for the proposed accessory restaurant. As already discussed in Master Response 1, Project Objective #3, Technology, identifies gravity flow processing as a method that will assist in producing high quality wine. The applicant's proposed means of achieving gravity flow processing is utilization of the structure atop the hill located on-site. Neither the applicant, their objective, nor the Draft EIR, claim that this is the only available means of filtration. In further support, page 3-9 of the Draft EIR states in reference to the octagon structure:

The building would sit atop the hill located in the northern portion of the project site in order to allow for gravity filtration down to the wine cave level, as well as to provide views overlooking the existing vineyards below (see Figure 3-6).

The Draft EIR clearly states that the 75-foot-tall octagon building is how the applicant proposes to achieve gravity filtration. As can be seen in the above excerpt, the Draft EIR also acknowledges that the octagon structure is a means by which views of the winery and surroundings can be provided. Nevertheless, as discussed in Master Response 1, the applicant did consider other means of providing the desirable gravity flow processing on-site, and potential environmental ramifications. Master Response 1 summarizes the challenges of excavating the cave to a depth deeper than currently proposed, and the reasonable conclusion that providing multiple additional emergency exits, pursuant to state code, would require substantial additional on-site excavation and need for soil off-haul, the latter of which would not be required for the proposed project.

In an effort to employ gravity filtration instead of pump filtration, and without the need to conduct significant underground earthwork that would render the project financially infeasible and result in the need for substantial soil off-haul from the project site, the project includes the 75-foot-tall octagon structure. While the aesthetic impact of the proposed octagon would be significant and unavoidable, as further discussed in Master Response 1, the Draft EIR includes Mitigation Measure 4-2 in an effort to reduce the magnitude of the impact. Many commenters allege that plantings will not be sufficient to reduce impacts. However, landscaping is the most common screening technique to soften views. Lighting, colors, and materials have also been taken into consideration. Furthermore, the Draft EIR includes a visual impact analysis prepared for the project that provides a visual simulation of the octagon building in the landscape. While the



building would not be entirely obscured, the innovative building design to reduce the building footprint and soften edges, with screening from retention of the existing oak woodlands, plantings along the Callison Road frontage and the building's living façade, as well as the substantial building setback on the approximately forty-acre property demonstrate that feasible mitigation has been applied to the project, and these identified measures would serve to minimize the potential visual impact.

Please also see Master Response 5 - ZTA, for a detailed discussion of the ZTA being requested by the applicant to allow the proposed octagon height, as well as the County's methodology for calculating height.

Master Response 4: Accessory Restaurant

Commenters have raised concerns about the proposed Accessory Use – Restaurant being the focus of this project and operating more like a primary commercial use as compared to an accessory use. The following is provided for further explanation of an “Accessory Use – Restaurant” under the Winery and Farm Brewery Ordinance.

General Plan policies encourage crop production, value-added production, tasting and other activities that support the agricultural industry. Increasingly, the service of wine or craft beer with food is viewed as an important component of marketing that helps support other locally-grown agricultural products and diversifies the agricultural sector. As an example, General Plan Policy 7.C.3.3 provides support and reads as follows,

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

Commenters question how an Accessory Use – Restaurant would be determined as secondary to the primary use of the property as a winery. A winery can be established based on the definition for this type of facility and by meeting specific development standards. Those standards are determined based on zoning, minimum parcel size, vineyard acreage, parking, access, hours of operation, and more. In order to recognize accessory and subordinate food preparation and service, a regulatory provision for “Accessory Use –Restaurant” was included in Section 17.56.330 Winery and Farm Brewery Ordinance. An “Accessory Use – Restaurant” is allowed with approval of a CUP. The specific purpose of a CUP is to allow for consideration of a use which may not otherwise be allowed as a matter of right within a zoning district. The size and scale of food preparation and service will be evaluated, and if determined to be consistent, will be conditioned through a use permit.

One commenter states that the Planning Director is required to make a written finding for how the proposed “Accessory Use – Restaurant” was determined to be incidental or accessory. This determination is made through the CUP process. Section 17.04.030 – Definitions of the Zoning Ordinance, outlines a definition for an “Accessory Use” and sets a three-part evaluation for any winery proposing an “Accessory Use – Restaurant.” While crop production and the winery maintain the principal or main use of the 44-acre property, an “Accessory Use” is defined as follows,

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



The principal use of the 44-acre property is crop production (vineyard) and wine production, which includes winery crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities, and employee-designated restrooms, etc. For the Project 8 Winery, the existing crop production land use, which is not part of the proposed project, includes 18 acres of vineyard located on the 44-acre property. Off-site additional existing vineyards within Placer County (through ownership and management agreements) are currently under production for this winery as detailed in Response to Comment 9-39.

The production area proposed with the winery is 81 percent of the total square footage proposed with the project. Total area for accessory uses within the winery is 16 percent (tasting rooms, public spaces and residence) with 3 percent being the area for the fixed seat restaurant, including the kitchen and the dining area. The Project 8 accessory use – restaurant meets the definition for an accessory use because it has demonstrated that it is 1) clearly incidental or secondary to crop production and wine production, 2) it is significantly smaller in area than the principal use, and 3) will not change the character of the principal use. This reasoning will be further outlined as part of the analysis and findings under the CUP process for this project and additional detail on the proposed accessory restaurant is provided in Response to Comment 10-14.

Operations:	<i>Processing, Bottling, Packaging, Administration, etc.</i>	81%	/	73,000	ft ²
Accessory Use:	<i>Event Space, Tasting Room, Residence, Commercial Kitchen</i>	16%	/	14,000	ft ²
Accessory Restaurant:	<i>32 Seat Dining Area</i>	3%	/	2,725	ft ²

Master Response 5: ZTA

Commenters have raised concerns about the Zoning Text Amendment (ZTA) proposed by the Project 8 Winery stating that this request is a doubling of the allowed structural height, out of scale and character with the community, and that the project will set a height exception precedent for wineries which other commercial buildings or individual properties would not be granted. Commenters have also raised concerns that the ZTA should be considered independent of this application.

The existing height limit in the Farm zone district is 36 feet, except as otherwise provided by Section 17.54.020 (Height limits and exceptions), or by Article 17.56 (Specific Use Requirements). The project is proposing to allow the octagon building to be constructed to a height of 75 feet from the finished grade. As part of this proposal, the applicant is requesting a ZTA that could authorize the additional height through the conditional use permit process. As stated on Draft EIR page 3-11, the applicant’s proposal is to add the following language to the Placer County Winery and Farm Brewery Ordinance, Section 17.56.330(E), Development and Operational Standards:

Height Limit Exceptions. Notwithstanding the Site Development Standards for the applicable zone or Section 17.54.020 (Height limits and exceptions), a structure for a winery, tasting room, or accessory use-restaurant under this section may exceed the



prescribed height limit for the applicable zone if the additional height is authorized through a conditional use permit (CUP) process that includes an analysis of visual impacts including photo simulations.

The ZTA would allow the CUP process to determine the Octagon building maximum height. The Draft EIR includes photo simulations that would establish the height limit at 75 feet *from the finished grade* (plus rooftop mechanical equipment).

The measurement of the Octagon building, 75 feet from finished grade, was used to provide a clearly identifiable point of reference since the structure is designed on top of the wine cave, and for purposes of a full explanation in the environmental document. However, the County's height requirements do not calculate height from finished grade, but instead from average grade. Height limits for buildings and structures are established by County Code Chapter 17, Articles 17.06 through 17.52 (Zone Districts and Allowable Uses of Land), and 17.56 (Specific Use Requirements) and Section 17.54.020 (Height limits and exceptions). The height limits for buildings and structures are measured from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the grade or finished pad grade. (See 17.54.020, Figure 17.54-A.) Based on the average grade requirement in the County's height requirements, a residential building in the same location would be permissible at 55.4 feet measured from the natural average grade, which is equivalent to 69.4 feet where the exterior walls touch the lowest point of grade. For direction comparison purposes, the project is proposing a structure that is 75 feet from finished grade, where a residential structure at the same location, would be allowed at 69.4 feet from finished grade.

In addition to the exceptions allowed under Zoning Ordinance Section 17.54.020 (D), additional height exceptions are permitted through discretionary permit processes, including use permits and variances. The discretionary process allows aesthetics to be considered and can often include photo simulations to be reviewed and conditions for screening and design (i.e., landscaping; colors and materials) as factors that would permit taller buildings.

A visual impact analysis was conducted for this project, and mitigation has been established to reduce potential visual impacts. The visual impact analysis and the identified mitigation are consistent with visual impact analyses and mitigation measures for other projects that have requested exceptions to height limits.

Furthermore, while many commenters suggest that the proposed project will lead to other, similar requests by agricultural operators to increase maximum allowable structure height, it is important to note that any future development projects applying for a height increase would do so independently of the proposed project and would be subject to separate environmental review and discretionary approval, including an analysis of the visual impacts with photo simulations. Consideration of the ZTA, as requested for this project, would not commit the County towards any particular course of action regarding future, similar requests, and the requirement of a conditional use permit would require a public hearing prior to determination on any subsequent project. The extent to which there may be additional future requests is speculative and would require the County to engage in pure guesswork not only as to where and when such proposals may be made, but also as to details such as the desired height and characteristics of surrounding topography and vegetation. Any future actions on the part of private property owners are too speculative to be considered in the Draft EIR for any sort of meaningful environmental review. Per Section 15145 of the CEQA Guidelines, CEQA does not require evaluation of speculative impacts.



In response to the concern that the ZTA should be considered independent of the Project 8 Winery application, this approach to the analysis could be considered segmentation of the potential impacts or “piecemealing”, which is prohibited by CEQA. The CEQA Guidelines define a project as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. Piecemealing means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. Dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. Because the ZTA is an integral part of the Project 8 proposal, it is appropriate to include the ZTA as a component of the Project 8 project description. It is important to note that future applications under the ZTA would be subject to environmental review in support of their discretionary conditional use permit.

2.3 RESPONSES TO COMMENTS

The following 94 letters were received by the County during the public comment period for the Draft EIR. Four additional letters were received by the County after the public comment period had closed. Each bracketed comment letter is followed by numbered responses to each bracketed comment. In addition, comments from 35 verbal commenters were received during the public hearing held on December 15, 2022 to solicit public comments on the Draft EIR. A numbered response is provided to the verbal comments, following the responses to the 98 letters. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record, as appropriate. Where revisions to the Draft EIR text are required in response to the comments, such revisions are noted in the response to the comment, and are also listed in Chapter 3 of this Final EIR. All new text is shown as double underlined and deleted text is shown as ~~struck through~~.

The changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft EIR is not required. Each letter has been considered by the County and addressed, according to CEQA Guidelines Section 15088, prior to certification of this Final EIR.



Letter 1



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

Erik C. White, Air Pollution Control Officer

December 28, 2022

SENT VIA E-MAIL: sherring@placer.ca.gov

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

SUBJECT: PLN21-00198 Project 8 Winery Draft Environmental Impact Report

Ms. Herrington;

Thank you for submitting the PLN21-00198 Project 8 Winery Project (Project) Draft Environmental Impact Report to the Placer County Air Pollution Control District (District) for review and comment. The District provides the following comments for consideration.

1-1

Chapter 6 - Air Quality and GHG Emissions

1. On page 6-9 under Local Air Monitoring, it should be noted that the Placer County Air Pollution Control District owns and operates four air monitoring sites in Placer County and that the California Air Resources Board owns and operates one air monitoring site.

1-2

2. On page 18-8 there is a discussion regarding the Placer County Chipping Program operated by the Placer County Resource Conservation District. This is a residential program.

1-3

3. While there is no mention of woodburning devices in the draft EIR the following should be noted as an advisory note:

In accordance with District Rule 225, only U.S. EPA Phase II certified wood burning devices shall be allowed in single-family residences. The emission potential from each residence shall not exceed a cumulative total of 7.5 grams per hour for all devices. Masonry fireplaces shall have either an EPA certified Phase II wood burning device or shall be a U.L. Listed Decorative Gas Appliance. (Based on APCD Rule 225).

1-4

4. There was no discussion if this project will include the use of equipment capable of releasing emissions to the atmosphere that may require permits(s) from the District. The applicant, developer, or operator of the project should contact the District early to determine if any generators, boilers, hot water heaters and/or gasoline tanks will be installed and be required to obtain a permit to operate. The applicant is encouraged to begin the permit application process early. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc.) with an internal combustion engine over 50 horsepower are required to have a PCAPCD permit or a California Air Resources Board portable equipment registration. Information used in the EIR may also be the basis for the analysis and future permitting by the District.



December 28, 2022
Page 2 of 2

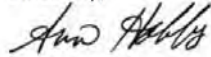
Chapter 18 - Wildfire

1-5

5. On page 18-29 under Mitigation Measure 18-2, why is prescribed burning not allowed? Would this preclude cultural burning on this land? With the increased interest, statewide, in restoring land into fire resiliency it is important that all the tools for vegetation management be considered, including the use of fire where appropriate. Neighboring unincorporated lands are not currently prohibited from using prescribed burning for vegetation management. The Air District manages the county smoke management program for prescribed burning and would work with an applicant on a smoke management plan and accompanying year-round air quality permit if prescribed burning or other types of burning for vegetation management.

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

Sincerely,



Ann Hobbs
Associate Planner
Placer County Air Pollution Control District, Planning & Monitoring Section



LETTER 1: ANN HOBBS, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT

Response to Comment 1-1

The Local Air Quality Monitoring section on page 6-9 of the Draft EIR presents data from the nearest local air quality monitoring station to the project site, which is the Auburn-Atwood Rd station. This station is located approximately six miles northeast of the project site. In response to the comment, and for clarification purposes, page 6-9 of the Draft EIR is hereby revised as follows:

Local Air Quality Monitoring

Air quality is monitored by CARB at various locations to determine which air quality standards are being violated, and to direct emission reduction efforts, such as developing attainment plans and rules, incentive programs, etc. Within Placer County, the PCAPCD owns and operates a total of four local air quality monitoring sites, and the CARB owns and operates one local air quality monitoring site. The nearest local air quality monitoring station to the project site is the Auburn-Atwood Rd station, which is located approximately six miles northeast of the project site. Table 6-4 presents the number of days that the State and federal AAQS were exceeded for the three-year period from 2018 to 2020. Due to the limited data available from the Auburn-Atwood Rd station, Table 6-4 also includes information from the next closest station: the Roseville-N Sunrise Blvd station.

This minor text change is for clarification purposes and does not affect the adequacy of the environmental analysis contained in the Draft EIR.

Response to Comment 1-2

Reference to the County's Chipper Program is included in the Existing Environmental Setting section of Chapter 18, Wildfire, of the Draft EIR, and is not intended to describe chipping that would occur as part of the proposed project. Rather, the discussion is intended to present an overview of the current fuel treatment efforts ongoing within the project region, including both residential and non-residential programs. As stated on page 18-8 of the Draft EIR, "The Placer County Resource Conservation District's (RCD) Chipper Program provides low-cost brush chipping for residents in Placer County. The Chipper Program continues to be available for local residents seeking to reduce fire hazards and improve defensible space around buildings and structures." Therefore, the Draft EIR adequately describes this program as being a residential program.

Response to Comment 1-3

Page 6-26 includes a list of Placer County Air Pollution Control District (PCAPCD) rules and regulations that projects under the jurisdiction of the PCAPCD are required to comply with. As noted therein, "Regulation 2 is comprised of prohibitory rules that are written to achieve emission reductions from specific source categories. The rules are applicable to existing sources as well as new sources. Examples of prohibitory rules include Visible Emissions (Rule 202), Nuisance (Rule 205), Cutback and Emulsified Asphalt Paving Materials (Rule 217), Architectural Coatings (Rule 218), Wood Burning Appliances (Rule 225), and Fugitive Dust (Rule 228)." As such, reference to Rule 225 is included within the Draft EIR. Nonetheless, in response to the comment, and for clarification purposes, page 6-26 of the Draft EIR is hereby revised as follows:



Regulation 2 – Prohibitions

Regulation 2 is comprised of prohibitory rules that are written to achieve emission reductions from specific source categories. The rules are applicable to existing sources as well as new sources. Examples of prohibitory rules include Visible Emissions (Rule 202), Nuisance (Rule 205), Cutback and Emulsified Asphalt Paving Materials (Rule 217), Architectural Coatings (Rule 218), Wood Burning Appliances (Rule 225), and Fugitive Dust (Rule 228).

It should be noted that in accordance with Rule 225, only U.S. EPA Phase II certified wood burning devices shall be allowed in single-family residences. The emission potential from each residence shall not exceed a cumulative total of 7.5 grams per hour for all devices. Masonry fireplaces shall have either an EPA certified Phase II wood burning device or shall be a U.L. Listed Decorative Gas Appliance. (Based on APCD Rule 225).

This minor text change is for clarification purposes and does not affect the adequacy of the environmental analysis contained in the Draft EIR.

Response to Comment 1-4

As discussed on page 3-12 of the Draft EIR, a 660 kilovolt-ampere (kVA) minimum diesel or propane generator with required electrical interlock would be housed at the proposed utility pad. The generator would be intended for emergency backup only. Page 6-26 includes a list of PCAPCD rules and regulations that projects under the jurisdiction of the PCAPCD are required to comply with, including Regulation 5, which is intended to provide an orderly procedure for the review of new sources, and modification and operation of existing sources, of air pollution through the issuance of permits. The proposed project would be required to comply with all applicable rules under Regulation 5 such as General Permit Requirements (Rule 501), New Source Review (Rule 502), Emission Statement (Rule 503), Emission Reduction Credits (Rule 504), and Toxics New Source Review (Rule 513). Additionally, as discussed on pages 6-35 through 6-37 of the Draft EIR, the proposed project would be required to comply with standard Placer County conditions of approval, which include various requirements that would result in additional reductions of emissions related to implementation of the proposed project. Moreover, the County's standard conditions of approval require grading plans for the proposed project to include a note which would ensure that, in compliance with PCAPCD Rule 501, "any device or process that discharges 2 pounds per day or more of air contaminants into the atmosphere, as defined by Health and Safety Code Section 39013, may require an APCD permit. Developers/contractors should contact the APCD prior to construction and obtain any necessary permits prior to the issuance of a Building Permit."

Furthermore, all impacts related to air quality and greenhouse gas (GHG) emissions were determined to be less-than-significant within the Draft EIR. Therefore, while PCAPCD rules and regulations would help to reduce criteria pollutant emissions generated by the proposed project, the measures are not required in order to reduce an identified significant impact under CEQA.

Response to Comment 1-5

Mitigation Measure 18-2 is included in the Draft EIR in an effort to minimize fire hazards, as the project site is located within a Moderate Fire Hazard Severity Zone (FHSZ) area and a wildland-urban interface (WUI) zone. The measure would preclude the use of burning, including cultural burning, as a safe form of vegetation management within the project site boundaries near the winery building and accessory structures. However, normal agricultural methods of vegetation management would be allowed on the remainder of the 44.14-acre parcel outside of the project



boundary including prescribed burning where appropriate. The PCAPCD's management of the County's smoke management program for prescribed burning is noted and appreciated.



Letter 2



Central Valley Regional Water Quality Control Board

20 December 2022

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

CERTIFIED MAIL
7022-2410-0001-5093-5540

2-1

COMMENTS IN RESPONSE TO REQUEST FOR REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT, PROJECT 8 WINERY (PLN21-00198) PROJECT, SCH# 2022010188, PLACER COUNTY

Pursuant to Placer County's 14 November 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Environmental Impact Report* (DEIR) for the Project 8 Winery 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.

2-2

I. Regulatory Setting

Basin Plan

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

For more information, refer to the current edition of the [Sacramento River Basin and San Joaquin River Basin Plan](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201902.pdf) (https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201902.pdf).

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



2-3

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the applicable Basin Plan.

The Antidegradation Policy states, in part:

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

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

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and the discharge-to-land Waste Discharge Requirements (WDRs) permitting processes.

2-4

Salt and Nitrate Control Programs

The Central Valley Water Board adopted Basin Plan amendments incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. These programs are collectively referred to as the Central Valley Salinity Alternatives for Long-term Sustainability (CV-SALTS). The Basin Plan amendments were conditionally approved by the State Water Board on 16 October 2019 (Resolution 2019-0057) and by the Office of Administrative Law on 15 January 2020 (OAL Matter No. 2019-1203-03).

For the Salt Control Program, if this project has any discharges to land or to surface waters, a CV-SALTS identification number will be assigned to the discharger. The discharger will be required to choose between two Salt Control Program options:

1. Conservative Individual Option, where the individual permittee is responsible for reducing salt accumulation, and where stringent numeric water quality permit limits apply based on protecting agricultural and/or municipal beneficial uses per the Basin Plan.
2. Alternative Cooperative Option, where the permittee elects to join the region-wide Prioritization and Optimization (P&O) Study with fellow permittees.

For more information on the Salt Control Program, visit the CV-SALTS [Salt Control Program website](https://www.cvsalinity.org/salt-program/) (<https://www.cvsalinity.org/salt-program/>).

This project is located outside of any Prioritized Groundwater Basin in the Nitrate Control Program so no action under that Program is required at this time.



2-4 cont.

For more information on the Central Valley Water Board's CV-SALTS Program, visit the [Central Valley Water Board CV-SALTS website](http://www.waterboards.ca.gov/centralvalley/water_issues/salinity) (www.waterboards.ca.gov/centralvalley/water_issues/salinity).

II. Permitting Requirements

Construction Storm Water General Permit

To minimize stormwater channeling and movement of disturbed soils that could negatively impact the surrounding soils and surface waters, the Central Valley Water Board strongly recommends appropriate timely attention be paid to erosion protection best management practices.

The finding of Less than Significant Impact for Item 12-1 in the DEIR is based on implementation of Mitigation Measures 10-2(a-c). At this time Mitigation Measure 10-2(a) has not yet been implemented, and it is unclear whether Mitigation Measures 10-2(b) and 10-2(c) have been implemented, despite evidence that grading activities have already begun on the proposed project site ahead of approval of this DEIR. Due to this lack of pre-emptive effective implementation of proposed mitigation measures, we disagree with the "less than significant" impact assessment for Item 12-1. Although active erosion during construction following the finalization of the EIR may be of limited duration, the downslope impacts of stormwater surges and displaced soils and construction debris on surface water bodies and their aquatic environments can be devastating and last well beyond the duration of construction.

This discharger, whose project disturbs one or more acres, is required to obtain coverage under the *General Permit for Storm Water Discharges Associated with Construction Activities* (Construction General Permit), National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002. 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. For more information on the Construction General Permit, visit the State Water Resources Control Board (State Water Board) [Construction Stormwater Program website](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml) (www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

Before construction begins, the project proponent must submit to the State Water Resources Control Board a Notice of Intent (NOI) to comply with the Construction General Permit and a Storm Water Pollution Prevention Plan (SWPPP). Failure to do so is subject to enforcement actions.

2-5

Dewatering Permits

2-6

Discharge to Land

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under the State Water



2-6 cont.

Board Water Quality Order 2003-0003-DWQ, *General Waste Discharge Requirements For Discharges to Land With a Low Threat to Water Quality* (Low Threat General Order) or the Central Valley Water Board Resolution R5-2018-0085, *Waivers for Specific Types of Discharge to Land within the Central Valley Region* (Low Threat Waiver). Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the Low Threat General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board [General Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board [Waivers webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/).

Discharge to Surface Waters

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under an NPDES permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under Central Valley Water Board Order R5-2022-0006 (NPDES Permit No. CAG995002), *General Waste Discharge Requirements/NPDES Permit for Limited Threat Discharges to Surface Waters* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

For details see the Central Valley Water Board's [Limited Threat General Order](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2022-0006_npdes.pdf) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2022-0006_npdes.pdf) and the Limited Threat General Order's attachments on the Central Valley Water Board's [General Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/).

2-7

Phase II Municipal Separate Storm Sewer System (MS4) Permits

The DEIR correctly describes this project as being subject to the requirements of Placer County's Phase II MS4 permit (NPDES General Permit No. CAS000004). This permit requires the Permittees to reduce pollutant and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees that create or replace at least 5,000 square feet of impervious surface, as this proposed project does, must meet specific development standards, also known as Low Impact Development (LID)/post-

2-8



2-8 cont.

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 the Phase II MS4 permit, visit the State Water Resources Control Board [Phase II MS4 Municipal Permit website](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml) (http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

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 (NPDES General Permit No. CAS000001). The SIC codes of activities requiring coverage are listed in the General Permit. In order to obtain coverage under the NPDES General Permit No. CAS000001, the proponent must submit to the State Water Board a Notice of Intent to comply with the permit and a Storm Water Pollution Prevention Plan must be prepared. For more information, visit the Central Valley Water Board's [Industrial Storm Water General Permit website](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml) (http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

Waste Discharge Requirements for Discharges to Land

Winery wastewater and residual solids

The discharge of winery wastewater and residual solids to land is subject to regulation under individual waste discharge requirements (WDRs) or under Central Valley Water Board Resolution No. R5-2020-0002, *Waiver of Waste Discharge Requirements for Small Food Processors, Wineries and Related Agricultural Processors within the Central Valley Region* (Small Food Processors Waiver). Based on the project description in the DEIR, the project is projected to produce more than 10,000 gallons per year of winery process wastewater. Therefore, in accordance with California Water Code Section 13260, the project proponent is required to submit a report of waste discharge (RWD) and the Technical Information Form (R5-2020-0002 Attachment C) to apply for the Waiver. We recommend that the application package, along with the required application fee, be submitted at least 12 to 18 months before the first anticipated discharge date. For information on the Small Food Processors Waiver, visit the Central Valley Water Board [Adopted Orders, Waivers website](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/)

Domestic waste

The discharge of domestic wastewater is preferably conveyed to a community sewer and wastewater treatment system. However, this project involves use of

2-9

2-10

2-11



2-11 cont.

an on-site wastewater system to treat anticipated sewage flow of approximately 4,000 gallons per day (gpd).

The domestic wastewater treatment system as described in the DEIR is a septic system with leach field, therefore, the discharge may be regulated by the local agency (Placer County) pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy) in lieu of WDRs. Placer County may permit septic tank and leach field systems designed for flow rates less than 10,000 gpd. If the wastewater treatment system changes, incorporating other treatment or discharge methods, or if the design domestic wastewater discharge volume is greater than or equal to 10,000 gpd the discharge of treated wastewater to land may be regulated by State Water Board Water Quality Order WQ 2014-0153-DWQ, *General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems* (Small Domestic General Order).

For more information visit the Central Valley Water Board's [OWTS Policy website](https://www.waterboards.ca.gov/centralvalley/water_issues/owts/) (https://www.waterboards.ca.gov/centralvalley/water_issues/owts/) and also see the [Small Domestic General Order, WQ 214-0153-DWQ](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/wq-2014-0153-dwq.pdf) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/wq-2014-0153-dwq.pdf).

2-12

We note that the facility floor drains are planned to be connected to the sanitary sewer (Appendix M), which could potentially mix winery process water with domestic wastewater. The treatment of this mixed waste stream in a septic system is unacceptable due to the potential negative impact on the septic system and the potential therefore to release pathogens and other contaminants into groundwater. The proposed handling and separation of wastewater streams, from the proposed winemaking and grape processing areas and from domestic sources (sinks, toilets, showers), should be clarified.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural as defined by the Irrigated Lands Regulatory Program (ILRP), the discharger will be required to obtain regulatory coverage under the ILRP. For more information, including relevant definitions, review the Central Valley Water Board's [ILRP decision tree](https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/ilrp_decision_tree.pdf) (https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/ilrp_decision_tree.pdf).

2-13

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports landowners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's [Irrigated Lands Regulatory Program website](#)



2-13 cont.

(https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/) or contact Water Board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees, the cost to prepare annual monitoring reports, and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail IrrLands@waterboards.ca.gov.

Other Permits Related to Impacts on Surface Waters

Waste Discharge Requirements for Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a waste discharge requirement (WDR) permit to be issued by 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 and will be regulated under an NPDES permit. For more information visit the Central Valley Water Board [Waste Discharges to Surface Water NPDES Program website](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/) (https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/) or visit the [NPDES Permit information page](https://www.waterboards.ca.gov/centralvalley/help/permit/#permit4) (<https://www.waterboards.ca.gov/centralvalley/help/permit/#permit4>).

2-14

Clean Water Act Section 404 Permit

If the project involves the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification



2-14 cont.

If a USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information visit the Central Valley [Water Board Water Quality Certification webpage](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/) (https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

If you have questions regarding these comments, please contact me at (916) 464-4643 or via email at Maxine.Cottrell@waterboards.ca.gov.

Maxine Cottrell
Digitally signed by
Maxine Cottrell
Date: 2022.12.20
14:16:46 -08'00'

Maxine Cottrell
Water Resource Control Engineer
Non-hazardous Waste Discharge to Land (Non-15) Permitting Unit



LETTER 2: MAXINE COTTRELL, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 2-1

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

Response to Comment 2-2

The comment provides regulatory information concerning water quality and does not address the adequacy of the Draft EIR.

Impacts of the project on water quality are addressed in Chapter 12, Hydrology & Water Quality, and Chapter 10, Geology & Soils, of the Draft EIR.

Response to Comment 2-3

Please see Response to Comment 2-2.

Response to Comment 2-4

Please see Response to Comment 2-2. As noted in the comment, the project site is located outside of any Prioritized Groundwater Basin in the Nitrate Control Program, so no action is required.

Response to Comment 2-5

The proposed project's requirements related to the Construction General Permit are discussed in Chapter 10, Geology & Soils, of the Draft EIR. Page 10-19 of the Draft EIR states the following:

Improvement Plans provided to the County prior to authorization of construction would conform to provisions of the County Grading Ordinance (Article 15.48 of the Placer County Code) and the Stormwater Quality Ordinance (Article 8.38 of the Placer County Code) that are in effect at the time of submittal. The preparation of and compliance with a stormwater pollution prevention plan (SWPPP) would be part of the project's National Pollutant Discharge Elimination System (NPDES) construction stormwater quality permit, issued by the Central Valley Regional Water Quality Control Board (CVRWQCB). Before Improvement Plan approval, the Placer County Engineering and Surveying Division (ESD) would require evidence of the State-issued Waste Discharge Identification Number or filing of the Notice of Intent and fees. The SWPPP would include strategies to manage stormwater from the construction site and treat runoff before being discharged from the site. The site-specific SWPPP developed for the proposed project would have protocols to be followed and monitored during construction, including effective response actions if necessary. The SWPPP is considered a "living document" that could be modified as construction activities progress.

Additionally, page 10-19 of the Draft EIR sets forth Mitigation Measure 10-2(a), which requires the project applicant to provide evidence of a Waste Discharger Identification (WDID) number generated by the Central Valley RWQCB to the Placer County Engineering and Surveying Division, which would serve as the RWQCB approval or permit under the NPDES construction stormwater quality permit.



Response to Comment 2-6

The proposed project is not anticipated to include dewatering activities during construction. If, however, groundwater is encountered, the applicant would apply for coverage to the Central Valley RWQCB.

Response to Comment 2-7

Please see Response to Comment 2-6.

Response to Comment 2-8

The proposed project's consistency with Placer County's MS4 Permit (NPDES General Permit No. CAS000004, Order No. 2013-0001-DWQ), pursuant to the NPDES Phase II program, is discussed in Chapter 12, Hydrology & Water Quality, of the Draft EIR. Specifically, page 12-24 of the Draft EIR includes the following:

Phase II MS4 Permit Requirements

As discussed previously, the proposed project is located within the permit area covered by Placer County's MS4 Permit (NPDES General Permit No. CAS000004, Order No. 2013-0001-DWQ), pursuant to the NPDES Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. Specifically, as noted above, regulated projects are required to divide the project area into DMAs and implement and direct water to appropriately-sized SDMs and Baseline Hydromodification Measures to each DMA. Source control measures must be designed for pollutant-generating activities or sources consistent with recommendations from the CASQA Stormwater BMP Handbook for New Development and Redevelopment, or equivalent manual, and must be shown on the Improvement Plans.

The Draft EIR sets forth Mitigation Measures 12-2(b), 12-2(d), and 12-2(e) (see pages 12-28 and 12-29 of the Draft EIR), which detail the requirements to which the proposed project would be subject to ensure the project is consistent with the provisions of the County's MS4 Permit. Mitigation Measure 12-2(b) necessitates that the project Improvement Plans show water quality treatment facilities/Best Management Practices (BMPs), designed in accordance with applicable standards, with all permanent BMPs maintained, as required, to ensure effectiveness. Mitigation Measure MM 12-2(d) requires the proposed project to implement permanent and operational source control measures, as applicable, as well as Low Impact Development (LID) standards designed to reduce runoff, treat stormwater, and provide baseline hydromodification management as outlined in the West Placer Storm Water Quality Design Manual. Finally, Mitigation Measure 12-2(e) mandates that the proposed project submit a final Storm Water Quality Plan (SWQP), as well as incorporate site design measures, source control measures, and LID standards, as necessary, into the project design and Improvement Plans.

With incorporation of Mitigation Measures 12-2(b), 12-2(d), and 12-2(e), as well as all other applicable mitigation measures, the Draft EIR concluded the proposed project would not create or contribute runoff water which would include substantial additional sources of polluted runoff or otherwise substantially degrade surface water quality.

Response to Comment 2-9

The proposed project consists of a full production winery, including wine production facilities, a tasting room, an underground wine cave network, an accessory restaurant, and other associated facilities. Therefore, the project does not require a NPDES Industrial General Permit.



Response to Comment 2-10

The proposed project's winery process water system is discussed in Chapter 12, Hydrology & Water Quality, of the Draft EIR. Specifically, with regard to the SWRCB requirements for the proposed project's winery process water system, pages 12-26 through 12-27 of the Draft EIR include the following:

The SWRCB has developed general Waste Discharge Requirements (WDRs) for wineries with activities related to producing wine or grape juice that generate winery waste and discharge process water for reuse or disposal. Dischargers authorized under the general WDRs are classified into regulatory tiers based on the permitted annual facility process water design flow, which is the total volume of process water that may be discharged from the winery, including process water generated from outdoor processing areas, and measured prior to treatment. The application requirements, fees, and monitoring and reporting requirements are connected to, and commensurate with, the complexity of the discharge regulated under each tier. According to the SWRCB, wineries with process water design flows less than 10,000 gallons per year (gal/yr) are unlikely to degrade water quality and are therefore exempt from the WDRs, as long as the wineries otherwise comply with the requirements included in the SWRCB General Order. As such, based on the SWRCB General Waste Discharge Requirements for Winery Process Water, if the proposed project is determined to produce less than 10,000 gal/yr of process water, adverse impacts to water quality would not occur. If the proposed project is determined to produce more than 10,000 gal/yr of process water, compliance with the WDRs would ensure that adverse impacts to water quality would not occur.

In addition, the Draft EIR sets forth Mitigation Measure 12-2(f) (see page 12-29 of the Draft EIR), which requires the project applicant provide evidence to Placer County Environmental Health Department of compliance with the SWRCB general Waste Discharge Requirements (WDRs) for wineries with activities related to producing wine or grape juice that generate winery waste and discharge process water for reuse or disposal as applicable, prior to final occupancy. With incorporation of Mitigation Measure 12-2(f), as well as all other applicable mitigation measures, the Draft EIR concluded the proposed project would result in a less-than-significant impact related to a violation of water quality standards or waste discharge requirements or otherwise substantial degradation of surface or ground water quality during operations.

Response to Comment 2-11

The proposed project's on-site septic system is discussed in Chapter 10, Geology and Soils, as well as Chapter 15, Public Services and Utilities, of the Draft EIR. As discussed on page 15-30 of the Draft EIR, according to the Septic Feasibility Report prepared for the proposed project, the two zones within the project boundary have been deemed suitable for on-site septic disposal, and the on-site septic system would have adequate capacity to serve the project's projected demand. The Draft EIR also noted that ultimately, the detailed design of the on-site septic system(s) to be installed for the proposed project would be carried out by qualified individuals during the construction document phase of the project. The final proposed design would then be evaluated by County staff as part of the permit review process. A septic permit would be obtained from the Placer County Environmental Health Division prior to building permit issuance to allow for the development of the on-site septic system.

Response to Comment 2-12

Project 8 process wastewater will be captured, routed, and treated using a completely separate system from the sanitary sewer. The project, as described in the Project Description, would include an on-site treatment process for the winery operation process wastewater, which would



help conserve natural resources, protect ground/surface water, and overcome land constraints. The selected wastewater treatment system would remove harmful pathogens and other harmful bacteria from the process water down to a level acceptable for re-application as irrigation for the vineyard and landscaped areas, water features/fountains, and/or dust control. The process wastewater treatment system would be located aboveground, adjacent to the processing/warehouse building in the turnaround area on the westerly side of the project site.

Response to Comment 2-13

Recently planted wine grapes are located within the same 44.14-acre parcel area as the project site, but are outside of the project site boundaries. Therefore, the proposed project would not include the production of commercial irrigated agriculture, and regulatory coverage under the Irrigated Lands Regulatory Program (ILRP) would not be required.

Response to Comment 2-14

As detailed on page 7-43 of the Draft EIR, the only aquatic resources identified within the project site are a 0.093-acre segment of the Antelope Canal within the northern portion of the site and a 0.006-acre unvegetated, small roadside drainage ditch within the southern portion of the site, along the south side of Callison Road. Antelope Canal would not be impacted by the proposed project; however, the roadside ditch would be impacted by the proposed improvements to Callison Road that would be conducted as part of the project. According to the Draft EIR, confirmation from the U.S. Army Corps of Engineers (USACE) that the roadside drainage ditch does not require Section 404 coverage has not been obtained. Therefore, the Draft EIR included Mitigation Measure 7-3(d), which requires that the project applicant submit the Aquatic Resources Delineation (ARD) prepared for the proposed project to the USACE and RWQCB to determine if the roadside ditch is subject to USACE and/or RWQCB jurisdiction. If the roadside ditch is deemed non-jurisdictional by USACE and RWQCB, no further mitigation is required. If the ditch is subject to USACE and/or RWQCB jurisdiction, then the project applicant is required to comply with applicable Placer County Conservation Program (PCCP) Conditions related to impacts to aquatic resources, as determined by the Placer Conservation Authority (PCA) and the Community Development Resource Agency.

With incorporation of Mitigation Measure 7-3(d), as well as all other applicable mitigation measures, the Draft EIR concluded the proposed project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.



Letter 3

Shirlee Herrington

From: Defend Granite Bay - A Community Association <defendgb@gmail.com>
Sent: Monday, December 12, 2022 7:58 AM
To: Shirlee Herrington; Judi Tichy
Subject: [EXTERNAL] Project 8 Winery - PLN21-00198

DEFEND GRANITE BAY



Thank you for the opportunity to comment on Project 8 Winery - PLN21-00198

3-1 We respectfully request that the EIR is withdrawn and resubmitted for public review with feasible alternatives required under CEQA. The proposed alternatives circumvent 2 self-induced variances, redefine a variance, authorize a non-conforming use, conflict with the Winery/Brewery Ordinance and Section 17.58.140 of the zoning ordinances, and grant wineries special privileges.

- 3-2** 1. Self-induced variances
 - a. Height of 75ft where 36 is allowed
 - b. Number of attendees from 50 to 75
- 3-3** 2. Redefine a variance
 - a. Incorporates (redefines)an area (height) variance within a use permit
 - i. height is not a use
- 3-4** 3. Authorizes a non-conforming use
 - a. Requested lunch and dinner hours are substantially conformant with a part-time commercial restaurant.
- 3-4** 4. Conflict with the W/B Ordinance
 - a. Increase the approved 50 attendees at any one time to 75
 - b. Permits only an accessory restaurant to host wine tasting events and wine-maker dinners
- 3-5** 5. Special Privileges
 - a. Only wineries are granted the opportunity to capitalize on scenic vistas
 - b. Only wineries are granted the right to a different height maximum than others across multiple zoning districts
 - c. Only wineries are permitted to operate commercial restaurants not associated with winemaker events or dinners in residential and farm districts

3-6 At minimum, the requested ZTA should be circulated as a separate item since it would set a precedent for any commercial or individual requesting the equal enjoyment of property guaranteed under state and local laws.

3-7 Due to significant and unavoidable impacts to rural scenic vistas and increased traffic counts with 75 attendees across zoning districts where wineries are allowed, the proposed ZTA requires an EIR to ensure that impacts are mitigated to less than significant levels.

If the project does not “pencil-out”, then by law the “buyer shall bear the risk”.

The Defend Granite Bay Board and members



3-8

*In June, 2021, The Board denied an appeal of a 40ft horse arena which exceeded a maximum height of 39ft 6in by 4 in.

*In 2019, the Board of Supervisors rejected the Citizen-Initiated Smart Growth Plan as an alternative to the Sunset Area Plan, in part because Placer County was “not ready for 75ft heights”. What has changed since then?

*Granting of requested entitlements would authorize a land use other than those identified as allowed in the particular zoning district by Articles 17.06 through 17.52, as required by California Government Code Section 65906 and grant special privileges to an individual in a zoning district since:

a. There are **no special circumstances applicable to the property**, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

b. The Variance authorized **does constitute a grant of special privileges** inconsistent with the limitations upon other properties in the vicinity and in the same zone district.

c. The Variance **does authorize a use** that is not otherwise allowed in the zoning district. Commercial Restaurants are not allowed in either residential or farm districts.

o Lunch and Dinner seating is in conflict with the Winery Brewery Ordinance which allows winemaker/brewmaster dinners and agricultural promotional events. Approving a Use Permit which allows” 11:00 AM to 2:30 PM for lunch support; 5:30 PM to 10:00 PM for formal dinner support” is in conflict with the requirements of section 17.58.140

o Commercial restaurants are not allowed in either farm or residentially zoned districts granting special privileges to only wineries.

▪ The proposed use is **not consistent** with all applicable provisions of this chapter and any applicable provisions of other chapters of this code.

▪ proposed use is **not 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

d. The granting of the Variance **does**, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

o The proposed variance is materially detrimental to the public welfare as it brings commercial traffic to residential neighborhoods and adds negative resale value.

e. The Variance is **not consistent** with the Placer County general plan and any applicable community plan or specific plan.

f. The Variance is **not the minimum departure** from the requirements of this ordinance necessary to grant relief to the applicant, consistent with subsections a. and b., above.

o The requested height of 75ft is double the allowed height of 36ft in the zoning district.

3-9



LETTER 3: DEFEND GRANITE BAY

Response to Comment 3-1

Please see Master Response 1 – Project Alternatives.

Response to Comment 3-2

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers. Please see Master Response 3 – Octagon Building and Gravity Processing, Master Response 4 – Accessory Restaurant, and Master Response 5 - ZTA.

Response to Comment 3-3

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers. Please see Master Response 4 – Accessory Restaurant.

Response to Comment 3-4

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers. Please see Master Response 4 – Accessory Restaurant and Master Response 5 - ZTA.

Response to Comment 3-5

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers. Please see Master Response 4 – Accessory Restaurant.

Response to Comment 3-6

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers. Please see Master Response 5 – ZTA.

Response to Comment 3-7

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers. Please see Master Response 5 – ZTA. In addition, while the commenter notes that a ZTA would be required to increase the maximum number of attendees at one time at agricultural promotional events from 50 to 75, the comment is incorrect. The increase is allowable under the Winery and Farm Brewery Ordinance, subject to County review and approval of a CUP. The list of entitlements for the proposed project includes a CUP.

Response to Comment 3-8

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 3-9

The comment does not address the adequacy of the Draft EIR. The commenter incorrectly states that a Variance is one of the requested entitlements for the Project. A Variance is not being sought with this application. Please also see Master Response 4 – Accessory Restaurant



regarding the accessory restaurant's consistency with County regulations including the Winery and Farm Brewery Ordinance definition for an "accessory use – restaurant".



Letter 4

Shirlee Herrington

From: Defend Granite Bay <defendgb@gmail.com>
Sent: Tuesday, December 13, 2022 4:49 AM
To: Shirlee Herrington; Judi Tichy
Subject: [EXTERNAL] Project 8 Winery - request for additional information

Please see that our request for information is received by the Planning Commissioners prior to Thursday's hearing.

4-1

Upon further review of the staff report, we request clarification of 2 sections of the staff report.

1) An Agricultural Building Exemption requires approval by both the Ag Commissioner and CDRA. There is no reference in the staff report to CDRA findings that the proposed 75ft agricultural building conforms to existing zoning ordinances since the allowed height of the subject property is 36ft. As no elected or appointed official has the authority to grant special privileges to an individual in a zoning district, how is the requested zta not required by both alternatives 1 and 2?

4-2

2) The staff report fails to indicate the square footage of the proposed residential unit. The Department of Conservation has recently confirmed that a cap of 2500 sq ft is in force and in effect. To ensure that there is no material breach of Williamson Act contract, this value needs to be disclosed.

Thank you

The Defend Granite Bay Board and members

Sent from my iPhone



LETTER 4: DEFEND GRANITE BAY

Response to Comment 4-1

In response to the comment, Draft EIR pages 21-9 and 21-12 describe Alternative 1 as the No Project Alternative and Alternative 2 as the Reduced Height Alternative. The commenter questions why the proposed ZTA is not needed for the 75-foot-tall agricultural structure for Alternatives 1 and 2. Under Alternative 1 the site would not be developed. Alternative 2 described a 75-foot-tall agricultural structure to be used solely for the gravity filtration process to create the necessary 70 psi for wine to be filtered. The Alternative 2 description correctly states that a minor use permit would be required for the 75-foot-tall agricultural structure. Pursuant to Zoning Ordinance Section 17.54.020 (4)(b): Freestanding Structures, the agricultural structure described in Alternative 2 could be authorized with a Minor Use Permit and, therefore, the proposed ZTA would not be necessary. For additional information on height allowances see Master Response to Comment 3.

Response to Comment 4-2

The comment does not address the adequacy of the Draft EIR. The commenter incorrectly states that the Department of Conservation has a cap on the square footage of the single-family dwelling allowed per the preserve contract for the owner/manager of the parcel(s) subject to the contract. Homesites are allowed on contracted land but are limited in purpose and number and must be related to the agricultural use of the land. Please see Master Response 2 – Williamson Act Contract.



Letter 5

Shirlee Herrington

From: Defend Granite Bay - A Community Association <defendgb@gmail.com>
Sent: Monday, December 26, 2022 10:13 AM
To: Shirlee Herrington; Judi Tichy; Jennifer Byous
Cc: Christopher Schmidt; Judy Isaman; GBCA; Alliance For Environmental Leadership
Subject: [EXTERNAL] Final Comments on Project 8 Winery DEIR - PLN21-00198

DEFEND GRANITE BAY

In addition to the comments previously submitted, please accept the following as part of the administrative record.

The Project 8 Winery DEIR is deficient in the following:

5-1

1. The project objectives are impermissibly narrow. (see *We Advocate Thorough Environmental Review v. County of Siskiyou (2022) 78 Cal.App.5th 683*)
2. The applicant has failed to request the following entitlements:
 - a. Operating a part-time commercial restaurant with lunch and dinner reservation seating hours.

5-2

- i. There is no discussion of how a "reservation-only" restaurant which does not support an agricultural event, winemakers' dinner or other event specifically listed in the Winery Brewery Ordinance is not an expanded non-conforming use.

1. Pursuant to Placer County Code section 17.02.050 (D), the FEIR should include the Planning Directors required written findings that reservation seating for lunch and dinner is more similar to that of an accessory restaurant supporting agricultural events or a sit-down reservation only restaurant such as the French Laundry in Napa along with required Placer County Code citations.

- a. (D) *Private Agreements. The requirements of this chapter are not intended to interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that was in effect when this chapter became effective. Where this chapter imposes a greater restriction on the development or use of structures or land than a private requirement, the provisions of this chapter shall apply.*

- ii. The Agricultural Commissioner should provide written findings that a part time, commercial restaurant with lunch and dinner seating not in support of an agricultural event or other events specifically identified in the winery brewery ordinance is not a material breach of the Williamson Act contract.



- 5-2 cont.
 - b. Extending hours of operation of 7am to 10pm where 10am to 10pm M-S and 10am to 8pm Sunday is permitted most recently denied to Sehr Winery, Granite Bay.
 - i. The FEIR must include cumulative impacts county wide on noise, traffic, air quality, VMT as it is reasonable that others in the agricultural sectors would also request extended hours of operation.
 - c. Increasing the number of attendees from 50-75
 - i. The FEIR has only analyzed the project specific increase in traffic and must evaluate the increase across all zoning districts in which wineries and agricultural events are permitted to determine cumulative impacts. It is reasonable to conclude the other agricultural property owners would request similar enjoyment of property.
- 5-3
- 5-4
 - 3. The visual renderings appear to be taken from a different vantage point in a scale biased toward the 75ft height alternative. This needs to be corrected as the images are misleading.
 - 4. The reduced height alternative and the 75ft height alternative are currently in conflict with the General Plan and the Winery Brewery Ordinance so at this time the only compliant alternative is the No-Build.
 - a. The 75ft alternative is infeasible at this time since it is speculative that it is legally compliant to remove the aesthetic analysis from an EIR and analyze the impacts in a piecemeal fashion through a Conditional Use Permit in a capricious and arbitrary fashion.
 - i. FEIR should include a discussion of why wineries are the only class of agricultural business which should be granted greater enjoyment of property than other agricultural business sectors. It is fairly argued that having a view is a premier feature as evidenced by the applicants request for a rotating restaurant to capitalize on a scenic vista.
 - ii. The FEIR should have a discussion as to how others Ag and entertainment sectors, such as hotels, would be prevented from requesting similar privilege to have the opportunity to capitalize on scenic vistas.
 - 1. Therefore, a discussion of change in character of the entire County is necessary.
 - b. The reduced height alternative is infeasible at this time since there has been no finding that a part-time commercial restaurant which operates not in support of an agricultural event, promotional event, wedding or winemakers' dinner is consistent with the General Plan, Penryn Community Plan and the Winery Brewery Ordinance.
 - c. The DEIR fails to discuss why the 75ft height is required since there are demonstrated and operational alternatives which utilize caves or hillsides/knolls for the process with the added benefit of reduced and consistent temperatures which reportedly enhancing quality i.e., Palmaz Wineries, Stratus Vineyards, Stoller Family Group, Stoutridge Wineries, Lemelson Vineyards, (<https://www.winemag.com/2019/01/07/gravity-flow-wineries/>) Internationally, Hacienda el Espina, Poliziano, Salceto, Cantine Dei, (<https://www.forbes.com/sites/katiebell/2022/02/08/top-sustainable-wineries-in-tuscany-to-visit-now/?sh=4903f0025ca9>)
- 5-5
- 5-6
- 5-7
- 5-8



Thank you for considering our comments.

The Defend Granite Bay Board and members

PREVIOUSLY SUBMITTED:

Thank you for the opportunity to comment on Project 8 Winery - PLN21-00198

We respectfully request that the EIR is withdrawn and resubmitted for public review with alternatives which are feasible as required under CEQA. The proposed alternatives circumvent 2 self-induced variances, redefine a variance, expand with a non-conforming use, conflict with the Winery/Brewery Ordinance and Section 17.58.140 of the zoning ordinances, and grant wineries special privileges.

1. Self-induced variances
 - a. Height of 75ft where 36 is allowed
 - b. Number of attendees from 50 to 75
2. Redefine a variance
 - a. Incorporates (redefines)an area (height) variance within a use permit
 - i. height is not a use
3. Expand with a non-conforming use
 - a. Requested lunch and dinner hours are substantially conformant with a part-time commercial restaurant.
4. Conflict with the W/B Ordinance
 - a. Increase the approved 50 attendees at any one time to 75
 - b. Permits only an accessory restaurant to host wine tasting events and wine-maker dinners
5. Special Privileges
 - a. Only wineries are granted the opportunity to capitalize on scenic vistas
 - b. Only wineries are granted the right to a different height maximum than other individuals across multiple zoning districts
 - c. Only wineries are permitted to operate commercial restaurants not associated with winemaker events or dinners in residential and farm districts

At minimum, the requested ZTA should be circulated as a separate item since it would set a precedent for any commercial or individual requesting the equal enjoyment of property guaranteed under state and local laws.

Due to significant and unavoidable impacts to rural scenic vistas across and increased traffic counts with 75 attendees across zoning districts where wineries are allowed, the proposed ZTA requires an EIR to ensure that impacts are mitigated to less than significant levels.

If the project does not “pencil-out”, then by law the “buyer shall bear the risk”.



The Defend Granite Bay Board and members

*The Planning Commission and Board recently mandated removal of a 40ft high horse arena where 36ft is allowed. The findings were that the arena violated height allowances within the zoning district and that it was a light nuisance. A 75ft, lighted, rotating tower is a greater departure from existing height restrictions and of greater aesthetic impact.

*In 2019, the Board of Supervisors rejected the Citizen-Initiated Smart Growth Plan as an alternative to the Sunset Area Plan, in part because Placer County was “not ready for 75ft heights”. What has changed since then?

*Granting of requested entitlements would authorize a land use other than those identified as allowed in the particular zoning district by Articles 17.06 through 17.52, as required by California Government Code Section 65906 and grant special privileges to an individual in a zoning district since:

a. There are **no special circumstances applicable to the property**, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

b. The Variance authorized **does constitute a grant of special privileges** inconsistent with the limitations upon other properties in the vicinity and in the same zone district.

c. The Variance **does authorize a use** that is not otherwise allowed in the zoning district. Commercial Restaurants are not an allowed in either residential or farm districts.

- Lunch and Dinner seating is in conflict with the Winery Brewery Ordinance which allows winemaker/brew master dinners and agricultural promotional events. Approving a Use Permit which allows” 11:00 AM to 2:30 PM for lunch support; 5:30 PM to 10:00 PM for formal dinner support” is in conflict with the requirements of section 17.58.140

- Commercial restaurants are not allowed in either farm or residentially zoned districts granting special privileges to only wineries.
 - The proposed use is not consistent with all applicable provisions of this chapter and any applicable provisions of other chapters of this code.
 - proposed use is not 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

d. The granting of the Variance **does**, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.



○ The proposed variance is materially detrimental to the public welfare as it brings commercial traffic to residential neighborhoods and adds negative resale value.

e. The Variance is not consistent with the Placer County general plan and any applicable community plan or specific plan.

f. The Variance is not the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant, consistent with subsections a. and b., above.

○ The requested height of 75ft is double the allowed height of 36ft in the zoning district.



LETTER 5: DEFEND GRANITE BAY

Response to Comment 5-1

The commenter refers to previous comments. Please see responses to comment letter 3.

Regarding project objectives, please see Master Response 1 – Project Alternatives.

Response to Comment 5-2

This comment does not address the adequacy of the Draft EIR; however, the comment has been further discussed in the staff report and provided to decision-makers for their consideration. See Please also see Master Response 4 – Accessory Restaurant.

Response to Comment 5-3

The commenter seems to suggest that the proposed project will lead to other, similar requests by agricultural operators to extend the allowable hours of operation by obtaining a CUP. With regard to the proposed project, the applicant is requesting to operate the accessory restaurant before 10AM during agricultural promotional events, which would be allowable subject to approval of the requested CUP (see 17.56.330(E)(3)). Any future development projects applying for an extension of allowable operating hours would do so independently of the proposed project, and would be subject to separate environmental review and discretionary approval. Approval of the requested extension of hours for this project would not commit the County towards any particular course of action regarding future, similar requests.

The extent to which there may be additional future requests is speculative, and would require the County to engage in pure guesswork not only as to where and when such proposals may be made, but also as to details such as the desired days and hours of operation. Any future actions on the part of the private property owners are too speculative to be considered in the Draft EIR with any sort of meaningful environmental review. Per Section 15145 of the CEQA Guidelines, CEQA does not require evaluation of speculative impacts.

The comment suggests that the FEIR should analyze the impact of increasing the number of attendees from 50 – 75 in all areas where wineries and breweries are allowed. However, as discussed in Response to Comment 3-7, a ZTA is not required to increase the maximum number of attendees. The increase is allowable under the Winery and Farm Brewery Ordinance, subject to County review and approval of a CUP. Other wineries requesting an increase in attendees would do so independently of the proposed project, and would be subject to separate environmental review and discretionary approval.

Response to Comment 5-4

The comment expresses a general opinion that the visual renderings appear biased toward the proposed octagon building and are misleading, but does not provide specific examples that justify the accusation and allow for a specific response.

As discussed on page 4-15 of the Draft EIR, in October 2021, Placer County Planning Division staff, Raney Planning & Management (Raney) Vice President Nick Pappani, and 19six Architects staff conducted a site visit to determine key public viewpoints for analysis within the Draft EIR. 19six Architects, under contract with Raney, prepared computer-generated simulations of the selected three viewpoints to aid in the visual character evaluation of the proposed project. The



simulations allow for analysis of potential visual impacts that could occur as a result of the proposed project components. As such, the simulations are adequate.

Furthermore, the Draft EIR evaluates potential impacts associated with the proposed project related to substantial degradation of the existing visual character or quality of public views of the site and its surroundings under Impact 4-2, starting on page 4-16. As detailed therein, substantial degradation would occur to the public views from Callison Road/Main Entry and the commuter rail line, due primarily to the proposed octagon building, which would extend above the existing tree canopy on the hillside and silhouette against the sky. To reduce the severity level of the significant impact, the Draft EIR requires Mitigation Measure 4-2, which includes provisions to reduce the visual intrusion of the proposed octagon building through incorporation of landscaping meeting specified performance standards. However, as development of the octagon building would still substantially degrade the existing visual character or quality of public views of the site and its surroundings, the Draft EIR determines that the impact would remain significant and unavoidable.

Response to Comment 5-5

There is no requirement under CEQA to limit alternatives to those that would be compliant with the jurisdiction's plans and ordinances. Like a proposed project, alternatives can require discretionary approvals from lead agencies. CEQA establishes certain requirements for alternatives, such as the need to avoid or substantially lessen any of the proposed project's environmental impacts, but consistency with adopted plans and ordinance is not among the specified requirements.

In response to the second portion of the comment, the aesthetics analysis is not "removed" from the EIR. Chapter 4 of the EIR contains a full analysis of the proposed project's potential aesthetic impacts. Regarding the ZTA's effects throughout the entire County, the commenter is referred to Master Response 5 – ZTA. In short, the ZTA would not allow any by-right height increase for wineries. Any future projects applying for a height increase would do so independently of the proposed project, and would be subject to separate environmental review and discretionary approval including an analysis of the visual impacts with photo simulations. Approval of the requested CUP for height increase would not commit the County towards any particular course of action regarding future, similar requests.

Response to Comment 5-6

Please see Responses to Comments 5-3 and 5-5, and Master Response 5 – ZTA.

Response to Comment 5-7

Please see Master Response 4 – Accessory Restaurant regarding the accessory restaurant's consistency with County regulations.

Response to Comment 5-8

Please see Master Response 3 – Octagon Building and Gravity Processing.



Letter 6



PO Box 585 | Roseville | CA, 95661 | www.placerbusiness.com

December 13, 2022

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

Dear Placer County Board of Supervisors, Placer County Planning Commissioners and Ms. Herrington:

Placer Business Alliance is writing to express its support for Project 8. Placer Business Alliance advocates on behalf of the County's eight largest economic and employment sectors: agriculture/forestry, construction, finance and insurance, health care and social assistance, manufacturing, real estate and rental leasing, retail and tourism. Our enthusiasm for this project reflects the cross-industry support we possess as Placer Business Alliance.

Project 8 directly touches nearly all of the sectors in which our organization advocates. Whether it be from the obvious agriculture and tourism connections, to the less obvious connections to the social assistance sector with Project 8's provision for farmworker housing, or the manufacturing sector with its industry leading growing, harvesting and sorting technologies, Project 8 has the power to catapult our County forward on a global scale with its dynamic ingenuity.

Spotlighting Project 8's more obvious connections, tourism dollars that are spent in Placer County are reinvested back into the community which helps create additional economic opportunities for residents and businesses. Tourism spending in 2021 topped \$1.25 billion. The unique location of Project 8 will provide a destination that captures I-80 traveler's attention, palates and dollars as they traverse Placer County on their way from the Bay Area and Sacramento to Lake Tahoe. This project has been thoughtfully designed in a way that further increases our tourism footprint, while carefully protecting our communities and promoting sustainable, leave no trace tourism.

In September, Placer County Agricultural Commissioner Josh Huntsinger noted that he would like to see our agriculture industry top \$100 million over the next few years. The magnitude of Project 8 has the power and notoriety to benefit Placer's entire agriculture industry, not just one winery. Project 8 has the potential to shine a light on our longstanding agricultural community in a way that's never been done.

Placer Business Alliance remains committed to advocating on behalf of our eight top economic and employment sectors, but more so, we remain steadfastly committed to advocating on behalf of good projects that help grow our economy while remaining true to the spirit of Placer County and those that specifically honor our strong agricultural heritage. We never want to be anyone else, but we always want to be uniquely Placer, and Project 8 is indeed that, uniquely Placer. Placer Business Alliance wholeheartedly supports Project 8 and the economic energy it will bring to our County.

Sincerely,

Cherri Spriggs

Cherri Spriggs
Interim Executive Director
Placer Business Alliance

6-1



LETTER 6: PLACER BUSINESS ALLIANCE

Response to Comment 6-1

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



Letter 7



Placer County Visitors Bureau
1103 High Street, Suite 150 / Auburn, CA 95603
530.887.2111 OFFICE / 530.887.2134 FAK / 866.752.2371 TOLL FREE

 visitplacer.com

To: The Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

RE: Project 8 Winery
December 9, 2022

From: Rob Haswell, CEO
Placer County Visitors Bureau (Visit Placer)
1130 High St., Auburn, CA., 95603

Dear Placer County Planning Commissioners,

Please consider this letter my official support of the Project 8 Winery project as it has been proposed to Placer County.

I have had the good fortune of meeting with the ownership group, hearing their vision, and I have toured the property as well. I believe this is exactly the type of well-designed, well-thought-out project that suits Placer County's growing wine region. Placer County's history as a wine region dates back to the early 20th Century and it's agriculture roots go back even further to the late 1800s. Preserving and protecting these important aspects of Placer's past and present is vital if we hope to keep Placer's unique character intact for future generations. Project 8's team has been mindful of this since the inception of the project.

The Project 8 team is committed to expanding local agriculture through its vineyards and they have recognized a key quality-of-life factor for local residents: a thriving agritourism component, which allows farmers and growers to maintain economic viability in a changing world. This is crucial if Placer County is to remain in the vanguard of sustainable living.

Furthermore, we are confident that Project 8 will respect its neighbors and engage in strong sustainable resource usages that will be a model for future projects. The Project 8 team has worked side-by-side with other vintners to ensure the Placer County Wine & Ale trail can grow responsibly. Lastly, the Project 8 Winery, as conceived, will be a world-class attraction for Placer County. It will serve as a beacon to the world about what Placer County has to offer and how you can thrive economically, while still respecting the local culture and quality of life.

Yours very sincerely,

Rob Haswell, CEO
Visit Placer
www.VisitPlacer.com



7-1



LETTER 7: PLACER COUNTY VISITORS BUREAU

Response to Comment 7-1

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



Letter 8



131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411

www.marshaburchlawoffice.com

mburchlaw@gmail.com

December 16, 2022

Via email ad U.S. Mail:

Jennifer Byous, Senior Planner
Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Ste. 190
Auburn, CA 95603
JByous@placer.ca.gov

Re: Request for Extension of Public Comment Period for
Project 8 Winery Draft Environmental Impact Report

Dear Ms. Byous:

I am writing on behalf of Preserve Penryn to request an extension of time to comment on the Project 8 Winery Draft EIR circulated in Placer County. We appreciate the opportunity to review and comment on the voluminous EIR and associated documents. However, the time provided for the public comment period of 45 days is too short to allow for meaningful review and comment on such a large document.

Under the California Environmental Quality Act ("CEQA"), 45 days would be the *minimum* time period for public review of a draft EIR of this scope. Pub. Res. Code § 21091(a). Many lead agencies routinely extend public comment periods for Draft EIRs such as the one being circulated for Project 8 Winery.

Notably, the Draft EIR began circulating just before the Thanksgiving holiday and will conclude during the week of the Christmas holiday. This is a time of year when many members of the public are on vacation. The comment period begins and ends during the winter holidays, when many people are unavailable and will not have time to devote to the review of the Draft EIR. This includes consultants that may not be able to complete their review during this time.

8-1

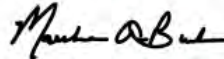


Jennifer Byous, Senior Planner
December 16, 2022
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8-1 cont.

We appreciate the effort that has obviously been devoted to preparing the Draft EIR and would like the opportunity to review the document and provide thorough and meaningful comments. This is an important opportunity to engage the public in the review process. Therefore, we respectfully request that the comment period be extended to allow for a public review period of 90 days, with the comment period closing on February 12, 2023. At the very least, the County should extend the public comment period to 60 days, which is routinely provided for environmental documents such as the Project 8 Winery Draft EIR.

Very truly yours,



Marsha A. Burch
Attorney



LETTER 8: PRESERVE PENRYN

Response to Comment 8-1

While the County appreciates the commenter's request for an extension of the Draft EIR public review period, the County complied with the legal requirements of CEQA Guidelines Section 15105(a) by affording a 45-day public comment period, and is under no legal obligation to extend said review period. A 45-day public review period on a Draft EIR is common practice amongst public agencies, and in this agency's and its consultant's experience, extending the Draft EIR comment period to a period longer than 45 days is fairly atypical and restricted to cases where unusual circumstances exist. The County does not consider the holidays as unusual circumstances.



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December 27, 2022

Via Electronic Mail:
cdraecs@placer.ca.gov

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

Re: Project 8 Winery
Draft Environmental Impact Report (SCH#202201088)

Dear Ms. Byous:

This office represents Preserve Penryn with respect to the above-referenced Project 8 Winery ("Project") and the Draft Environmental Impact Report ("DEIR"). Preserve Penryn and others have submitted comments on the DEIR, and these comments are meant to supplement, not replace, the comments of other members of the public, or of other experts or agencies.

For a variety of reasons, the DEIR falls short of compliance with the California Environmental Quality Act ("CEQA").¹ For example, the DEIR includes Project objectives so narrowly drawn that the proposed Project is a foregone conclusion. The Project as proposed will have significant adverse impacts on both the natural and the human environment in Placer County. These impacts include, but are not limited to, potentially disastrous visual and scenic impacts, local traffic and VMT, agriculture, land use, and noise. In addition, the Project is inconsistent with the Placer County General Plan, the Horseshoe Bar / Penryn Community Plan ("HBPCP"), and the Zoning Ordinance.

¹ Public Resources Code § 21000 *et seq.* and CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.*

9-1



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9-1 cont.

With regard to each of CEQA’s substantive requirements – adequate project objectives, impact analyses, identification of feasible and enforceable mitigation measures, an analysis of a reasonable range of alternatives, and the EIR’s basic function as a disclosure document— the DEIR falls woefully short.

The DEIR fails to meet CEQA’s fundamental purpose of providing disclosure to the public of the Project’s environmental effects. The County and the applicant need to start over – beginning with revised Project objectives that allow for consideration of a reasonable range of alternatives that would be consistent with the General Plan, the HBPCP, the Zoning Ordinance, and the Williamson Act – and prepare and circulate a new, legally adequate DEIR.

9-2

This letter is submitted along with a report prepared by winemaker and wine production consultant, Stephen Burch (“SB Report”). The fundamental error in the DEIR is the assumption that a 75-foot-tall restaurant structure is a legitimate Project objective. Not only is there no need for this outsized building to mar the views for all of Placer County, but the pressure the Project applicant claims is necessary to support gravity filtration is simply inaccurate. There are no facts to support the claim that 75 psi is necessary and industry data shows that 75 psi exceeds the pressure for any commercially available wine filter. (SB Report, pp. 3-4.)

This pressure requirement was provided to the County by the applicant and the County accepted it as fact. The goal appears to be to create a massive, showy restaurant. The proposed Project is a commercial operation to attract diners and sell wine, wine that will necessarily be produced almost entirely from grapes grown elsewhere. (SB Report, p. 4.) This Project is not designed to support agriculture, it is a showpiece, and a tourist attraction.

9-3

The DEIR is unclear regarding the number of acres of vineyard on the Project site. The Project description states that “[i]t is important to note that ‘crop production’ associated with the existing vineyards within the 44.14-acre parcel area is an existing use allowed by right under the property’s current zoning designations.” (DEIR, p. 3-9.) The Agriculture Chapter states that no grapes are grown on the Project site but there are “recently planted wine grapes located within the 44.14-acre parcel area, but outside of the project site.” (DEIR, p. 5-10.) The approximately 80-acre area placed under two new Williamson Act contracts on June 14, 2022, appears to contain approximately 16.5 acres of vineyard. (Staff Report for Item 12, June 14, 2022, Board of Supervisors Meeting.)² In any event, the Project area has a very small amount of planted vineyard.

² We request that all materials and correspondence associated with the application, review, and approval of June 14, 2022, Item 12, “Rescind Notice of Non-Renewal on an Existing Agricultural Preserve (Agp 148) and Concurrently Establish Two New Agricultural Preserves and Williamson Act Contracts (PLN21-00578/PLN22-00200)” be included in the administrative record of proceedings for the Project.



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9-4

To produce the fruit necessary to make 50,000 cases of wine, one must harvest from approximately 200 acres of vineyard. (SB Report, p. 4.) Accordingly, the Project will be a commercial winery trucking grapes in from other areas, attracting tourists, and utterly disrupting the rural community. Yet, it is characterized in the DEIR as “supporting” local agriculture. Because the purpose of the Project is not as set forth in the DEIR, the DEIR fails as a disclosure document. Further, as set forth in detail below, the Project is inconsistent with the Williamson Act contract currently in place.

9-5

The Project as proposed will also violate several mandatory General Plan Policies, and the findings required for the issuance of a use permit in Placer County simply cannot be made.

9-6

Finally, the public has not been given sufficient opportunity to review and comment on the DEIR because the County decided to release the DEIR less than two weeks before the Thanksgiving holiday and closed the comment period three days after Christmas. Under CEQA, 45 days would be the *minimum* time period for public review of a draft EIR of this scope. (Pub. Res. Code § 21091.) Members of the public were unable to communicate with planning staff because of holiday closures, and a letter requesting an extension of time for comments was summarily denied. The County had an opportunity to obtain the benefit of the CEQA public process to refine and improve Project review. Instead, the strategic setting of a comment period between Thanksgiving and Christmas to thwart public participation violated the spirit and the letter of the law.

The County’s holiday circulation period is particularly egregious in light of the fact that a County-wide amendment to the Winery and Brewery Ordinance is included in the project-specific DEIR, further obscuring from view a topic that is important to all County residents.

9-7

I. The DEIR fails to comply with CEQA’s mandate regarding alternatives analysis.

Under CEQA, an EIR must consider a “reasonable range” of alternatives “that will foster informed decision making and public participation.” (CEQA Guidelines § 15126.6(a); *Laurel Heights Improvement Ass’n v. Regents of University of California* (1988) 47 Cal. 3d 392, 404. [“An EIR’s discussion of alternatives must contain analysis sufficient to allow informed decision making.”]) The discussion of alternatives must focus on alternatives that are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. (CEQA Guidelines § 15126.6(b).)

In addition, a “lead agency may not give a project’s purpose an artificially narrow definition,” to shape this determination but rather must “structure its EIR alternative analysis around a reasonable definition of underlying purpose and need.” (*In re Bay-Delta etc.*, 43 Cal.4th 1143, 1166 (2008).) Using overly



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9-7 cont.

narrow objectives to dismiss reasonable and feasible alternatives constitutes prejudicial error. (*See North Coast Rivers Alliance v. Kawamura*, 243 Cal.App.4th 647, 669-70 (2015) [where the lead agency’s overly narrow project purpose caused it to “dismiss[] out of hand” a relevant alternative, this error “infected the entire EIR”].)

The DEIR’s alternatives analysis fails to live up to the CEQA standards because: (1) it defines the Project objectives too narrowly; and (2) it fails to analyze a reasonable range of alternatives that could significantly reduce the Project’s impacts.

A. The DEIR contains overly narrow objectives.

An EIR violates CEQA if it defines project objectives so narrowly as to preclude any alternatives at all (*see North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 667), or proposes purported alternatives that conflict with project objectives only so they can be easily eliminated (*see Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1089). The Third District Court of appeal recently rejected an EIR with project objectives too narrowly drawn. It found the stated objectives “mirror[ed] the proposed project itself” and complained that “if the principal project objective is simply pursuing the proposed project, then no alternative other than the proposed project would do. All competing reasonable alternatives would simply be defined out of consideration.” The court noted, “this artificially narrow approach for describing the project objectives . . . ensured that the results of [the EIR’s] alternatives analysis would be a foregone conclusion” and “transformed the EIR’s alternatives section . . . into an empty formality.” (*We Advocate Thorough Environmental Review v. County of Siskiyou* (2022) 78 Cal. App. 5th 683, 692.)

9-8

The DEIR presents overly narrow and self-fulfilling Project objectives. Objectives 1 through 5 effectively circumscribe and mandate selection of the Project or an alternative that is substantially similar.

Objective 1 requires the project to allow the applicant to construct and operate a “high-end winery capable of producing over 50,000 cases of top-quality wine varietals annually.” This leaves no room for even considering an alternative that would be consistent with the Williamson Act and the General Plan and be primarily for the purpose of selling agricultural products *produced on site*. (The Williamson Act Contract is discussed in further detail below.)

Objective 3 is strangely specific, requiring the project to facilitate “gravity flow processing” but also so utterly without factual support that it makes no sense. This “objective” just precludes any project alternative that does not include a structure that is 75-feet-tall and inconsistent with the Zoning Ordinance



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9-8 cont.

and the General Plan. No alternative that would comply with the Zoning Ordinance and governing land use plans may be considered.

Objective 4 is equally specific to the Project as proposed but lacks any substance. This objective precludes a wine tasting and dining experience that would not offer “spectacular views.” These views require violation of two mandatory General Plan Policies. The error continues with Objective 5, with an objective that only the Project as proposed could meet.

B. The DEIR Fails to consider a reasonable range of alternatives.

9-9

The DEIR analyzes the no project alternative, and just two build alternatives to the proposed Project: the “Reduced Height Alternative” and the “Reduced Operations Alternative.”

The Reduced Height Alternative fails CEQA’s mandate that the DEIR consider feasible alternatives that would *substantially lessen* the Project’s multiple significant impacts. The two significant and unavoidable impacts identified in the DEIR are to aesthetics and transportation, and this alternative does nothing to reduce those impacts. The Reduced Height Alternative does not actually involve a reduction in height but includes two shorter restaurant buildings and one 75-foot-tall “agricultural” structure to facilitate the fictional “gravity filtration” necessity. This alternative will have the same VMT impacts. The DEIR acknowledges this alternative would have the same impacts to aesthetics and transportation as the proposed Project. (DEIR, p. 21-15 and 21-17.) Accordingly, this “alternative” fails to qualify as an alternative under CEQA.

9-10

The Reduced Operations Alternatives fails no better. It falls short of meeting the CEQA standard for an alternative. It would have the same aesthetic impacts. (DEIR, p. 21-18 to 21-19.) This alternative also results in significant and unavoidable impacts to transportation, by exceeding the County’s VMT threshold, just as the proposed Project would. (DEIR, p. 21-20.)

9-11

The DEIR does not include a single alternative that would reduce the impacts of the proposed Project, other than a minor reduction in VMT with the Reduced Operations Alternative. The DEIR should have considered other feasible alternatives that would *substantially lessen* the Project’s multiple significant impacts. The document provides no explanation at all as to why alternatives that reduce the damage from the proposed Project were not considered. In this case, where the proposed Project is completely out of scale and character with the surrounding uses, and would result in tremendous local and county-wide impacts, it is especially important that the DEIR analyze alternatives that could avoid or lessen those impacts. (See CEQA Guidelines § 15126.6(c).)

9-12

The question is not whether a mitigation measure or alternative is *acceptable* to the applicant, but whether or not it is truly infeasible. (See *Uphold*



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Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 597-598.) The way that the “objectives” of the Project are described in the DIER gives the applicant veto power over every mitigation measure and alternative proposed.

The DIER should have considered alternatives that would avoid the eyesore that will be created by the 75-foot-tall restaurant structure. As discussed in detail in the SB Report, the “need” for this height is fictional, and even if it was not, almost every winery in California produces high-quality wines without gravity filtration. The DEIR should have reviewed alternatives that included normal winery buildings that could avoid the aesthetic impacts, and yet meet many other Project objectives.

The Project focus is to create a massive tourist attraction in the midst of a rural community. Many of the presumptions throughout the DEIR, and particularly in the Alternatives Analysis, are based upon the notion that the Project applicant “needs” a 75-foot-tall restaurant to make good wine, and the County should change the rules County-wide to accommodate this important structure. The DEIR states, without reference to a single fact, that it is an essential Project objective to build something tall enough to allow the wine to be elevated up to the top and dropped down to create 75 psi to facilitate “gravity filtration.” Wine science reveals that this is not only unnecessary, but it would also exceed the tolerances of any filter membrane in existence. (SB Report, pp. 3-4.)

II. The DEIR’s analysis of environmental impacts is deficient

Generally, the DEIR fails to adequately analyze the direct and indirect impacts to the environment, the document reveals tremendous impacts to aesthetics, agriculture, transportation, land use, and noise. Many of the conclusions in the DEIR are not supported by substantial evidence in the record.

The County must ensure adequate environmental information is gathered and that the environmental impacts of a proposed project are fully identified and analyzed before it is approved. “To conclude otherwise would place the burden of producing relevant environmental data on the public rather than the agency and would allow the agency to avoid an attack on the adequacy of the information contained in the report simply by excluding such information.” (*Kings County Farm Bureau v. City of Hanford* (1990) 22 1 Cal.App.3d 692, 724.)

Environmental review documentation is more than a set of technical hurdles for agencies and developers to overcome. “[Its] function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account.” (*Laurel Heights I, supra*, 47 Cal.3d at pp. 391-392.) For the [environmental review documentation] to serve these goals it must

9-12 cont.

9-13



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present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made.

(*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450.) In the DEIR, while some discussion includes citation to the facts, the County repeatedly makes conclusory statements, with no evidentiary support or citation. This does not comply with CEQA's requirement that the environmental review must be based upon facts and analysis.

Because the EIR is deficient as an informational document the County has failed to comply with CEQA. (*Kings County Farm Bureau v. City of Hanford* (1990) 22 1 Cal.App.3d 692, 717-718 [holding that a misleading impact analysis based on erroneous information rendered an EIR insufficient as an informational document].)

Additionally, the County must look at reasonable mitigation measures to avoid impacts, but failed to do so here with respect to several areas of impact. Where all available feasible mitigation measures have been proposed but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable, and if supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project anyway. (See CEQA Guidelines §§ 15091, 15093 and 15126.2.) Crucially, however, the lead agency may not simply throw up its hands, conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing all feasible mitigation to "substantially lessen the significant environmental effect." (CEQA Guidelines § 15091(a)(1); see also § 15126.2(b) [requiring an EIR to discuss "any significant impacts, including those which can be mitigated but not reduced to a level of insignificance"], emphasis added.) "A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely."

Even in those cases where the extent of impacts may be somewhat uncertain due to the complexity of the issues, the County is not relieved of its responsibility under CEQA to discuss mitigation of reasonably likely impacts at the outset. The DEIR has not adequately assessed or incorporated readily available and achievable measures to reduce significant, unavoidable impacts to less than significant levels.

A. Impacts to Aesthetics

The error in the DEIR analysis of the Project's aesthetic impacts begins with an unsupported assumption that the Octagon Building is "necessary" for gravity filtration and views of the Sacramento Valley. Once again, the narrowly

9-13 cont.

9-14



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- 9-14 cont. drawn Project objectives and the alternatives analysis that considers only what is “acceptable” to the applicant undermines the DEIR. The proposed Project is entirely inconsistent with the General Plan and the HBPCP. The aesthetics
- 9-15 analysis does not include review of all points of public view, particularly Taylor Road. Both governing land use plans include prohibitions against visually intrusive structures on hillsides, and both include policies protecting the rural aesthetic. The proposed Project also violates the existing height limitations in the Zoning Ordinance. Instead of considering mitigation measures and alternatives to avoid the aesthetic impact, the County has chosen to ignore the applicable
- 9-16 land use plans, cling to the improper project-only objectives, and make a project-specific but County-wide zoning text amendment (“ZTA”). At the end of all of this the DEIR says the County will make a statement of overriding considerations as though that will excuse this multitude of CEQA violations.
- 9-17 It bears noting that the County-wide ZTA will have County-wide impacts that are not even mentioned in the DEIR. Changes to the Winery and Brewery ordinance that will allow development of structures more than twice the current height limitations will have significant impacts to the natural and human environment throughout the County and must be reviewed under CEQA before being considered for approval. Slipping the ZTA into the approval of a specific project is an attempted end-run around the public process that violates CEQA. The public was keenly interested in the last revision to the Winery and Brewery Ordinance in 2020.
- 9-18 By this reference, we request that the documents and records associated with the Winery and Farm Brewery Zoning Text Amendment (PCPJ 20130151) (SCH No. 2015072019) be included in the Record of Proceedings for this Project. The environmental impacts and public comments and County analysis of the previous zoning text amendment are relevant to the County-wide environmental impacts of the ZTA being requested for the purpose of allowing this anomalous proposed Project.
- 9-19 The mitigation measure proposed for impacts to aesthetics is half-hearted at best. (DEIR, p, 4-25.) It requires some plantings of native or “native appearing” plants that, admittedly, will not mitigate the impacts of the massive Octagon building silhouetted against the sky. This lackluster attempt at mitigation is a direct result of the faulty Project objectives and fails to meet the requirements of CEQA.
- 9-20 Further, making a statement of overriding considerations does not excuse the lead agency from (1) performing a thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing *all* feasible mitigation to “substantially lessen the significant environmental effect.” (CEQA Guidelines § 15091(a)(1); see also § 15126.2(b) [requiring an EIR to discuss “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance”], emphasis added.) “A mitigation measure may reduce or



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9-20 cont.

minimize a significant impact without avoiding the impact entirely.” The DEIR does not meet this standard.

9-21

3. The Project’s noise impacts

The DEIR makes assumptions regarding amplified music, but at the same time acknowledges that there are no limits on what may occur after the Project is constructed. “Proposed amplified music would include, **but would not be limited to**, live, light music played by a string quartet, chamber group, or pianist through a small, single amplifier.” (DEIR, 14-37, emphasis added.) There is nothing in the DEIR that would preclude amplified noise that would far exceed what was analyzed in the Bollard Report.

9-22

The Bollard Report also utilized the wrong ambient noise baseline. The Placer County noise standard is based on the sound measure over any hour, not the average sound measured over each interval. That is, the quietest hour of background sound becomes the determining factor, not the worst-case hour of noise. The hour of concern could be 6:45 p.m. to 7:45 p.m., not 7 to 8 pm. Taking measurements in hourly intervals smooths out the variability.

9-23

The Project noise impact analysis is based upon the faulty foundation of an incorrect baseline, and the assumption of one small amplifier when there is no guarantee that events will not include additional amplification.

9-24

4. Project impacts to transportation and circulation

The DEIR’s treatment of traffic impacts falls short of the requirements of CEQA. The DEIR makes concludes that the Project will have significant and unavoidable impacts to VMT and goes on to “throw up its hands” as it did with aesthetic impacts. The proposed mitigation for VMT impacts is half-hearted and fails to meet CEQA’s requirements that *all* feasible mitigation must be proposed to “substantially lessen the significant environmental effect.” (CEQA Guidelines § 15091(a)(1).) Mitigation measures for VMT impacts include having the Project operator distribute information about carpooling and encourage event organizers to carpool. (DEIR, p. 16-38.) This could hardly be described as an enforceable or effective mitigation measure.

9-25

Once again, the analysis reveals that the Project is inconsistent with the General Plan, violating the VMT threshold (DEIR, p, 16-13), and once again the DEIR dismisses the violation by pointing to the County’s plan to make a statement of overriding considerations.

9-26

IV. The Project is inconsistent with the Williamson Act

In discussing the requirement that Project is consistent with agricultural provisions of the General Plan and HBPCP and the Williamson Act, the DEIR states as follows:



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9-26 cont.

where the proposed winery operations would occur, in an Agricultural Preserve and Williamson Act Contract is consistent with the Placer County General Plan, HBPCP, and the applicable provisions of State law, because such action would result in conservation of valuable agricultural land and improve the financial viability of Placer County's agricultural economy. Land Conservation Agreement PLN22-00200 governing the northernmost parcel specifies compatible uses, among which include facilities for the purpose of selling products produced on the land, together with accessory facilities, sales of agricultural products produced off the premises, provided that the sale of such products is incidental and secondary to the sale of agricultural products produced on the premises. (DEIR, p. 5-20.)

The DEIR goes on to say that the Octagon building will include a massive 3,500 square foot residence that will be used during the harvest season, concluding that the "residence is anticipated to be a compatible use, as defined in the Land Conservation Agreement PLN22-00200 (13.1) and Government Code Section 51250(b), given that the residential unit would be related to an agricultural use." (*Id.*) There is no further discussion of the assumption that a luxury residence used by the owner as something other than a primary residence is somehow the equivalent of farmworker housing, or a residence to house a farmer and his or her family.

There is no evidence in the record supporting the use of the luxury residence as a farmhouse, nor is there any evidence to support a conclusion that the majority of the agricultural products sold on the Project site will be from "agricultural products produced on the premises." In fact, if the winery produces 50,000 cases of wine annually, the products will largely be coming from off-site. (RB Report, p. 4.)

9-27

The DEIR includes discussion of the PCC section regarding qualification for a Williamson Act contract but does not cite to the provision governing compatibility of uses with an existing contract. (DEIR, pp. 5-16 and 5-17.) PCC section 17.64.090 governs limitations on uses of Williamson Act lands, and Subsection (B) of that section states that the contract itself will be tailored to limit compatible uses.

9-28

The DEIR ignores the provisions of the applicable Williamson Act contract. The contract does not provide, as stated in the EIR, that the Agricultural Commission will make the determination regarding compatible use, but that the Board of Supervisors will do so with a recommendation from the Agricultural Commission. (Land Conservation Agreement PLN22-00200 ["Contract"], p. 5, ¶ 14.)



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The Contract does not allow for the restaurant, or the residence included in the proposed Project. The Contract states that the owner and the County desire to limit the use of the property, recognizing the “substantial public value as **open space** and that the preservation of such land in agricultural production constitutes an important physical, social, aesthetic, and economic asset to the” County. (Contract, p. 1, emphasis added.)

The limitation on land use is addressed directly in the Contract, stating as follows:

9-29

During the term of this Agreement, the above-described land **shall only be used for the production of plant and animal products** for commercial purposes.

No structures shall be erected upon such land except those directly related to, and compatible with, production of plant and animal products for commercial purposes, and except those residence buildings for **such individuals as are engaged in the care, use, operation, or management of said land.** (Contract, p. 1, ¶ 2.)

The Contract goes on to provide specific detail regarding what type of residence is compatible with the Contract, stating that single-family dwellings are compatible “for persons who labor **full-time on such land.**” (Contract, p. 4, ¶ 13(1).) For accessory facilities (i.e., restaurant), the Contract specifies that the sale of products produced off the premises must be incidental to the sales produced on the premises.

9-30

Finally, the proposed uses must be consistent with the County land use code. (PCC § 17.64.090(A); and *see* Govt. Code §§ 51231 and 51238.1.) Only through the special treatment of a County-wide ZTA that will have County-wide impacts that are not reviewed in the DEIR will the proposed Project be in compliance with the Zoning Ordinance, and the Section 17.56.330(D)(4)(a) states that, for large wineries located on forty (40) acres or greater, the maximum attendance at one time for events is 50. The proposed Project seeks a provision in the use permit increasing the maximum attendees from 50 to 75.

9-31

The bottom line is that the proposed Project is a tourist attraction. It is a showpiece for the owner, with a luxury residence that will be occupied part time, and the applicant wishes to build this commercial development in a rural community and is asking the County to make a consistency finding with the Williamson Act contract under which the applicant is enjoying a significant tax break. The County is a party to the Williamson Act contract and agreed therein that the *public* benefits of the contract justify these significant tax benefits to the owner. The DEIR fails to even mention that the Board of Supervisors did not just approve the Contract, but they will ultimately be the decision-making body



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9-31 cont.

responsible for agreeing to allow this massive commercial use to strip away the open space benefits to the community.

The proposed Project is inconsistent with the PCC, the California Government Code, and the Williamson Act contract applicable to the Project site. The DEIR not only fails to disclose the Williamson Act conflict, it fails to analyze the significant impacts associated with it.

V. The Project is inconsistent with the County General Plan and the Horseshoe Bar/Penryn Community Plan.

9-32

The question of consistency between the Project and the applicable plans and ordinances plays two distinct roles in the environmental review and project approval process. First, under CEQA, a conflict between a plan or ordinance and the Project is a significant impact that must be disclosed and analyzed in the Environmental Impact Report. (See *Pocket Protectors v. City of Sacramento* (2005) 124 Cal.App.4th 903, 929-36; see also DEIR, p. 13-7 (acknowledging that the Project would have a significant impact if it would “conflict with any land use plan”). The DEIR’s conclusions regarding these impacts, like those for any other impact, must be supported by substantial evidence.

Second, under the State Planning and Zoning Law, the Project may not be approved in the face of such inconsistencies. The Project requires approval of a use permit. State law clearly requires these approvals to be consistent with the County’s General Plan. “The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570.) Specifically, State law bars the grant of a use permit for an activity that would be inconsistent with a general plan. (See *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184. As discussed below, the proposed Project is clearly inconsistent with the County’s General Plan and the HBPCP. Thus, the County cannot legally grant the use permit for this Project or any iteration of the Project unless it is revised to comply with the General Plan and the HBPCP.

Furthermore, the County’s own code expressly bars the County from granting any of the required approvals for this Project unless they are consistent with the General Plan and the Development Code. Here, the use permit needed for the Project may not be granted because the Project violates both the County Code and the General Plan, so the County cannot make the required consistency finding. (Placer County Code [“PCC”] § 17.58.140). Accordingly, the County may not lawfully issue a use permit.

9-33

A. The Project Conflicts with the County’s General Plan.

It is an abuse of discretion to approve a project that “frustrate[s] the General Plan’s goals and policies.” (*Napa Citizens for Honest Gov. v. Napa County*



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(2001) 91 Cal.App.4th 342, 379.) The project need not present an “outright conflict” with a general plan provision to be considered inconsistent; the determining question is instead whether the project “is compatible with and will not frustrate the General Plan’s goals and policies.” (*Id.*) Here, the proposed Project does more than just frustrate the General Plan’s goals. It is directly inconsistent with numerous provisions in the General Plan.

For example, the Project is inconsistent with General Plan policies regarding development on hillsides and ridgelines, and the necessity of maintaining “the character and visual quality of the hillside.” (Placer County General Plan [“GP”] Policy 1.K.6(d).) Similarly, the Project will be in direct conflict with GP Policy 1.O.3, providing that the County “shall require” new development not to “silhouette against the sky above ridgelines or hilltops.” (*Id.*, subsection (a), emphasis added.) The DEIR acknowledges that the Project will be in direct conflict with these Policies but dismisses the conflict by pointing to the fact that the County intends to adopt a statement of overriding considerations. Overriding considerations allow a lead agency to approve a project even where significant and unavoidable impacts will occur, it does not allow violation of the agency’s General Plan.

The Project also conflicts with Policies C, T, Y, 13, and 15 of the HBPCP, with the same explanation provided in the DEIR. The County intends to make a statement of overriding conditions to allow for violations of the governing land use plans. A statement of overriding considerations does not allow for violation of clear policies, some of which contain mandatory language that does not allow for picking and choosing which projects shall be consistent with the land use Policies of the County, and which ones will receive special treatment.

B. The County Cannot Make the Findings Required for Issuance of the Use Permit.

The County cannot make several findings required by the PCC for approval of a use permit. PCC § 17.58.140. Before issuing a use permit, the County must find that the grant of the permit “The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development” and that the proposed use complies with the General Plan and the Zoning Code. (PCC § 17.58.140 (2) and (4).)

The immediate neighborhood consists of rural residential uses. The massive commercial winery use, including a rotating restaurant that will be silhouetted against the sky in direct conflict with the General Plan and will bring aesthetic, traffic, and noise impacts to the neighborhood, precludes a finding of consistency with the immediate neighborhood.

Moreover, as discussed above, the Project violates the General Plan, so the County cannot make the required consistency finding. (PCC § 17.58.140(2).)

9-33 cont.

9-34



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9-34 cont.

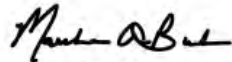
Accordingly, the County may not lawfully issue a use permit for the Project.
(PCC § 17.58.140.)

9-35

D. Conclusion

Because of the issues raised above, we believe that the DEIR fails to meet the requirements of the California Environmental Quality Act and that the Project is inconsistent with applicable planning documents. For these reasons, we believe the proposal should be denied, pending appropriate environmental review and a revised Project and DEIR.

Sincerely,



Marsha A. Burch
Attorney

cc: Preserve Penryn



Stephen Burch
4324 Lakebreeze Dr. Rocklin CA 95677
707-933-6599
burch707@gmail.com

December 27, 2022

Marsha A. Burch
131 S. Auburn Street
Grass Valley, CA 95945
mburchlaw@gmail.com

Re: Project 8 Winery Draft EIR
Questions regarding gravity flow winemaking objectives

Dear, Marsha:

At your request, I have reviewed the relevant portions of the above-referenced Draft EIR (DEIR) and provide these comments regarding the necessity of gravity filtration in “high-end” winemaking, the need for 75 pounds per square inch (psi) of pressure for the gravity filtration proposed for the project, and some of the details regarding the amount of fruit necessary to produce more than 50,000 cases of wine annually.

I have a degree in Viticulture and Enology from the University of California, Davis. I have 26 years of experience working in wine production with 20 years of that as a winemaker and consultant. A copy of my CV is attached.

As explained below, the DEIR contains critical flaws in the following areas:

- The DEIR assumes that gravity flow filtration is an essential project objective, and there is no evidence to support this assumption.
- Draft EIR assumes that gravity flow filtration will only be possible on the project site if a 75-foot-tall structure is constructed in order to create 75 psi for filtration, and this assumption fails to take into account that 75 psi exceeds the maximum pressure of any commercially available wine filter.
- The DEIR states that the restaurant and tasting room are compatible with the Williamson Act Contract and the General Plan requirements that the use be “for the purpose of selling products produced on the land, together with accessory facilities, sales of agricultural products produced off the premises, provided that

9-36



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9-36 cont.

the sale of such products is incidental and secondary to the sale of agricultural products produced on the premises.” (DEIR, p. 5-21.) The vast majority of the wine produced will be made from fruit grown “off the premises.”

I. **Gravity flow winemaking is a personal preference and not necessary to make “high-end” wines.**

There are certainly wineries that advertise their gravity flow systems as producing a better-quality product, but there is no objective evidence to support a conclusion that a gravity flow system is an essential component of a winery. There are an unlimited number of examples of world-class wines being made by pumping the wine through filters. Examples of ultra-premium wines that are routinely pumped through filters.

- Caymus
- Flora Springs
- Chimney Rock
- Darioush
- Hall Napa
- Robert Mondavi Napa

9-37

There is no published research on the comparison of pumps versus gravity filtration and their sensory impact on wine. In a personal communication based on this question, Dr. David Block, Chair of the Department of Viticulture and Enology at UC Davis had this response:

Fri, Dec 16, 12:38 PM (2 days ago)

David E Block

to me

Dear Steve,

We did research on this about 10 years ago, wrote a manuscript, and submitted it to AJEV. For various reasons that I don't remember, I don't think we ever submitted a revised version which is too bad (I may have to revisit that!). We pumped both a red wine and a white wine with centrifugal, progressive cavity, and flexible impeller pumps—either through the pump approximately twice or more like 30 times. We did a detailed sensory analysis with Hildegard after about 2 months in bottle. We didn't see any significant differences in sensory characteristics.

By the way, we also didn't see any significant differences from any kind of filtration with one exception. The unfiltered red wine control that we compared with a crossflow filtered wine did,



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in fact, go funky, probably due to a Brett infection. The filtered wine maintained its sensory profile.

Hope this helps.

Best,
Dave

9-37 cont.

David E. Block
Ernest Gallo Endowed Chair in Viticulture and Enology
Professor and Marvin Sands Department Chair, Department of Viticulture and Enology
Professor, Department of Chemical Engineering
University of California
One Shields Avenue
Davis, CA 95616

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The main reasons behind using gravity instead of pumps in winemaking are to be gentler with the product and reduce energy usage. Most of the benefit quality-wise is a result of using gravity on the grapes during fermentation. Once the wine is done fermenting there is very little to no impact from the mechanical methods employed in wine production, specifically pumps.

The most common style of gravity flow winery is built on a hillside. Grapes are brought into the highest level, destemmed and dropped into tanks the next level down where they ferment. Once fermentation is complete, the tanks are emptied into presses on the next level down. The wine pressed off the skins would then flow down to the next level to tanks or barrels depending on aging style.

II. The DEIR's assumption that 75 psi is necessary for filtration is incorrect.

9-38

Filtration and its use in winemaking is the same for virtually all other applications. It is used to remove undesirable microbial and particulate matter from liquids. There are two types of filtration each with several specific sets of equipment. Those two types are depth filtration and absolute filtration. Depth filtration uses a medium with an average pore size and therefore cannot be considered sterile since some percentage of the undesirable matter will pass through. The second type is absolute filtration. This method uses a membrane with a specific maximum pore size to completely eliminate the undesirable matter. Both types of filtration have an optimum and maximum operating pressure. It is important to note that operating at the maximum pressure will prematurely foul the media and potentially breach the media literally blowing holes in the media to allow for the free flow of undesirable particulate matter to pass through the filter. When we talk about filter pressure, we talk in terms of pressure



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9-38 cont.

differential. This is the difference in pressure between the inlet side of the filter and the outlet. All filters used in winemaking have a maximum pressure differential of 3 bar (45psi) or less. Many are less than 2 bar (30psi). A pressure differential in excess of this level will immediately compromise the filter.

The proposed building along with the underground cellar and caves creating a total height of 160 feet will exceed the allowable pressure of any commercially available wine filter by at least 25psi and in the case of sterile filtration by 49psi. A maximum height of 18' above grade will achieve the maximum pressure of even the most robust wine filter. In the case of sterile filtration a height of 48' or in this case 37' below grade will be the maximum allowable pressure for the filter media. According to the filtration tech at Scott Labs (filtration supplier to the wine industry for over 40 years), at the pressure specified for the proposed Project both particulate matter and microbes will be forced through the filter media.¹ In fact, she also said most wineries abandon gravity filtration after trying it due to time constraints and fouling filter pads.

Accordingly, the DEIR's assumption that 75 psi is necessary to allow for gravity wine filtration is not based upon any evidence. Based upon information obtained from reliable sources, it would be infeasible.

9-39

III. The vast majority of the fruit required to produce more than 50,000 cases annually will necessarily be produced off site.

It is unclear from the DEIR how many acres of vineyard are planted on the project site. It appears that approximately 16.5-acres are planted on the 2 Williamson Act parcels. (DEIR, p, 5-9.) There is reference in the DEIR to grapes being grown on adjacent parcels, but not on the project site, and in the Agriculture and Forestry Resource chapter, the DEIR states that no grapes are grown on the project site. (DEIR, p. 5-10.)

Producing 50,000 cases of wine will require approximately 800 tons of grapes. Four tons per acre is the generally accepted crop level to support the highest quality fruit from any given site. This means production of 50,000 cases will require around 200 acres of grapes.

9-40

IV. Conclusion

The stated reasons for requiring a 75-foot-tall building to facilitate high quality winemaking are inaccurate. The pressure stated as necessary for filtration is well in excess of what is allowable in any wine filtration operation. There are no negative impacts on wine

¹ Personal communication; and see Scott labs filter specs:
<https://scottlabsltd.com/content/files/documents/sll/filtration%20protocols/optimal-conditions-for-use-of-seitz-filter-sheets-wine.pdf>



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9-40 cont.

quality or sensory characteristics resulting from either pumping or filtration. The maximum height necessary to achieve pressure at the maximum allowable pressure for filtration is 18 feet

above grade. The use of a 75 foot tall elevator coupled with 550 gallon tanks (around 5000lbs) is completely impractical and adds an unnecessary and inefficient method of winemaking. Finally, considering that according to the DEIR all winemaking activities will take place in the caves with the exception of filtration, the winery will have to use pumps on a daily basis to move wine from tank to barrel and back to tank.

Sincerely


Stephen Burch



Stephen Burch
4324 Lakebreeze Dr. Rocklin CA 95677
707-933-6599
burch707@gmail.com

SUMMARY OF QUALIFICATIONS

Over 25 years of experience in wine production. 20 years as winemaker and consultant. A proven leader with demonstrated strategic insight and operational drive. Able to strike a balance between the long-term nature of the industry and near-term financial requirements and continuously enhance value of the business. Seasoned ability to anticipate and manage change in a rapidly evolving, fragmented and highly competitive industry. Skillful and creative critical analysis. Combines high-energy level with initiative and a strong work ethic.

- Winemaking
- Barrel alternative sales
- Barrel sales
- Brand building
- Analytic skills
- Project management

PROFESSIONAL EXPERIENCE

Earl Stevens Selections, Napa CA Winemaker Operations Manager	December 2016 - present
<ul style="list-style-type: none">• Product creation• Winemaking• Logistics	
Acheson Wine Company Owner/Winemaker	January 2015 – present
<ul style="list-style-type: none">• President/CEO• Winemaking• Tasting room development• Construction	
Flextank USA California Sales Manager	March 2022- June 2022
<ul style="list-style-type: none">• Plastic tank sales	
Parramon USA Sales Manager	February 2020 – January 2021
<ul style="list-style-type: none">• New customer acquisition• Customer management• Cork production	
Radoux USA, Santa Rosa CA Sales Manager, Pronektar Oak Adjuncts	April 2015 – January 2020
<ul style="list-style-type: none">• Sales territory covering the Central Valley of CA and the Sierra Foothills• National brand manager for Pronektar oak adjuncts• Develop strategies for sales and marketing• Assist sales force with technical presentation to clients	



Baywood Cellars, Lodi California
Winemaker

June 2014 – March 2017

- Developed strategy and drove private label sales Sales with the addition of 6 new private label brands
- Refocused channel emphasis to maximize direct contact with customers and winery profitability.
- Operational management of production team
- Overseeing sales staff and operations; Tasting room and Wine Club
- Active in enhanced overall team professionalism and performance of through consistent leadership, team building, organizational development and implementation of job descriptions, Procedures Manuals and adherence to high performance standards.
- Created and nurtured culture of quality, success and pride.
- Created Expense Budgets on a project basis.
- Developed market strategies Presented wines and represented winery to key consumer and trade groups, media and industry organizations in 4 foreign countries.
- Created vision and led organizational change around channel profit management.

California Shiners, Napa California
Director of Sales/ Winemaker

February 2012 – June 2014

- Developed strategy and drove private label sales for over 70 clients
- Operational management of production team
- Created unique products in a developing wine beverage category

WineShop at Home, Napa California
Director of wine operations

April 2007 – January 2012

- Managed wine production for over 20 brands and up to 55 wines a year at 3 different facilities
- Project manager on new brand development
- Manage warehouse crew and direct to consumer sales for 35,000 cases shipped exclusively DTC

Burch Hall Winery, Grass Valley California
Owner/Winemaker

April 2002 – May 2009

- All winemaking from crush of 80 tons per year to bottling of 14 different wines.
- Tasting room management and direct to consumer marketing and wine club management
- Establish distribution in 5 states
- All compliance
- Custom winemaking for outside clients

Flora Springs Winery, St Helena California
Assistant Winemaker

January 1999 – April 2002

Mondavi Woodbridge Winery, Lodi California

Reasearch Intern

July 1998 – December 1998

EDUCATION

University of California Davis, 1995-1998: Bachelor of Science in Viticulture and Enology
Pasadena City College, 1994-1995
Ohio State University, 1989-1992

INDUSTRY ROLES

Writer and technical editor for Winemaker Magazine



LETTER 9: MARSHA A. BURCH

Response to Comment 9-1

The comment serves as an introduction and an overview of the concerns expressed in the comment letter. Please refer to the below responses to specific comments.

Response to Comment 9-2

Please see Responses to Comments 9-36 through 9-40. Regarding the concern about project objectives, please see Master Response 1 – Project Alternatives. While gravity flow processing is included in Project Objective #3, the 75-foot-tall restaurant structure is not in itself a project objective.

It is important to understand that psi does not directly relate to physical environmental impacts upon the environment. It is a function of the project's internal operations related to winemaking. Please also see Response to Comment 9-38.

Response to Comment 9-3

The Draft EIR clearly states on page 3-3 that the existing on-site vineyards are outside of the project site boundaries:

The 17.96-acre project site is bisected by Antelope Canal and consists of agricultural-related uses, including dirt roadways and graded surfaces, as well as oak woodland and grassland habitats. The dirt roadways provide access to recently planted wine grapes that are outside of the project boundaries, but located within the same 44.14-acre parcel area.

With respect to Williamson Act contracts, please see Master Response 2.

Response to Comment 9-4

The commenter alleges that the Draft EIR fails as a disclosure document by stating the project will support local agriculture. The commenter appears to suggest that the project cannot be considered to support local agriculture because it will disrupt the rural community (e.g., grapes will be trucked in for processing, resulting in truck traffic). That the project will use both grapes grown from the applicant's vineyards, as well as grapes grown elsewhere in California, is clearly stated in Project Objective #1 (see page 3-5 of the Project Description chapter). Truck traffic associated with hauling grapes to the proposed winery is also evaluated in Chapter 16, Transportation, of the Draft EIR (see Table 16-5). Additionally, that the project is intended to attract tourists is clearly stated in Project Objective #4 (see page 3-5 of the Project Description chapter). The potential environmental effects of said agri-tourism are evaluated throughout the technical chapters of the Draft EIR. Therefore, the Draft EIR does not fail as a disclosure document.

With respect to Williamson Act contracts, please see Master Response 2.

Response to Comment 9-5

Please see Responses to Comments 9-32 and 9-33. The ability to make the requisite CUP findings for the proposed project is a policy consideration within the purview of the Placer County decision-makers, and is outside the scope of the Draft EIR.



Response to Comment 9-6

Comment noted. While the County appreciates the commenter's request for an extension of the Draft EIR public review period, the County complied with the legal requirements of CEQA Guidelines Section 15105(a), by affording a 45-day public comment period, and is under no legal obligation to extend said review period. A 45-day public review period on a Draft EIR is common practice amongst public agencies, and in this agency's and its consultant's experience, extending the Draft EIR comment period to a period longer than 45 days is fairly atypical and restricted to cases where unusual circumstances exist. The County does not consider the holidays as unusual circumstances.

Regarding the ZTA portion of the comment (i.e., County-wide amendment to the Winery and Farm Brewery Ordinance), please see Master Response 5 – ZTA.

Response to Comment 9-7

Please see Master Response 1 – Project Alternatives.

Response to Comment 9-8

Please see Master Response 1 – Project Alternatives and Response to Comment 9-2.

Response to Comment 9-9

Please see Master Response 1 – Project Alternatives. It is noted that the commenter incorrectly states that CEQA mandates "...that the Draft EIR consider feasible alternatives that would substantially lessen the Project's multiple significant impacts." Pursuant to CEQA Guidelines Sections 15126.6(a) and (b), alternatives must be capable of "...avoiding or substantially lessening **any** significant effects of the project..." (emphasis added). Therefore, an alternative is not required to substantially lessen *multiple* significant impacts, but rather *any* significant impacts. As demonstrated in Chapter 21, Alternatives Analysis, of the Draft EIR and Master Response 1 – Project Alternatives, both the Reduced Height Alternative and Reduced Operations Alternative would substantially lessen at least one significant project impact; thus, meeting CEQA's requirement for alternatives.

Response to Comment 9-10

Please see Master Response 1 – Project Alternatives and Response to Comment 9-9.

Response to Comment 9-11

Please see Master Response 1 – Project Alternatives and Response to Comment 9-9.

Response to Comment 9-12

Please see Master Response 1 – Project Alternatives and Master Response 3 – Octagon Building and Gravity Processing, as well as Response to Comment 9-9.

Response to Comment 9-13

The comment alleges that the Draft EIR fails to adequately analyze direct and indirect impacts to the environment and many conclusions in the Draft EIR are not supported by substantial evidence. The commenter further claims that the County failed to look at reasonable mitigation measures to avoid impacts. In the current comment, the commenter does not provide evidence to substantiate their claims that would allow a more specific response. Please refer to the



commenter's more specific comments and the County's responses in Responses to Comments 9-14 through 9-25.

Response to Comment 9-14

Please see Master Response 1 – Project Alternatives.

Response to Comment 9-15

Based on an October 2021 site visit conducted by the County, its environmental consultant for the proposed project, Raney Planning and Management, Inc. (Raney), and Raney's photo-simulation consultant, the Draft EIR (pg. 4-4) states that "Views of the site from Taylor Road are nearly entirely obscured by existing intervening topography and vegetation." The combination of upward sloping topography and mature vegetation along the north/northwest side of Taylor Road obstructs all views of the project site from Taylor Road, with very little exception. Brief glances of very limited portions of the site may occasionally be afforded to drivers through gaps in vegetation and/or topography. This would require a driver to turn their head rather sharply to one side, which would be relatively unsafe given the direction of travel. Even if brief glimpses of the octagon structure were available, this would not be considered a substantial degradation of the visual character of quality of the site and its surroundings for the reasons set forth above. The County and its consultants believe that this combination of factors constitute substantial evidence that the proposed project would not substantially degrade the visual character or quality of public views from Taylor Road, and the commenter has not provided any substantial evidence demonstrating otherwise.

Response to Comment 9-16

Please see Master Response 1 – Project Alternatives, and Master Response 5 – ZTA.

Response to Comment 9-17

Please see Master Response 5 – ZTA.

Response to Comment 9-18

The comment is noted.

Response to Comment 9-19

The commenter refers to Draft EIR Mitigation Measure 4-2, which, generally, requires implementation of a Final Landscape Plan, with specified objectives, including but not limited to the following:

- *Additional plantings along the project's Callison Road frontage, while maintaining sight distance requirements at the project driveways. The plantings shall include a mix of trees and shrubs, the species and size of which shall be determined by the Placer County Community Development Resource Agency;*
- *A living façade on floors 2-4 of the octagon building that includes plants that are native, or native-appearing and drought-tolerant;*
- *Structural materials and colors on the upper portion of the octagon building shall be representative of the surrounding oak woodland vegetation; and*
- *Retention of existing oak woodlands on the slope in front of the octagon building for screening purposes. If any of this screening vegetation is damaged during construction, replacement landscaping including native, or native-appearing and*



drought-tolerant vegetation; shall be planted to the satisfaction of the Placer County Community Development Resource Agency.

As stated in *Practice Under the California Environmental Quality Act*.¹

An agency is not precluded from adopting a mitigation measure that might not be effective in minimizing a significant effect as long as it acknowledges and explains the uncertainty and adopts a statement of overriding considerations that recognizes the mitigation measure might not substantially lessen or avoid the significant impact.

Here, the Draft EIR (pg. 4-25) acknowledges the uncertain effectiveness of Mitigation Measure 4-2, while explaining that its implementation will nevertheless reduce the impact through requiring additional vegetation plantings along the project's Callison Road frontage for screening purposes, and ensuring that the upper floors of the octagon structure are softened in appearance through incorporation of a living façade and materials/colors that are representative of surrounding oak woodland vegetation. Due to the project's significant and unavoidable aesthetic impact, a statement of overriding considerations has been prepared separately by the County and will need to be adopted by the Board of Supervisors should they vote to approve the project.

Response to Comment 9-20

Please see Response to Comment 9-19.

Response to Comment 9-21

The project description states that outdoor amplified music will occasionally occur to create ambiance. Proposed amplified music would include, but not be limited to, live, light music such as a string quartet, chamber group or pianist played through a single amplifier, and that all outdoor music would comply with Placer County Code Article 9.36 (as required by the Winery Ordinance – 17.56.330(E)(4)). Any amplified music exceeding a volume commensurate with creating ambiance will be restricted to indoor locations only. Neither indoor nor outdoor concerts are proposed by the project. Amplified music is proposed to occur only during the hours of 10:00 AM to 5:00 PM during events and tasting room hours, and from 5:00 PM to 8:00 PM during events only.

The on-site outdoor amplified music simulation conducted by Bollard Acoustical Consultants, Inc. (presented in the Noise Chapter of the Draft EIR) used reference sound levels of 70 dB L_{eq} (average) and 75 dB L_{max} (maximum) at 50 feet from the sound system speakers. Similar reference sound level exposure is commonly associated with events such as wedding receptions – which are typically much louder than the types of amplified music proposed by the project. Thus, the results from the amplified music simulation presented in the Noise Chapter of the Draft EIR are believed to be conservative relative to the types of amplified music/speech that is proposed on-site. As indicated in the Noise Chapter of the Draft EIR, project outdoor amplified music is predicted to be well below the applicable County noise level criteria at the nearest residential receivers, which includes consideration of the measured ambient noise level environments at those locations.

¹ Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act* (Volume 1), March 2022, Section 14.9, page 14-13.



If the project is approved, it would be subject to the County Noise Ordinance requirements. The analysis prepared for the Draft EIR, which is based on the proposed use of amplified music at the site, indicates that the project would be fully compliant with the County Noise Ordinance.

Response to Comment 9-22

The commenter is incorrect that ambient surveys result in an incorrect assessment of baseline conditions. As indicated in the Noise Chapter of the Draft EIR, Placer County's noise standards are based on hourly averages (L_{eq}) and single-event maximums (L_{max}). Industry standard practice is to monitor multiple hours, using the top of each hour for the beginning of each interval to avoid having portions of some hourly intervals in both daytime and nighttime periods. In addition, industry standard practices do not use only the quietest portion of an hour, or manipulation of the ambient start time to avoid louder parts of an hour. Rather, standard practices require sufficient ambient noise monitoring locations and durations to reliably quantify ambient conditions within a project vicinity. As indicated in Table 14-1 of the Draft EIR (Long-Term Ambient Noise Survey Results), the ambient noise surveys encompassed 96 consecutive hours at each of the four representative monitoring sites. Thus, the assessment of ambient conditions was based on hundreds of hours of noise monitoring, not the results from a portion of a single hour, or a shifted start time of a single hour.

Response to Comment 9-23

Please see Responses to Comments 9-21 and 9-22.

Response to Comment 9-24

The commenter alleges that after concluding the project's VMT impact will be significant and unavoidable, the County "goes on to 'throw up its hands' as it did with aesthetic impacts." Regarding aesthetic impacts, please see Response to Comment 9-19. Contrary to the comment, the County does not "throw up its hands" regarding the project's significant VMT impact; rather, the County does two meaningful things: 1) includes as mitigation (see Draft EIR Mitigation Measures 16-5(a) through (d)) feasible measures from Table 4 of the Placer County Transportation Study Guidelines, while recognizing their uncertain effectiveness (see Response to Comment 9-19), and 2) includes a project alternative specifically aimed at substantially lessening VMT. Specifically, as discussed in Chapter 21 of the Draft EIR, the Reduced Operations Alternative would reduce the proposed project's average daily VMT by 43 percent but still result in an overall net increase in total regional VMT.

Response to Comment 9-25

As stated in Response to Comment 9-19,

An agency is not precluded from adopting a mitigation measure that might not be effective in minimizing a significant effect as long as it acknowledges and explains the uncertainty and adopts a statement of overriding considerations that recognizes the mitigation measure might not substantially lessen or avoid the significant impact.

Here, the Draft EIR (pp. 16-37 and -38) acknowledges the uncertain effectiveness of Mitigation Measure 16-5, while explaining that its implementation will nevertheless reduce the impact through requiring an employee carpool matching service, dedicating on-site bus parking, and encouraging guest carpooling. For each measure, the applicant is required to submit proof to Placer County demonstrating compliance with the measure. Thus, the measures are enforceable. However, their overall effectiveness is unknown. Due to the project's significant and unavoidable



VMT impact, a statement of overriding considerations has been prepared separately by the County and will need to be adopted by the Board of Supervisors should they vote to approve the project.

Response to Comment 9-26

This comment does not address the adequacy of the Draft EIR; however, the comment has been further discussed in the staff report and has been provided to decision-makers for their consideration. The commenter incorrectly cites Government Code Section 51250 (b) asserting that approval of a single family residence constitutes material breaches of Agricultural Contract PLN22-00200. As discussed in Master Response 2 – Williamson Act, given that the residential unit would be related and in support of the winery production and operations, the residential use is consistent with the Williamson Act contract.

Response to Comment 9-27

This comment does not address the adequacy of the Draft EIR; however, the comment has been further discussed in the staff report and provided to decision-makers for their consideration. Please also see Master Response 2 – Williamson Act.

Response to Comment 9-28

This comment does not address the adequacy of the Draft EIR; however, the comment has been further discussed in the staff report and provided to decision-makers for their consideration. Please also see Master Response 2 – Williamson Act.

Response to Comment 9-29

This comment does not address the adequacy of the Draft EIR; however, the comment will be further discussed in the staff report and provided to decision-makers for their consideration. Please also see Master Response 2 – Williamson Act.

Response to Comment 9-30

This comment does not address the adequacy of the Draft EIR; however, the comment has been further discussed in the staff report and provided to decision-makers for their consideration. The ZTA proposes changes to a countywide ordinance that includes regulatory standards for wineries. Adopting the ZTA does not commit the County to a particular course of action. Any future actions would be part of a project specific analysis completed with the discretionary entitlement process for that proposed project. Please also see Master Response 3. In addition, Section 17.56.330 (4)(a) of the ordinance states, agricultural promotional events are not limited in number. For large wineries located on forty (40) acres or greater, additional attendees may be permitted subject to a CUP.

Response to Comment 9-31

This comment does not address the adequacy of the Draft EIR; however, the comment has been further discussed in the staff report and provided to decision-makers for their consideration. Please also see Master Response 2 – Williamson Act.

Response to Comment 9-32

The determination that the project is consistent or inconsistent with the Placer County General Plan policies or other County plans and policies is ultimately the decision of the Planning Commission and the Placer County Board of Supervisors. Furthermore, although CEQA analysis may identify some areas of general consistency with County policies, the County has the ability



to impose additional requirements or conditions of approval on a project, at the time of its approval, to bring a project into more complete conformance with existing policies.

The draft EIR Chapter 13 includes Impact 13-2 which analyzes the impacts of the project and any potential conflicts with general plans and community plans. The DEIR also includes Table 13-1 that provides specific policies and explains how each is consistent. Specifically, Impact 13-2 analyzes the impacts of the project due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The General Plan Guidelines published by the State Office of Planning and Research define consistency as follows, “An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” Therefore, the standard for analysis used in the Draft EIR is in general agreement with the policy language and furtherance of the policy intent (as determined by a review of the policy context).

Please also see Response to Comment 9-33 below.

Response to Comment 9-33

The courts have repeatedly addressed the question of project’s consistency with a jurisdiction’s General Plan. In *Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App 4th 91, the court stated:

We agree a project does not need to conform perfectly to every general plan policy to be consistent with the general plan. (*Families Unafraid to Uphold Rural etc. County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1341 [74 Cal. Rptr. 2d 1] (FUTURE).) Rather, in determining whether a project conflicts with a general plan, “the nature of the policy and the nature of the inconsistency are critical factors to consider.” (Ibid.) A project is inconsistent with a general plan “if it conflicts with a general plan policy that is fundamental, mandatory, and clear.” (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782 [32 Cal. Rptr. 3d 177], [*101] citing *FUTURE*, supra, at pp. 1341–1342.) In other words, a project’s consistency [***14] with a general plan’s broader policies cannot overcome a project’s inconsistency with a general plan’s more specific, mandatory and fundamental policies. (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 239 [128 Cal. Rptr. 3d 733]; *FUTURE*, at p. 1342.)

Thus, an inconsistency with a general plan policy can be considered acceptable if the policy is not fundamental and mandatory. The Draft EIR notes (pg. 4-22) that the proposed project is inconsistent with General Plan Policy 1.0.3(a), which reads as follows:

- Policy 1.0.3 The County shall require that all new development be designed to be compatible with the scale and character of the area. Structures, especially those outside of village, urban, and commercial centers, should be designed and located so that:
- a. They do not silhouette against the sky above ridgelines or hilltops;
 - b. Rooflines and vertical architectural features blend with and do not detract from the natural background or ridge outline;
 - c. They fit the natural terrain; and
 - d. They utilize building materials, colors, and textures that blend with the natural landscape (e.g., avoid high contrasts).



Mandatory language in this policy occurs in the first sentence, whereby the County “shall” require that all new development be designed to be compatible with the scale and character of the area. The second sentence uses non-mandatory language when it states structures “should” be designed and located in accordance with subsections (a) through (d). The non-mandatory language precedes the design recommendation that structures not silhouette against the sky above ridgelines or hilltops. Thus, the mandatory language of Policy 1.0.3 pertains to a project’s compatibility with the scale and character of the area, but not the portion of the policy language discouraging silhouetting against the sky above hilltops. Therefore, while the proposed octagon structure would conflict with item (a) of Policy 1.0.3, this section of the policy is non-mandatory. In addition, the project is consistent with the general plan’s broader policies, including but not limited to policies for use and promotion of agricultural land and economic development related to agriculture (Goals 1.H, 1.N, 7.A and 7.C, Policies 1.H.5, 1.N.1, 1.N.3 through 1.N.5, 1.N.12, 1.N.13, 7.A.3., 7.A.7., 7.A.10, 7.A.12, 7.A.13, 7.C.1 through 7.C.4, 7.C.6).

In terms of the project’s consistency with General Plan policies related to a project’s compatibility with the scale and character of the area (Policy 1.0.3), this is ultimately a determination of the Board of Supervisors. Even if the Board of Supervisors were to find that the proposed project is not compatible with the scale and character of the area, this would not preclude approval of the project on the basis of General Plan inconsistency, unless the Board considers Policy 1.0.3 to be a fundamental General Plan policy.

It is noted that Impact 13-3 on pages 13-10 through 13-12 of the Draft EIR includes a discussion of the project’s compatibility with the surrounding area from a noise, light and glare, and traffic safety perspective, and finds the project to be compatible in these aspects.

The commenter also claims that the proposed project conflicts with Policies C, T, Y, 13, and 15 of the Horseshoe Bar/Penryn Community Plan (HBPCP). These policies are addressed in Table 13-1 of Chapter 13, Land Use and Planning, of the Draft EIR. The Draft EIR found that the proposed project would be consistent with these HBPCP policies, with the possible exception of Policies T and 15. Notwithstanding, the project is consistent with the HBPCP’s broader policies, including but not limited to policies for use and minimization of environmental impacts (Land Use Policies C, Y; Public Facilities and Service Systems Policies 2, 5, 7; Fire Protection Policy 7; Community Noise Policies a-e; Community Design Element Policies 2 and 13; Natural Resources Policy 3; Hydrology and Water Quality Policies 4, 9, 12; Vegetation Policies 2, 3, 7; Fish and Wildlife Policy 9; Air Quality Policy 2; Cultural and Paleontological Resources Policy C).

Similar to above, whether the project is of a size and scale conducive to maintaining the rural atmosphere of the Plan area is ultimately a determination of the Planning Commission and the Board of Supervisors.

Response to Comment 9-34

The ability to make the requisite CUP findings for the proposed project is a policy consideration within the purview of the Placer County decision-makers and is outside the scope of the Draft EIR. Staff’s analysis of the CUP findings has been provided in the staff report to the decisionmakers.

Response to Comment 9-35

The commenter summarizes their opinion that the Draft EIR fails to meet the requirements of CEQA. The foregoing responses demonstrate that the commenter has not provided substantial



evidence showing that the Draft EIR fails to meet the requirements of CEQA. The commenter's recommendation that the proposal should be denied has been forwarded to the decisionmakers for their consideration.

Response to Comment 9-36

The comment is introductory and identifies alleged flaws with the Draft EIR, which are addressed in the following responses to comments. It is noted, however, that the alleged flaws do not pertain to the environmental analysis, but rather project-related aspects, such as project objectives and gravity filtration.

Response to Comment 9-37

The comment does not directly address the adequacy of the Draft EIR. Nevertheless, please see Master Response 3 – Octagon Building and Gravity Processing.

Response to Comment 9-38

Psi does not directly relate to physical environmental impacts upon the environment. It is a function of the project's internal operations related to winemaking. Nevertheless, the following response is offered. The winemaking industry in the United States is governed by The Alcohol and Tobacco Tax and Trade Bureau (TTB), a division of the United States (U.S.) Department of the Treasury. The associated regulations are published in Title 27 (Alcohol, Tobacco and Firearms) of the U.S. Code of Federal Regulations (CFR). Chapter I, Subchapter A, Part 24, Subpart L, Section 248 [27 C.F.R. § 24.248 (2023)], titled *Processes authorized for the treatment of wine, juice, and distilling material*, contains a list of those approved processes for use by winemakers in wine production, including wine filtration processes. Among the available filtration processes are the following three (see Appendix 2 to this Final EIR):

- Nanofiltration: ≥ 200psi
- Reverse Osmosis: ≤ 250psi
- Ultrafiltration: < 200psi

These three approved filtration processes above are, therefore, examples of filtration types that operate at pressures well in excess of the 45psi asserted by the commenter to be the maximum pressure used in winemaking filtration.

Response to Comment 9-39

The existing and future vineyard acreage adjacent to Project 8 is an allowed use by right and is not required to be analyzed by the EIR. The total acreage of vineyard is therefore not relevant to the analysis in the EIR and, thusly, has not been included in its discussion or in the Project Description beyond confirmation that the minimum acreage requirement per the Winery and Farm Brewery ordinance has been met.

That said, the acreage of adjacent vineyards owned by the project applicant is well in excess of the 16.5 acres estimated by the author of the subject comment. The total acreage will also continue to increase as additional areas are made ready for planting in the coming seasons.

It is also noted there are additional existing vineyards within Placer County affiliated (through ownership and management agreements) with the project winery. Grapes from these existing



vineyards will be an important contribution to the supply of grapes necessary to achieve the 50,000+ case production target.

The balance of grape supply will be obtained and imported from other areas both within and beyond Placer County. This is, in fact, an important aspect of the business model, as stated in the Project Objectives on page 3-5 of the EIR. While many varieties of wine grapes prosper in Placer County growing conditions, that is not the case for all types universally. By seeking high quality grapes from areas where growing conditions are most favorable for their particular varietal, the winery will be able to cultivate a selection of wines that can appeal to a larger audience helping to ensure its success.

Please also see Response to Comment 9-4.

Response to Comment 9-40

The comment is a summary comment. Please see Responses to Comments 9-37 through 9-39.



Letter 10



PUBLIC INTEREST COALITION



Sent via email: cdraecs@placer.ca.gov; jbyous@placer.ca.gov December 28, 2022
To: Placer County, CDRA, Environmental Coordination Services
Subject: **“Project 8 Winery Project” - DEIR Public Comment**

Thank you again for the opportunity to comment on this unacceptable proposal.

With all due respect to staff who may be required to follow directives even if they see “fatal flaws” in the DEIR, in our over 30 years of California Environmental Quality Act (CEQA) commenting on proposed projects, we have seldom seen such an egregious proposal as this Project 8 Winery Project (“P8WP” and/or “BEM”). Placer County’s mission statements, policies, codes, and ordinances are in place for many reasons--including protection of the public, rural landscapes, natural resources, and more. Yet this proposed project seems determined to force its “codes-don’t-apply-to-us” approach, and/or “We’ll have County rules amended via a Zoning Text Amendment (ZTA) for our approvals,” with the County dutifully acquiescing.

10-1

Public expectation is that County codes/ordinances will be enforced fairly and consistently via activities that include land-use compliance, transparency and other unbiased staff making decisions. However, this P8WP applicant has been allowed to proceed with the County being fully aware that the 75’ tower is both a County violation with significant negative impacts to neighbors and the much larger rural landscape from wherever it can be seen in the County. The public is supposed to be informed via CEQA, but we cannot possibly know what the concocted ZTA will allow or prohibit, or if it will even be approved—now or years from now.

County staff are expected to enforce codes that protect the public from negative impacts—akin to “gatekeepers”—instead of kowtowing and/or giving special treatment to non-compliant projects. The County’s proposal of a ZTA for any approval that otherwise would and should be denied, appears to be a shameful, baseless “workaround,” that, if approved, will give preferential rights to a very select group while discriminating against all others. It also sets horrible precedent for future scofflaws. Meanwhile, the public is left in limbo as to the future legality of this most egregious Project 8 tower and its significant impacts.

This project is incompatible, invasive, and does not comply with either winery or brewery ordinance requirements. Other than possibly using wine grapes grown onsite, which may or may not occur, the proposed project is obviously more of an event center with the rotating restaurant being the primary use, and most likely the primary promotional focus, while the winery is the accessory use.

10-2

Additionally, because wineries are now allowed to be breweries and vice versa, the DEIR appears to be completely silent as to the impacts associated with tasting rooms for beer bars along with wine bars. A winery owner may claim they will never become a beer bar, but if they sell the business, new owners may operate differently. Therefore, CEQA needs to analyze the impacts of Project 8’s also becoming a winery-brewery in the future.

10-3

If restaurants are allowed as an accessory use, it implies that they have a secondary purpose and are not the primary agricultural operation. A minor or accessory use restaurant would not be plopped high on a tower, with a revolving or rotating floor, large

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10-3 cont.

outdoor viewing windows, and seat 30 people at one time. This proposed restaurant is no more an accessory use than if it were the Seattle Space Needle. It belongs in a commercial, resort, high-density urban, or entertainment zone and be recognized truthfully as being a primary use. Otherwise, it would be on the ground floor and have smaller viewing windows, reduced square footage, less seating, etc.

On one website, regarding this project, under “Project Details,” it states, “Located in Penryn, California, off Taylor and Callison Roads, Project 8 features a tasting room with an accessory restaurant. **From the top of the tasting room, guests will have a panoramic view of the Sacramento Valley, Sierra Nevada and Placer County.**” [Bold added] It also states, “Project 8, the future site of Lecavalier Cellars, is a full-service winery project managed by Building Engineering & Maintenance, Inc. (BEM)” [Source: <https://lecel.com/project-details/>]

We submit that this is solid evidence that the restaurant is the primary use for this project with the tasting room being thrown in as a guise. As currently planned, this project does not belong in any rural, residential, or agricultural zones, and should not be approved as proposed.

Request for DEIR Comment Time Extension

It is our understanding that a request for a time extension of the CEQA comment period was rightfully submitted; yet it was denied. Please consider this comment letter to also be a request for a DEIR comment extension. Below are a few reasons why the request should be granted:

10-4

1—With the holidays—travel (delays), shopping, school “breaks,” annual friends and family gatherings, and other related holiday activities—a 45-day comment period (commencing just two weeks before Thanksgiving and ending three days after Christmas) is inexcusable and unacceptable—an extension is certainly warranted and justifiable.

2—For almost two years, at MAC meetings, the public has had to sit through lengthy self-congratulatory and praising presentations of the project by the applicant and/or representatives, wasting County staff and especially the public’s time with various changes or so called “updates” with no attempts to remedy the repeatedly mentioned, deep citizen concerns regarding noncompliance aspects or significant impacts.

3—Because the proposed project also utilized County staff time long before even the first MAC meetings, how can a denial of a reasonable request for a comment time extension on the DEIR (which consists of 23 Chapters, 18 Appendices, and over 2,000 pages) be justified? County fairness, or simply adhering to CEQA’s purpose to inform the public, is either non-existent or highly questionable, especially with such a contentious proposal.

DEIR, Chapter 4, Aesthetics

10-5

The DEIR misleads or incorrectly distinguishes impacts between “primary” public and private views. Callison Road is not the only public roadway where a 75’ incompatible tower can and will be seen. As mentioned above from the applicants (panoramic view of the Sacramento Valley, Sierra Nevada and Placer County), there are many other public roads on ridges or near them where view of the tower’s imposing height will be a significant negative impact to the collective public. A neighbor or private citizen’s driving on any public road where the tower can be seen, constitutes a significant negative impact as a “public view” of a totally out of place monstrosity on an otherwise pastoral rural landscape.

10-6

The DEIR’s attempt to dismiss the impact’s significance of views of the octagon

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10-6 cont.

building (due to topography and vegetation) is disingenuous. To claim that the project site will be “partially screened by trees and vegetation” is grossly inaccurate in terms of deciduous species. Once leaves are dropped (as they are now) and/or branches pruned, the tower will be easily visible as a negative impact and must be analyzed as such. Possibly intentional, the Project site View images are conveniently shown when trees are fully leafed out.

10-7

After characterizing the project site as an “undeveloped, unlit landscape,” the DEIR tries to equate light from undefined “existing development” and headlights from vehicles traveling on adjacent roadways, as “currently contributes to the overall nighttime lighting environment of the project area,” seemingly in order to dismiss the project’s significant night light impacts.

There is no analysis to (1) indicate that there even is any significant night travel on those adjacent roadways to equate to the continuous lights from a fully lit 75’ octagon, from dark (4:55 pm at the Winter solstice) to 10 pm and later until the last customer or employee leaves. Compared to other roads, the winery’s adjacent roads are lightly traveled in the day and much less after dark or commute hours. (2) Light from a few seconds of a headlight passing by is negligible compared to a 75’ incompatible eyesore beaming its lights continuously, destroying night sky, and negatively impacting wildlife, especially migratory birds.

With the wrongful dismissal of constant unnatural light from impact analysis, the tower’s light was not fully analyzed in the DEIR.

General Plan Noncompliance

We submit that the proposed project does not comply with any of the following General Plan items:

The County’s General Plan, Goal 1.K clearly calls out protection of visual and scenic resources and specifically mentions that the County [bold added here and below] “...**shall require**...that new development in scenic areas (...**ridgelines, and steep slopes**) is planned ...that:

10-8

- a. *Avoid locating structures along ridgelines and steep slopes;*
- b. *Incorporate design and screening measures to minimize the visibility of structures....; and*
- c. *Maintain the character and visual quality of the area.”*

Policy 1.K.6. d. goes even further: “*Maintain the character and visual quality of the hillside.*”

Whether the project is actually in a designated scenic area, corridor, etc., is irrelevant. Here, it is the character and visual quality of the area that should be protected instead of being destroyed by the proposed tower’s significant impact—both as a visual prominent intrusion and as undesirable night lighting (as well as negative impacts to wildlife). Instead of complying with the County’s General Plan “minimizing” the visibility of structures, the tower’s visibility is being maximized and should not be allowed.

10-9

Goal 1.O, Policy 1.O.3 reinforces the significant impact and noncompliance of the tower with this goal: “*The County shall require that all new development be designed to be compatible with the scale and character of the area ...*”

- a. *They do not silhouette against the sky above ridgelines or hilltops;*
- b. *Rooflines and vertical architectural features blend with and do not detract from the natural background or ridge outline;*

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- c. They fit the natural terrain; and
- d. They utilize building materials, colors, and textures that **blend with the natural landscape** (e.g., avoid high contrasts).

Policy 1.O.4: The County shall require that new rural and suburban development be designed to preserve and maintain the rural character and quality of the County.

Goal 1.O.9: The County shall discourage the use of outdoor lighting that shines unnecessarily onto adjacent properties or into the night sky. This Goal is reinforced in the HSB/Penryn Community plan, Policy 13, as well.

Goal 6.D, Policy 6.K.1: "The County encourages landowners and developers to preserve the integrity of the existing terrain and natural vegetation in visually-sensitive areas such as hillsides, ridges,"

An invasive tower, twice the height of the allowed height limit is totally out of scale and character of the area. How could the County possibly allow this project to continue, let alone progress this far, in its years of planning process?

The DEIR attempts to dismiss the project's negative impact's significance by mistakenly conflating its adverse effects on a "designated scenic vista" and concluding they are less than significant. To our knowledge, no one is claiming the project area is a "designated scenic vista." To the contrary, the project is located in an aesthetically pleasing scenic area—pastoral, somewhat akin to desirable "open space."

A true measure of the tower's adverse impacts may be seen by how often its unacceptable height is noticed during the day or night by both neighbors and visitors. Comparing the two images in Chapter 4, page 21, Figure 4-6, page 19, Vision 1 "Existing Versus Post-Project Conditions (Daytime)" provides some understanding of just how visible the tower is. As mentioned, deciduous vegetation is not permanent, and with the drought, neither are oaks.

With the death of trees and the amount of time for any of them to reach 75', will the tower be taken down when it is no longer screened? Obviously, to any reasonable person, the tower is a hugely significant adverse impact and a violation to boot.

The DEIR splits hairs by claiming the tower is NOT on a ridge but rather on a knoll. The code also mentions "side hills" which applies here. We submit that after grading is completed for a 29,000+ sq ft facility and the winery gravity flow structure—plus parking and turn-around areas for semi-trucks hauling long dual trailers—the knoll may indeed end up being a ridge top. We could not find any analysis of that in the DEIR.

The DEIR insists that the tower will be screened: (Chpt 4, pg 21) "...and blue oak woodland canopy on the hillside in the background, where the octagon building would be located. Views of existing residences west of the project site are partially screened by trees and other vegetation." Again, no mention of the fact that oaks and other vegetation lose their leaves; thus there will be no "screening" during certain times of the year.

Equally remiss: Very few deciduous trees, including oaks, grow to 75'—especially on slopes; and if they should do so, it is highly likely that the winery owners would want them cut back or removed to not block the view from within the restaurant. Again, the fact that trees will neither "screen" the tower from view year round—nor ever completely screen parts of it—does not appear to be analyzed as the significant impact it is in the DEIR.

The DEIR concludes that screening "...would not sufficiently reduce the impact to a less-than significant level, as development of the proposed project would still

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10-9 cont.

10-10

10-11

10-12



10-12 cont.

substantially degrade the existing visual character or quality of public views of the site and its surroundings.” That alone should mean the tower has to be reduced to meet the County’s height limit or be denied. Instead, the DEIR conveniently concludes: “Therefore, even with implementation of the following mitigation measure, the impact would remain significant and unavoidable.”

DEIR, Chapter 16, Transportation

It appears that the DEIR’s trip generation statistics may have understated impacts from the “freestanding ‘fine dining’ restaurant with 32 seats...”

10-13

Chapter 1, Introduction, page 5, states, “Agricultural Promotional Events could occur any day of the week from 7:00 AM to 10:00 PM.” It further states that such Ag events are not limited in number, and that the applicant is requesting an increase in attendees at one time for such Ag events from 50 to 75. Special Events are allowed by right to a maximum of 12 per year, and a maximum of 200 people are allowed.

Under “Accessory Use—Restaurant,” page 6, these hours of operation are stated: “The reservation-only accessory restaurant/commercial kitchen could operate daily from 10:00 AM to 5:00 PM for tasting room support; 11:00 AM to 2:30 PM for lunch support; 5:30 PM to 10:00 PM for formal dinner support; 7:00 AM to 10:00 PM for Agricultural Promotional Event support; and 10:00 AM to 10:00 PM for Special Event support. Made-to-order lunch and dinner service would be limited to a maximum of 32 patrons each, seated in the dedicated 725-sf accessory restaurant area.”

10-14

It is important to note that during any 12-hour period (open hours of 10 AM to 10 PM), 32 restaurant customers can be served. How will this be enforced? “Complaint driven” is a totally unacceptable County policy when public health and safety issues are involved.

If the average length of stay, per customer, at the 725 sq ft restaurant is one hour (45 minutes of rotation), that equals a total of 384 potential customers passing through each day. At 2.5 per vehicle, that alone would generate approximately 154 trips just to the restaurant per day. Employees or other event or activity participants would be in addition to restaurant-generated trips.

10-15

Under “Project Trip Generation” (Chpt 16, page 17), it states, “A total of 50 visitors per day are expected to patronize the proposed project.” This is followed later in the same paragraph by, “A freestanding “fine dining” restaurant with 32 seats could generate 84 weekday trips and 82 Saturday trips.” The DEIR may be relying on “could,” but for an accurate appraisal of trip-generated transportation impacts, the full capacity (“worst case”) potential, especially during the 12 (or 13) operational hours, has to be provided to the public under CEQA. Speculation or owner intention is unacceptable and unreliable to determine the true transportation impacts. Possible ranges of trips may be acceptable, but without the full potential of the restaurant’s trip generation capacity, the DEIR is misleading the public.

10-16

Also of note, on page 18, it states that there is no limit to the number of ag promotional events in the County’s Wine and Farm Brewery Ordinance. Therefore, “...a total of 208 agricultural promotional events plus 23 annual special events are reasonable anticipated....” On page 19, with respect to event-associated trips, the DEIR states that “...the average rate of secondary regular agricultural events, would result in 140 average daily trips on both weekdays and Saturdays, with the PM peak hour on weekdays and the afternoon peak hour on Saturdays each resulting in 40 trips.” Later, same page, it is stated, “As shown in the table, the trip generation forecasts for days outside of harvest



range from 288 to 292 daily trips, and from 304 to 306 daily trips during harvest. The total trip generation forecast in Table 16-6 represents the “worst case” conditions on days when events occur assuming the accessory restaurant is operating as a “free standing” use.”

10-16 cont.

Using “worst case” conditions is appreciated, but we submit that the restaurant generated numbers are understated. Table 16-8, page 21 indicates the restaurant will be open 320 days (with a footnote); however, as stated elsewhere, the restaurant is open every day. The calculations should be based on 12-hour days, with 32 seats and treated as true capacity, or “worst case.”

DEIR, Chapter 21, Alternative Analysis

Aesthetics. “Project objectives” should never trump eliminating significant impacts. In our capitalistic economic system, it is not any governments’ responsibility to insure profits or success. Thus to follow laws, or reduce impacts, if “project objectives” cannot be met, or as stated in the DEIR, “only be partially met” (Chpt 21, Alternatives, pg 18), that should be of no concern to the County or any other governmental entity when mitigating impacts to insignificant.

10-17

The tower’s proposed “gravity filtration system” is being leveraged with questionable claims that it is needed, when promotion of the restaurant is more likely the intended beneficial use of the tower. If the filtration system use is in fact the priority, then the applicant should have determined the site was not height-legal or suitable for the unproven or experimental filtration system, rather than force significant impacts on the public view. The public should not have to pay for any applicants’ poor investment decisions related to activities (such as gravity flow filtration) that do not “pencil out” for profits.

If the gravity filtration system does not continue to work as claimed or promised (for a myriad of possible reasons), will the County have (and enforce) a Condition of Approval that the tower must then be taken down? If the filtration system is not utilized, will the County allow other uses at different levels of the tower?

The DEIR references the existence of significant impacts, “...related to substantially degrading the existing visual character or quality of public views of the site and its surroundings,” as well as cumulative development impacts from future buildout. However, it then states mitigation measures would reduce impacts but not to a less-than-significant level. This contradicts the most obvious, do-able mitigation measure or alternative: Simply reduce the “tower” to comply with the County’s legal height limit—in other words, follow zoning and code requirements as all others must do. The structure can still be constructed—it’s not a “no build” restriction. Taking a “significant and unavoidable” position on a serious impact that can be fully mitigated is an unnecessary “easy way out” and unacceptable.

Conclusion: Time constraints prohibit further analysis of this DEIR. Project 8 is the wrong project, for the wrong place, and needs to be rejected for its unacceptable significant adverse impacts.

Thank you for considering our view,



Marilyn Jasper, Chair



LETTER 10: PUBLIC INTEREST COALITION

Response to Comment 10-1

With respect to comments that do not address the adequacy of the Draft EIR but instead express views and recommendations regarding the merits of the project, such opinions have been considered by Placer County staff in developing the staff recommendation, and by the Planning Commission and the Board of Supervisors in their deliberations and decision-making regarding certification of the EIR and potential approval of the proposed project.

Please see Master Response 5 – ZTA regarding the concerns related to the ZTA.

Response to Comment 10-2

The commenter's opinion that the proposed project could be sold and that new owners could operate the site as a "beer bar" is speculative, and thus, not required to be analyzed under CEQA. Furthermore, the commenter's reference to a "beer bar" is unclear as to what is being suggested. The Winery and Farm Brewery Ordinance allows accessory restaurants to serve wine and/or beer produced by other wineries and/or farm breweries located in Placer County subject to compliance with state law [17.56.330(D)(3)(a)].

Response to Comment 10-3

Please see Master Response 4 – Accessory Restaurant.

Response to Comment 10-4

Comment noted. While the County appreciates the commenter's request for an extension of the Draft EIR public review period, the County complied with the legal requirements of CEQA Guidelines Section 15105(a), by affording a 45-day public comment period, and is under no legal obligation to extend said review period. A 45-day public review period on a Draft EIR is common practice amongst public agencies, and in this agency's and its consultant's experience, extending the Draft EIR comment period to a period longer than 45 days is fairly atypical and restricted to cases where unusual circumstances exist. The County does not consider the holidays as unusual circumstances.

Response to Comment 10-5

The Draft EIR evaluates potential impacts associated with the proposed project related to substantial degradation of the existing visual character or quality of public views of the site and its surroundings under Impact 4-2, starting on page 4-16. As detailed therein, substantial degradation would occur to the public views from Callison Road/Main Entry and the commuter rail line, due primarily to the proposed octagon building, which would extend above the existing tree canopy on the hillside and silhouette against the sky. To reduce the severity level of the significant impact, the Draft EIR requires Mitigation Measure 4-2, which includes provisions to reduce the visual intrusion of the proposed octagon building through incorporation of landscaping and colors and materials on the octagon building that are representative of surrounding oak woodland vegetation. However, as development of the octagon building would still substantially degrade the existing visual character or quality of public views of the site and its surroundings, the Draft EIR determines that the impact would remain significant and unavoidable.

The comment's suggestion that the Draft EIR evaluate more public views in which the proposed octagon building could potentially be seen is noted for the record. However, such an analysis would not change the conclusion determined in the Draft EIR under Impact 4-2, that even with



mitigation incorporated, the impact would remain significant and unavoidable. Furthermore, as stated on page 4-4 of the Draft EIR:

CEQA (Public Resources Code Section 21000 et seq.) case law has established that only public views, not private views, are protected under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488] the court determined that “we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: “[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.” Such a conclusion is consistent with the thresholds of significance established in Appendix G of the CEQA Guidelines.

Based on the above, the commenter’s assertion that “A neighbor or private citizen’s driving on any public road where the tower can be seen, constitutes a significant negative impact as a “public view”...” is not consistent with the courts’ rulings regarding this issue. Adverse effects on particular persons is not the issue. In addition, the commenter does not provide any specific locations where views would be adversely impacted. Nevertheless, the County recognizes that neighbors’ concerns are important and should be considered by the decision-makers during their deliberations on the proposed project. As a result, the comment has been forwarded to the decision-makers.

It is also important to consider that while the octagon building may afford visitors certain views of the Sacramento Valley and the Sierra Nevada foothills, it is unrealistic to think that a member of the public driving in the Sacramento Valley or Sierra Nevada foothills would consider the octagon building as a “totally out of place monstrosity” given the breadth of the surrounding view from such a distant location and intervening topography. The commenter has not provided any substantial evidence that distant views of the octagon building would substantially degrade the visual character or quality of the site and its surroundings. Per the thresholds of significance in the Draft EIR, drawn from Section I(c) of Appendix G of the CEQA Guidelines, the question is not whether the public can see the octagon building, but whether the octagon would substantially degrade the existing visual character or quality of the site and its surroundings from public viewpoints.

Response to Comment 10-6

It is not disingenuous for the Draft EIR to state that the octagon building would be partially screened from view by existing oak woodlands (Draft EIR, pg. 4-18). This is a true statement; the oak woodlands on the hillside, atop which the octagon would be located, retain their leaves throughout a substantial portion of the year. In addition, a small band of interior live oak woodland occurs along the project’s Callison Road frontage (DEIR, Figure 7-5). Interior live oaks are considered evergreen trees, meaning they retain their leaves year-round. The on-site interior live oak woodland would be retained as part of the project. Nevertheless, it is true that the octagon building would be more visible during fall and winter months of the year, during which deciduous trees drop their leaves. However, the significance determination in the Draft EIR does not rely on vegetation screening when reaching its conclusion. Even when the trees within the oak woodlands have their leaves, the Draft EIR concludes that the project’s aesthetic impact would be significant and unavoidable, with mitigation incorporated.



Response to Comment 10-7

The Draft EIR does not dismiss the potential impact of the proposed project to day or nighttime views in the project area. To the contrary, the Draft EIR includes evaluation of such potential impacts under Impact 4-3, which starts on page 4-26. As detailed therein, the octagon building would not be lit from outside. Rather, small openings in the facade would allow some light to escape, but would not substantially illuminate the landscape. Such lighting would be strategically located to define the building at night and foliage growing on the building would stand in contrast in front of window openings. Exterior lighting of the octagon building would be low output to avoid any impact beyond the area that needs to be lit and would minimize blue light emissions per International Dark-Sky Association (IDA) requirements. This exterior lighting would comply with Title 24 of the California Code of Regulations, IDA regulations, and Rural Design Guidelines for Placer County while meeting National Fire Protection Association (NFPA) 101 Life and Safety minimum egress illumination levels. Exterior lighting would be limited to occupied building hours when daylight is not sufficient to light the area and lights would be turned off after hours in compliance with Title 24 and the IDA requirements.

In addition, the window shutters at the tasting room level are designed to articulate between open and closed positions. Each shutter panel would be able to operate independent of its neighboring shutter. Collectively, they would be programmed to transition from the open position, to the closed position, and back to the open position throughout day, following the path of the sun. The design intent is to minimize exposure of the glazing to direct sunlight and, thus, to mitigate glare and conserve energy by reducing load on the building conditioning systems.

The shutters can also be closed during evening operations to further reduce the amount of interior light visible from exterior view.

Nevertheless, because the types of lighting and the specific locations have not yet been determined, the Draft EIR concludes that the proposed project could increase the amount of light and glare generated on-site, which could be visible from the surrounding residential development and roadways in the project vicinity, including contributions to nighttime sky glow that deteriorate the “dark sky” setting of the project site and surrounding environs. Therefore, the Draft EIR requires Mitigation Measure 4-3 to ensure compliance with applicable regulations. Thus, the discussions and analyses within the Draft EIR are adequate.

Response to Comment 10-8

The County disagrees that, whether or not the project is located in a designated scenic area, is irrelevant when determining consistency with General Plan Policy 1.K.1, cited by the commenter. Policy 1.K.1. notes that new development on ridgelines should be planned and designed in a manner which employs design, construction, and maintenance techniques that avoids locating structures along ridgelines and steep slopes. This policy achieves the greater Goal 1.K. which has the focus of protecting “...the visual and scenic resources of Placer County as important quality of life amenities for County residents and a principal asset in the promotion of recreation and tourism.” Thus, the intent of the policy is to avoid locating structures along ridgelines and steep slopes for purposes of protecting visual resources. The example cited in the policy includes river canyons, lake watersheds, scenic highway corridors, ridges, and steep slopes, none of which occur in the project site. A simple definition of a ridge is that of a long, narrow, elevated geomorphologic landform, structural feature, or combination of both separated from the surrounding terrain by steep sides. The sides of a ridge slope away from a narrow top, the crest or ridgecrest, with the terrain dropping down on either side. In addition, as a general policy the



County considers slopes greater than 30 percent or 17 degrees as steep and the knoll where the octagon building would be located does have some steep areas, but the building is not located in these areas (see Figure 1).

Page 4-18 of the Draft EIR explains that other nearby higher elevation areas constitute the ridgeline:

The existing background would be significantly altered, primarily through construction of the octagon building on the hilltop; however, the view of the existing forested ridgeline west of the project site would remain intact.

The commenter's concern about how the project impacts the character and visual quality of the area is the subject of other policies in the General Plan, which are appropriately evaluated in the Draft EIR (e.g., see page 4-21 and discussion of Policy 1.O.3(d); see also HBPCP Policy 1 and Policy 3 discussion on page 4-21). Please also see Response to Comment 9-33.

Response to Comment 10-9

Please see Responses to Comments 10-5 and 10-8.

Response to Comment 10-10

As stated in Response to Comment 10-6, the significance determination in the Draft EIR does not rely on vegetation screening when reaching its conclusion. Even when the trees within the oak woodlands have their leaves, the Draft EIR concludes that the project's aesthetic impact would be significant and unavoidable, with mitigation incorporated. In addition, Mitigation Measure 4-2, which starts on page 4-25 of the Draft EIR, requires the applicant to submit a Final Landscape Plan in conjunction with submittal of improvement plans or a building permit plan. Pursuant to the requirements set forth by Mitigation Measure 4-2, the Final Landscape Plan must include retention of the existing oak woodlands on the slope in front of the octagon building for screening purposes. It is important to note that in the event any existing oak woodlands to be used for screening purposes are damaged during project construction, the replacement oak woodlands must be planted to the satisfaction of the Placer County Community Development Resource Agency.

Response to Comment 10-11

Please see Response to Comment 10-10. The Draft EIR does not state that any existing or proposed trees will reach a height of 75 feet. The Draft EIR accurately states that the existing and proposed vegetation will partially screen the octagon building. Again, the significance determination in the Draft EIR does not rely on vegetation screening when reaching its conclusion. Even when the trees within the oak woodlands have their leaves, the Draft EIR concludes that the project's aesthetic impact would be significant and unavoidable, with mitigation incorporated.

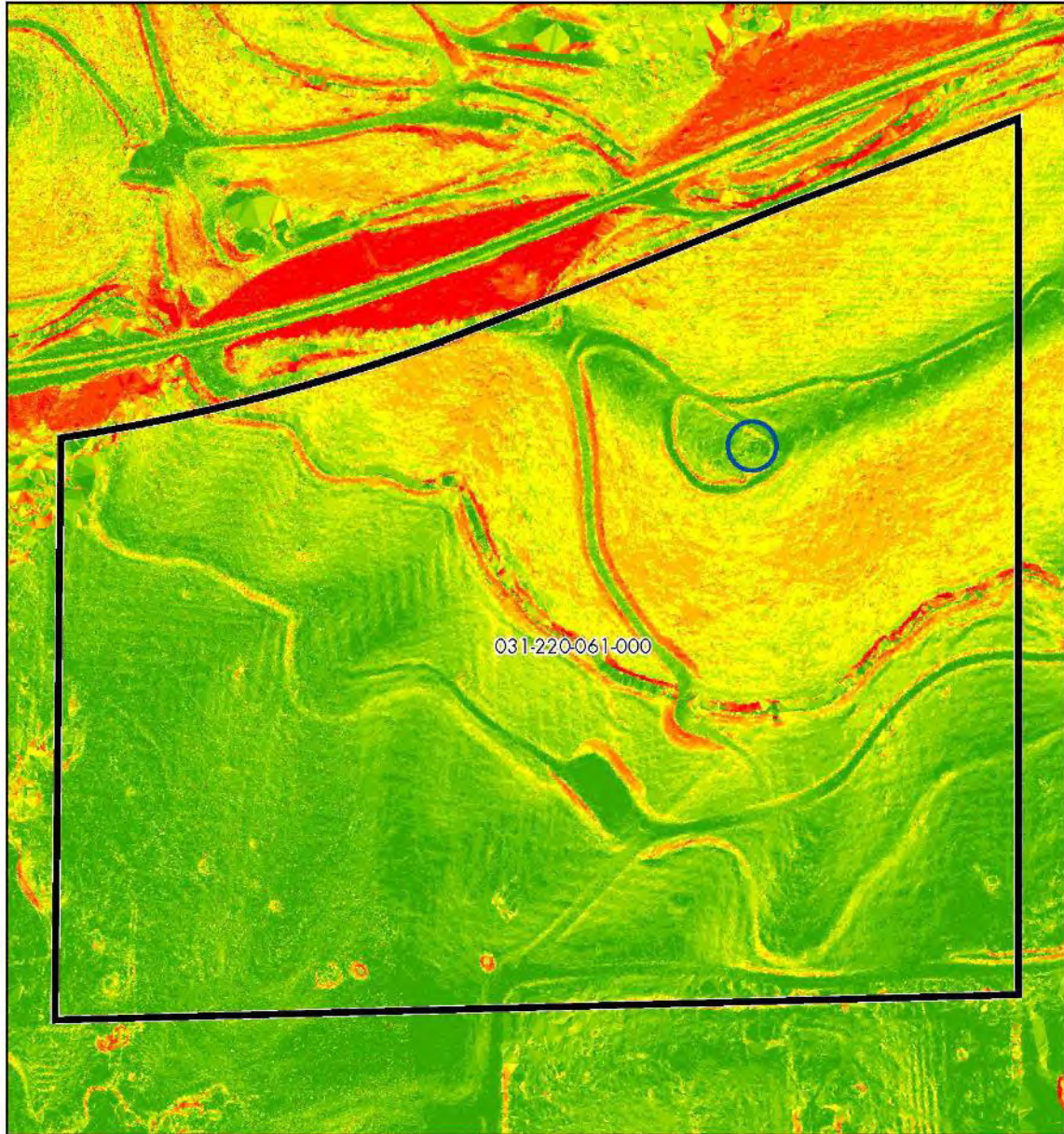
Response to Comment 10-12

The commenter's opinion that the octagon should be reduced in height or denied is noted for the record and has been provided to the decision-makers. It is important to note that the Draft EIR evaluates a Reduced Height Alternative, the intent of which is to substantially lessen the project's significant and unavoidable aesthetic impact. Please see Master Response 1 – Project Alternatives for further discussion.



Figure 1
Degree of Slopes in the Project Vicinity

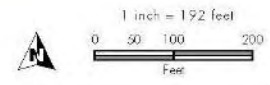
Degrees Slope in the Vicinity of APN 031-220-061-000



* Data percentage: 93.0

Slope (degrees)	0.00 - 4.91	4.91 - 8.57	8.57 - 12.55	12.55 - 16.88	16.88 - 21.11	21.11 - 26.25	26.25 - 32.92	32.92 - 41.82	41.82 - 90.00
	[Green]	[Light Green]	[Yellow-Green]	[Yellow]	[Orange-Yellow]	[Orange]	[Red-Orange]	[Red]	[Dark Red]

Data Disclaimer:
 The features on this map were prepared for geographic purposes only and are not intended to illustrate legal boundaries or supersede local ordinances. Official information concerning the features depicted on this map should be obtained from recorded documents and local governing agencies.



Response to Comment 10-13

The comment expresses a general opinion that the Draft EIR’s “trip generation statistics may have understated impacts,” but does not provide specific examples that would allow for a detailed response. Please also see Response to Comment 10-15.

Response to Comment 10-14

Please note, the accessory restaurant, as proposed, would not offer made-to-order dining service to customers from 10AM to 10PM as stated in the subject comment. Made-to-order dining service would only be available to patrons (on a reservation basis) from the hours of 11AM-2:30PM for lunch service and from 5:30PM-10PM for dinner service. This represents a combined total of 8 hours of service. The commercial kitchen would remain open throughout daily hours of operation (on an as needed basis) to support the tasting room (serving pre-made foods such as cheese and charcuterie plates) and event hosting operations. It is also important to note that the restaurant counter, from which pre-made food would be ordered in the tasting room, must remain open throughout tasting hours in order to serve Placer made beer, cider, etc. (as allowed by the Placer County Winery and Farm Brewery ordinance) per the California Department of Alcoholic Beverage Control (ABC) requirements.

Regarding customer capacity of the accessory restaurant, this would be limited by the physical configuration of the dedicated dining area which occupies a portion of the tasting room floor level. This dedicated dining area is the only location proposed for made-to-order dining service. It has been specifically designed to accommodate a maximum of 32 seated guests and incorporates physical separation between itself and the rest of the tasting room floor.

It should also be noted, the restaurant dining services offered would be experiential by design. A typical experience would consist of multiple small plate courses, each paired with a different wine, meant to be enjoyed at a relaxed pace. This results in a typical length of stay considerably longer than average service which further limits the number of guests that can be hosted during a typical meal service.

Lastly, the methodology used in the traffic impact analysis prepared for the Project 8 Draft EIR took a conservative “worst case” approach by using standard ITE trip generation rates for a “free standing” restaurant which exceed the applicant’s anticipated trip generation.

Response to Comment 10-15

As noted in the Draft EIR, the trip generation forecasts made for the accessory restaurant contained in the Draft EIR Transportation Impact analysis are based on trip generation rates published by the Institute of Transportation Engineers (ITE) based on data compiled from observation of restaurants nationwide. Use of ITE trip generation rates is the standard practice for estimating the trip generation for development proposals, and ITE rates are regularly accepted for this purpose by the State of California Department of Transportation and responsible agencies such as Placer County and the cities of Auburn, Rocklin, Roseville, Loomis and Lincoln. These estimates are not derived from proponent expectations for restaurant operation.

The estimate based on ITE rates is indicative of travel by restaurant patrons who are not already visiting the site for events or for wine tasting, as separate forecasts have been made by the trip generation for events and regular visitation (wine tasting). Food service to support wine tasting and events would not generate additional trips beyond those already forecast for persons participating in those activities.



The commenter offers an alternative “worst case” daily trip estimate assuming that the restaurant is fully occupied for each of the twelve hours from 10:00 AM to 10:00 PM and that each customer spends 60 minutes at the restaurant. This forecast is speculative and does not reflect the typical dining patterns at restaurants focused around average meal times.

The commenter questions the language of the Draft EIR text and suggests that the use of the verb “could” in this sentence implies speculation. No speculation is implied by the use of ITE rates, and the following minor clarification is hereby made to page 16-17 of the Draft EIR:

A freestanding “fine dining” restaurant with 32 seats ~~could~~ is expected to generate 84 weekday and 82 Saturday trips based on ITE rates.

This minor clarification does not affect the analysis in the Draft EIR which remains adequate.

Response to Comment 10-16

Please see Response to Comment 10-15.

Response to Comment 10-17

Please see Master Response 1 – Project Alternatives. The commenter’s recommendation for project denial and conditions of approval is noted for the record and has been forwarded to the decision-makers.



Letter 11

Placer County Environmental Coordination Services

From: Keri Askew <kerilynnaskew@gmail.com>
Sent: Friday, December 16, 2022 8:33 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

I am writing to express my support for Project 8 Winery. As a Placer County resident, I believe our community can benefit from additional agriculture and responsible economic development. Project 8 Winery will create additional opportunities for locals like myself and tourists to Placer County to enjoy our local agricultural products right where they are produced and create economic activity in a responsible way.

I support approval of Project 8 as proposed.

Keri Askew Bailey. Sent from my iPad

11-1



LETTER 11: KERI ASKEW BAILEY

Response to Comment 11-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 12

RECEIVED
JUN 16 2023
CDRA - Planning

Patricia Avalos
2075 Shirland Tract Rd
Auburn, CA 95603

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

Re: Please accept this letter in reference to Project 8 Winery

Dear Ms. Herrington,

I am writing to extend my support for the Project 8 Winery. As a Placer County native, I see much potential with this winery. I agree with its vision of sustainability and investment towards the future.

Placer County has a rich history of agriculture, from its mandarin, pear, and persimmon orchards, to the olive groves, and more recent wineries. Project 8 will be an attractive destination and potential boon for the local economy, by adding jobs and tax revenue to the county. We can also see the potential to provide business and agricultural internships to local students from Sierra College, Sacramento State, and UC Davis.

The project developers have also ensured that this winery will use sustainable practices and locally source granite for its facilities. It will also feature the history of Placer County, from its railroads (the location of the vineyard is nestled between two main railroads), agriculture, and Gold Rush. The facilities will also offer appealing views, world class wines and food. I believe the developers are fully invested and can cover the costs (present and future) of this winery.

Please let me know if you have any questions. You may contact me at 916-203-3249.

Respectfully,
Patricia Avalos

12-1



LETTER 12: PATRICIA AVALOS

Response to Comment 12-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 13

Placer County Environmental Coordination Services

From: Arietta Balestreri <ariettabalestreri62@gmail.com>
Sent: Friday, December 23, 2022 11:18 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Opposed to Project 8, Please read to the end.

13-1

AREAS OF KNOWN CONTROVERSY

Areas of controversy that were identified in NOP comment letters, and are otherwise known for the project area, include the following:

- Maintaining the rural aesthetic of the area;
- Increase in light and glare within surrounding residential areas;
- Scenic Corridor preservation;
- Project compliance with Ridgeline Protection and County design policies;
- Violation of a Williamson Act Contract;
- Increases in air quality emissions and impacts to climate change;
- Biological impacts associated with wildlife and plant habitats;
- Impacts upon cultural, historical, or tribal resources at the project site;
- Preservation of historic roads;
- Seismic hazards;
- Soil capability of supporting the use of septic tanks;
- Increased stormwater runoff causing soil erosion, flooding, or pollution;
- Use of pesticides, fungicides, and herbicides;
- Redesignation of agricultural zoning;
- The incongruity of industrial/retail use with agricultural and rural residential surroundings;
- Noise increases
- Increased need for police enforcement;
- Traffic increases along existing surrounding roadways; and
- Suitability of access

13-2

Here it is, in addition, I want to add that it is an invasion of privacy to the nearby residents, and how is it going to affect the wells of residents of our community? Plus, there is not even an equipped firehouse and it is

13-3

simply rude, dangerous, and insulting to our area. How is this going to serve the great good and our future generations?

Thank you,

Arietta Balestreri



LETTER 13: ARIETTA BALESTRERI

Response to Comment 13-1

The comment lists the Areas of Known Controversy identified in the NOP comment letters and provided on page 2-5 of the Draft EIR, but does not address the adequacy of the Draft EIR.

Response to Comment 13-2

The comment does not address the adequacy of the Draft EIR. Rather, the comment expresses a general opinion that the proposed project would constitute an invasion of privacy to nearby residents, which is not an environmental issue area protected under CEQA. For instance, as stated on page 4-4 of the Draft EIR:

CEQA (Public Resources Code Section 21000 et seq.) case law has established that only public views, not private views, are protected under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488] the court determined that “we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: “[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.” Such a conclusion is consistent with the thresholds of significance established in Appendix G of the CEQA Guidelines.

Potential impacts associated with the proposed project related to groundwater quality are evaluated in Chapter 12, Hydrology and Water Quality, of the Draft EIR. Potential impacts related to water supply are assessed in Chapter 15, Public Services and Utilities, of the Draft EIR.

Response to Comment 13-3

The comment expresses the general opinion that “there is not even an equipped firehouse,” but does not specify if the concern pertains to an on-site or off-site fire station. Potential impacts associated with the proposed project related to the provision of fire protection services are evaluated in Chapter 15, Public Services and Utilities, of the Draft EIR. As discussed on page 15-1 of the Draft EIR, the project site would be provided fire protection services by the Penryn Fire Protection District (PFPD), as well as the Newcastle Fire Protection District (NFPD). More specifically, the proposed octagon building is within the PFPD district, and the proposed warehouse building is within the NFPD boundaries. As detailed on page 15-3 of the Draft EIR, the PFPD is served by one station, located in the center of the town of Penryn, at 7206 Church Street, approximately 2.1 miles from the project site. The NFPD is also served by one station, located at 9350 Old State Highway, approximately 1.7 miles northeast of the project site.

Views and recommendations regarding the merits of the project have been considered by Placer County staff in developing the staff recommendation, and by the Planning Commission and the Board of Supervisors in their deliberations and decision-making regarding certification of the EIR and merits of the proposed project.



Letter 14

Placer County Environmental Coordination Services

From: Andrea Bell <andy.andrea.bell@hotmail.com>
Sent: Thursday, December 15, 2022 11:01 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Project 8 Winery

Placer County Board of Supervisors,
I wanted to take a moment to share my thoughts with you as you consider the Project 8 Winery and its Draft Environmental Impact Report.

I am a local Placer County resident, and business owner. I also own a home and property that shares the Eastern property line with the future Project 8 Winery. This makes us the immediate next-door neighbor if you will.

To be honest I had my reservations when I first became aware of this project. I remember seeing Facebook posts about this huge rotating restaurant coming to ruin the rural lifestyle we all covet in the Penryn/Newcastle Community. I heard the project was going to impact the water available in our area and traffic was going to ruin the streets. It sounded alarming in that moment.

However, instead of being influenced by social media and the pre-determined opinions shared there, I decided to review and analyze this project for myself.

I started by reading the public draft EIR documents. Included I found sections depicting the Winery's plans for preserving the local oak trees and vegetation. They have worked hard to minimize natural view impacts to the local community. I came to this conclusion when reviewing the included EIR renderings. These images show that from the public streets and adjacent areas around the project the winery building is barely visible. I found the plan which requires the height variance was actually less visually intrusive than the alternates, as they required the removal of more natural oak trees and vegetation.

As a next-door neighbor, it seems clear to me the towering rotating restaurant fears I read on social media are misleading.

I also read the section on water and how the project will mitigate its impacts. I found it interesting that their primary source of water is over 30 inches of PCWA water, supported only in a backup fashion by drilled domestic wells. I had feared this project was going to use up the available aquifer ground water I rely on at my property, and was pleased to see they have no intention of that. Judging by the level of care taken to update, remediate, and improve the ponds along Taylor and Callison Road, it is clear that the environment is a priority. It's a bonus to use that water for re-use on the property or in the event of a fire.

I welcome this unique project in our community and by all accounts from what I have read and seen first-hand, Project 8 has gone above and beyond to be good stewards to our environment. I suggest the board approve this project as presented.

Andy & Andrea Bell
8425 Azores Ln
Newcastle, CA

14-1



LETTER 14: ANDY AND ANDREA BELL

Response to Comment 14-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 15

Placer County Environmental Coordination Services

From: Damon Belman <vikingsfan510@gmail.com>
Sent: Thursday, December 8, 2022 11:53 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

15-1

To the Placer County Board of Supervisors,

I live in Placer County and work for BEM. I am fortunate enough to work in the same community that I live in and think the Project 8 Winery would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.



LETTER 15: DAMON BELMAN

Response to Comment 15-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 16

Commissioners,

Thank you for the opportunity to provide input on the Winery 8 DEIR.

- 16-1 [The current Winery & Farm Brewery Zoning Text Amendment (PCPJ 20130151) was updated in June 2020 after over a decade of input from the public and work by Placer County. The certified EIR with the associated impacts, assumptions and growth projections were stated to be good for 20 years. Now within just a couple years of being approved, the Winery 8 applicant has proposed 1) an amendment to the Winery & Brewery ordinance zoning text Amendment to increase to building heights allowed exclusively for the Winery & Brewery industry, 2) a change to the number of participants allowed for promotional and special events for their specific project with a Conditional Use Permit, and 3) that the Winery 8 project be approved even though significant impacts of Aesthetics and Transportation have been identified in the draft EIR.
- There are several procedural mis-steps by the county and questions that need to be addressed in the Draft EIR:
- 16-2 [
- 16-3 [
- **The project definition in the Winery 8 Project DEIR is unclear**
 - **An amendment to the Winery and Brewery Zoning Text Amendment is a prerequisite to the Winery 8 project entitlements. Any amendment to the Winery and Brewery Zoning Text Amendment which impacts all of Placer County should be Placer County led not led by specific wants of a single project's applicant.**
 - An amendment to a Winery and Brewery ordinance by Placer County is a prerequisite to Winery 8 Project consideration. Placer County residents, agriculture, and other Placer business needs should come before an individual project request
 - **Proposed amendment to the Winery & Brewery Zoning Text Amendment to increase to building heights allowed exclusively for the Winery & Brewery industry**
 - The proposed 75-foot tower is a self-induced design choice. From a CEQA standpoint, the County has identified this height as a "necessary" part of the project and made it a project objective. **Seventy- five-foot structures are not needed to do gravity flow filtration for wineries. Gravity flow filtration can be built underground which could eliminate the need for buildings higher than Placer code specifies OR the need for a zoning text amendment.**
 - <https://www.winemag.com/2019/01/07/gravity-flow-wineries/>
 - Water usage required for pumping using Winery 8 methodology needs to be quantified in the DEIR.
- 16-4 [
- 16-5 [



- 16-6
 - Energy usage required for pumping using Winery 8 methodology needs to be quantified in the DEIR.
- 16-7
 - An underground design option was not presented as an alternative in the DEIR. The draft EIR is inadequate in analyzing only 3 alternatives. Should the Zoning Text Amendment not be approved by Placer County, only the reduced height or the no build alternatives remain, therefore a 4th alternative needs to be added.
- 16-8
 - A Zoning Text Amendment is being proposed by the Winery 8 Applicant specifically for the Winery and Brewery industry. Enjoyment of property is guaranteed across a zoning district. It cannot be arbitrarily decided that wineries and only wineries are not bound by height restrictions as it creates a class of one in a zoning district which violates CEQA. Therefore, the DEIR would have to evaluate impacts of all property owners in zoning districts where wineries are permitted. The DEIR should address all property owners in zoning districts where wineries are allowed and address all other industries in Placer County.
- 16-9
 - **Variations are provided in County code for disadvantaged properties; Winery 8 does not meet the qualifications for a variance as the property is not disadvantaged.** There are 2 types of variations: area and use. A self-induced "height" is not a use. The uses are the winery and the accessory restaurant. The DEIR should explain why the applicant not qualifying for a variance to meet project objectives qualifies he applicant for the entitlement of a zoning text amendment
- 16-10
 - The DEIR should identify why the Winery 8 project proposal should be allowed to operate outside of Placer Code and that all others in the district are required to conform to when submitting a project application.
- 16-11
 - **The applicant's request to have more participants than the Winery & Brewery Ordinance is covered in the Additional accommodations for large wineries (20,000+ case production).** "Additional attendees at Agricultural Promotional Events, subject only to a Conditional Use Permit and applicable only to large wineries on parcels greater than 40 acres, was incorporated as part of the April 23 Planning Commission recommendation. Although large scale winery operation was not originally envisioned because of the lack of these types of facilities in Placer County, the proposed change would be supportive of the overall project objectives. This proposed change coincides with and is consistent with the change in #8 above to allow additional attendees and additional special events for large wineries on parcels greater than 40 acres. As such, the following change is proposed to Section 17.56.330(D)(4)(a) (Agricultural Promotional Events): For large wineries located on 40 acres or greater, **additional attendees may be permitted subject to a Conditional Use Permit**".
 - While a Planning Commission "discussion" supporting a goal to allow additional guests with a conditional use permit may be



16-11 cont.	<p>permitted for large wineries, the certified EIR for the 2020 winery update did not provide any quantifiable data to evaluate potential impacts for “additional guests”. This last minute “add” to an update over a decade in the making to satisfy a large winery owner was a special privilege. The goal to allow additional guests with a Conditional Use Permit should only be considered if there are no project significant impacts harmful to guests and the community regarding air quality, water, noise, transportation, drainage, soil contamination, aesthetics etc.</p>
16-12	<ul style="list-style-type: none"> ○ The 2 significant impacts in the Winery 8 DEIR indicate a CUP does not adequately cover a CUP allowing additional guests. The mitigation measures do not reliably cover the mitigation.
16-13	<ul style="list-style-type: none"> • A commercial restaurant redefines the restaurant to a primary rather than an accessory use. This changes the goal laid out in the ordinance for an accessory restaurant and changes the character of the facility within the local community. The DEIR should address how a commercial kitchen qualifies as an accessory use.
16-14	<ul style="list-style-type: none"> • The significant impact for transportation should require a response regarding how the Winery 8 project will meet the 2030 State of California Climate goals and a response regarding public transit available in the Winery 8 area and along the wine trail along with any mitigation required from the applicant for any service needs that the Winery should be paying in mitigation.
16-15	<ul style="list-style-type: none"> • Cumulative impacts for the Winery 8 project should be assessed including energy consumption, water consumption, and emissions.
16-16	<ul style="list-style-type: none"> • Cumulative impacts for ALL winery projects approved since the adoption of the Winery & Brewery Ordinance should be included an assessment of cumulative impacts to determine assessment CA climate goals for 2030, water resources, and energy resources.



- 16-17 [
 - **Placer County enforcement availability, capability to respond for this project, and reporting capability needs to be clarified in the DEIR.**
 - Numerous resident complaints regarding existing winery events in Placer County have not been adequately staffed, reported, or resolved. How will Winery 8 resident complaints to law enforcement for winery events be managed? How are number of special events monitored and reported?
 - Placer County has identified a lack of current personnel available for enforcement for projects in Placer County (Board of Supervisors hearing December 2022).
 - Residents report winery event complaints to Sheriff's department rather than to Placer County code enforcement. Placer County has not provided a feedback loop from law enforcement to code enforcement to address winery event complaints. This "disconnect" should be addressed in the Winery 8 DEIR). What Placer resources and mechanisms will be available to respond to Winery 8 event complaints to law enforcement real-time?
- 16-18 [
 - The Development Review Committee should have agendaized any Zoning Text Amendment for Wineries with a legislative code being proposed and minutes made available to the public.
- 16-19 [

Thank you for your consideration. Please include my comments as part of the administrative record.

Cheryl Berkema
Placer County Resident

Project references

Project 8 Winery DEIR at Planning Commission	https://www.placer.ca.gov/7767/Project-8-Winery
Winery & Farm brewery ordinance	https://www.placer.ca.gov/2799/Winery-Farm-Brewery-Ordinance



Gravity flow filtration	https://www.winemag.com/2019/01/07/gravity-flow-wineries/
Noise	https://www.placer.ca.gov/6679/Winery-and-farm-brewery-update https://www.placer.ca.gov/DocumentCenter/View/42495/Appendix-A---Noise-Ordinance-Enforcement-PDF



LETTER 16: CHERYL BERKEMA

Response to Comment 16-1

The comment is an introductory statement and summarizes concerns that have been expressed more specifically in subsequent comments. Please see the following responses to comments.

Response to Comment 16-2

The comment expresses a general opinion that the “project definition” of the proposed project in the Draft EIR is unclear, but does not provide specific examples that would allow for a detailed response, including what exactly the commenter is referring through the term “project definition.”

Response to Comment 16-3

The comment does not address the adequacy of the Draft EIR, but has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Please also see Master Response 5 – ZTA.

Response to Comment 16-4

In accordance with CEQA Guidelines Section 15124, the Project Description chapter of the Draft EIR includes a list of objectives developed by the project applicant, not the County. Project Objective #3 identifies gravity flow processing as a method that will assist in producing high-quality wine. The applicant’s proposed means of achieving gravity flow processing is utilization of the structure atop the hill located on-site. Neither the applicant, their objective, nor the Draft EIR, claim that this is the only available means of filtration. In further support, page 3-9 of the Draft EIR states in reference to the octagon structure:

The building would sit atop the hill located in the northern portion of the project site in order to allow for gravity filtration down to the wine cave level, as well as to provide views overlooking the existing vineyards below (see Figure 3-6).

The Draft EIR clearly states that the octagon building is how the applicant proposes to achieve gravity filtration. As can be seen in the above excerpt, the Draft EIR also acknowledges that the octagon is a means by which views of the winery and surroundings can be provided. Please see Master Response 1 – Project Alternatives and Master Response 3 – Octagon Building and Gravity Processing for further discussion regarding the commenter’s suggestion that gravity flow filtration can be built underground.

Response to Comment 16-5

In responding to this comment, an assumption has been made that “pumping using Winery 8 methodology” refers to pumping required by the process of gravity filtration to be employed at the proposed Project 8 facility. If this assumption is correct, no analysis is required because water is not used in the gravity filtration process apart from the cleaning of the associated equipment, which represents no usage above and beyond what is required when using alternative methods for filtration of in-process wine. Furthermore, in the gravity filtration process, pumping is not required as the wine is lifted via elevator to the upper processing level in 500-gallon totes.



Response to Comment 16-6

In responding to this comment, an assumption has been made that “pumping using Winery 8 methodology” refers to pumping required by the process of gravity filtration to be employed at the proposed Project 8 facility. If this assumption is correct, no analysis is required because there is no energy usage associated with pumping to be analyzed in the gravity filtration process. The primary intent of utilizing a gravity filtration process is to, as much as is feasible, eliminate the use of pumps and thus mitigate the negative effects their use has on finished product. That said, there is still energy usage tied to the gravity filtration process. For example, the primary energy usage for gravity filtration is associated with conveying the unfiltered wine to the upper processing level using elevators. Alternatively, the primary energy usage for a conventional pump filtration process is associated with the pumps themselves and there is considerably more energy loss resulting from running the filtration pumps for an extended period of time (heat, friction, motor efficiency, etc.) than from the brief operation of the elevators to lift the unfiltered wine. It is also worth noting, transport of the wine totes to the upper processing level is anticipated to occur primarily during standard daytime working hours such that the energy required could be provided directly by onsite photovoltaic power generation.

Response to Comment 16-7

Please see Master Response 1 – Project Alternatives.

Response to Comment 16-8

Please see Master Response 5 – ZTA.

Response to Comment 16-9

The comment does not address the adequacy of the Draft EIR, but rather poses questions about the discretionary entitlements required for the proposed project, which do not include a request for County approval of a Variance. The comment has been forwarded to the decision-makers for their consideration.

Response to Comment 16-10

The commenter’s statement that the proposed project would be allowed to operate “outside of Placer Code” is unclear, nor does it appear to address the adequacy of the Draft EIR. Nevertheless, it is noted that, with the exception of the requested height of the octagon structure, the other proposed operational parameters, including maximum number of attendees at one time during agricultural promotional events, the accessory restaurant and its proposed hours of operations, are allowable under the County Winery and Farm Brewery Ordinance, subject to County discretionary review and approval of a CUP. Regarding the requested ZTA, please see Master Response 5 – ZTA.

Response to Comment 16-11

The comment does not address the adequacy of the Draft EIR but has been noted for the record and forwarded to the decisionmakers. Section 17.56.330(D)(4)(a) of the Winery and Farm Brewery Ordinance states:

- a. Agricultural Promotional Events. Tasting rooms may include agricultural promotional events sponsored by a winery or farm brewery that are intended for the promotion and sale of the facility’s product, as defined in subsection B above. Agricultural promotional events are not limited in number. **For large wineries located on forty**



(40) acres or greater, additional attendees may be permitted subject to a conditional use permit. (emphasis added)

This section of the Code places no such limitation requested by the commenter that additional guests should only be allowed if there are no project significant impacts harmful to guests and the community. The decision whether to approve a project for which an EIR has identified significant and unavoidable impacts is a policy decision for the decision-makers, in this case, the Placer County Board of Supervisors. In order to approve such a project (i.e., a project having significant and unavoidable impacts), pursuant to CEQA Guidelines Section 15091, CEQA requires the decision-making agency make certain findings regarding each of the project's significant impacts, and for those impacts that are considered significant and unavoidable, 15093 requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable," and the lead agency shall provide a Statement of Overriding Considerations giving the specific reasons for approving the project.

Response to Comment 16-12

The meaning of the comment is unclear. The commenter appears to suggest that because the proposed project would have two significant and unavoidable impacts, a CUP is not appropriate for the project. Section 17.58.140, Permit Issuance, of the Placer County Code, provides the findings that the County must make before approving a CUP. Finding 3 states:

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; except that a proposed use may be approved contrary to this finding where the granting authority determines that extenuating circumstances justify approval and enable the making of specific overriding findings.

Thus, the decisionmakers have the authority to approve a project having significant impacts when specific overriding findings are made. Please also see Response to Comment 16-11.

Response to Comment 16-13

This comment does not address the adequacy of the Draft EIR; however, the comment has been further discussed in the staff report and provided to decision-makers for their consideration. Please see Master Response 4 – Accessory Restaurant.

Response to Comment 16-14

Potential impacts related to GHG emissions and VMT are evaluated separately in Chapter 6, Air Quality and Greenhouse Gas Emissions, and Chapter 16, Transportation, of the Draft EIR, respectively. Consistent with Section VIII of CEQA Guidelines Appendix G, and as evaluated in the Draft EIR, the proposed project would result in a potentially significant impact related to GHG emissions if the project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation



adopted for the purpose of reducing the emissions of GHGs. Meanwhile, consistent with Section XVII(b) of Appendix G, and as evaluated in the Draft EIR, the project would result in a potentially significant impact related to VMT if the project conflicts or is inconsistent with CEQA Guidelines Section 15064.3(b). Thus, although climate change is exacerbated, in part, due to GHG emissions generated by combustion-engine vehicle use, from a CEQA standpoint, the thresholds of significance for potential impacts related to GHG emissions and VMT are distinct from each other. Therefore, the Draft EIR's identification of a significant VMT impact does not automatically result in a significant impact related to GHG emissions and climate change.

The Draft EIR evaluates the proposed project's potential to generate GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs under Impact 6-6, which starts on page 6-45. As detailed therein, the project's maximum annual construction-related GHG emissions would be well below the PCAPCD's bright-line threshold of 10,000 MTCO₂e/yr (see Table 6-10 on page 6-46 of the Draft EIR). In addition, the proposed project would result in operational GHG emissions below the applicable PCAPCD efficiency threshold (see Table 6-12 on page 6-47 of the Draft EIR). Therefore, operation of the proposed project would not be considered to generate GHG emissions that may have a significant impact on the environment. Finally, the Draft EIR evaluates the proposed project's consistency with the Placer County Sustainability Plan (PCSP) on page 6-47. As discussed therein, the PCSP establishes a target of reducing GHG emissions from Placer County to 15 percent below 2005 levels by 2020 and achieving the statewide per capita efficiency target of six MTCO₂e per person by 2030. The GHG reductions presented within the PCSP are designed to achieve the State's adopted AB 32 and SB 32 reduction targets. Under the PCSP, the County utilizes the PCAPCD recommended GHG thresholds to determine whether PCSP emission reduction measures are required. Because the proposed project's operational GHG emissions would be below the applicable thresholds, implementation of the GHG reduction measures included in the PCSP is not required. Accordingly, the proposed project would not conflict with implementation of the PCSP or the State's 2030 GHG reduction goals, as established by SB 32.

Potential impacts associated with the proposed project related to pedestrian, bicycle, and transit facilities are evaluated in Chapter 16, Transportation, of the Draft EIR, starting on page 16-27. As detailed therein, fixed-route transit service currently operates along Taylor Road in the project vicinity; however, the project's traffic contribution to roads near the Taylor Road/English Colony Way transit stop would be too slight to adversely affect on-time performance (see Table 16-6 and Table 16-8 of the Draft EIR). Additionally, development of the proposed project would not interfere with implementation of a planned transit service or facility. The project would not result in increased transit ridership demand that would result in passenger loads in excess of applicable vehicle loading standards. Finally, as the project access is not adjacent to any transit facility, the project would not result in increased potential for safety conflicts involving transit vehicles and other modes of travel. As such, the Draft EIR concludes on page 16-29 that the proposed project would not adversely affect transit service and/or facilities. Thus, while the project would be subject to all applicable development impact fees set forth by Placer County on new development, the project would not be subject to mitigation requiring payment for increased transit services beyond any fees that are already required pursuant to the Placer County Code.

Response to Comment 16-15

Cumulative impacts that could occur as a result of reasonably foreseeable future development, in combination with the proposed project, are evaluated throughout the various technical chapters



of the Draft EIR. Cumulative impacts related to energy, water consumption, and emissions are evaluated in Chapter 9, Energy; Chapter 15, Public Services and Utilities; and Chapter 6, Air Quality and Greenhouse Gas Emissions, of the Draft EIR. Please see the discussions and analyses contained therein.

Response to Comment 16-16

CEQA Guidelines Section 15130 requires that an EIR discuss the cumulative and long-term effects of the proposed project that would adversely affect the environment. Section 15130(b) of CEQA Guidelines indicates that the level of detail of the cumulative analysis need not be as great as for the project impact analyses, but that analysis should reflect the severity of the impacts and their likelihood of occurrence, and that the analysis should be focused, practical, and reasonable. As established throughout the various technical chapters of the Draft EIR, the cumulative setting for the proposed project consists of the HBPCP area and the Bickford Ranch Specific Plan (BRSP) area. Winery projects have not been approved recently within the cumulative setting established within the Draft EIR. As such, the Draft EIR does not evaluate other winery projects, that, in combination with the proposed project, could have a cumulative impact, as none exist.

Response to Comment 16-17

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

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



Response to Comment 16-18

This comment does not address the adequacy of the Draft EIR. The commenter states the ZTA should be on the Development Review Committee agenda. The entire Project 8 Winery is still under entitlement review and will be on a future Development Review Committee agenda for a recommendation.

Response to Comment 16-19

The comment is a conclusion and does not address the adequacy of the Draft EIR. The commenter's views have been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 17

Shirlee Herrington

From: Jennifer Byous
Sent: Tuesday, December 27, 2022 5:22 PM
To: Cheryl Berkema
Cc: Leigh Chavez; Clayton Cook; Christopher Schmidt; Andrea Dashiell; Shirlee Herrington
Subject: RE: [EXTERNAL] Winery 8 project requests for transparency
Attachments: RE: [EXTERNAL] Winery 8 project requests for transparency

Hi Cheryl,

Please see my attached email from 12/19/22 that includes responses to many of your questions below (please confirm you have receive the attachments). It is County policy to post public hearing meeting audio/videos, and often times the audio/videos are not posted for sometime after the hearing. The December 15th hearing was properly noticed and was broadcast online, the public was able to view and provide comments during the meeting. There was a technical issue with the initial post however, that was fixed on 12/20/22 and now the complete audio/video from the December 15th Planning Commission meeting is available on YouTube https://www.youtube.com/watch?v=EZ3j7FEwOAY&list=PL3xCcAHtINxdWpN-yAtzqWu_-YvzcXLq2&index=33

We don't post public comments until the final EIR, but I did provide the comments we have received on the project as of 12/19/22 with the previous email.

PRA has been submitted for your request for the press release communications sent to the Media for the project 8 winery and the public notices placed for the Winery 8 project. A response will be provided in accordance with PRA timeline requirements.

We received your other comments in the email below and will include in record of public comment on Project 8.

Thank you for your comments,
Jen

From: Cheryl Berkema <cheryl.berkema@gmail.com>
Sent: Friday, December 23, 2022 4:56 PM
To: Leigh Chavez <LChavez@placer.ca.gov>
Cc: Clayton Cook <CCook@placer.ca.gov>; Andrea Dashiell <ADashiel@placer.ca.gov>; Christopher Schmidt <CRSchmid@placer.ca.gov>; Jennifer Byous <JByous@placer.ca.gov>
Subject: Re: [EXTERNAL] Winery 8 project requests for transparency

Thank you Chris, Jennifer, and Leigh, for your responses and materials.

Regarding my requests:

17-1



17-1 cont.

Due to the lack of transparency thus far with the Winery 8 project, I request that the County take the following actions:

- Promptly post the Planning Commission December 15th Planning Commission video, public comments received for the hearing, and Planning presentation on the Planning Commission website for Dec 15th and the Winery 8 project website. The public that was not aware of the hearing should be able to view what was presented at the hearing and the public commentary to assist in making their comment on the DEIR.
 - The December 15th Planning Commission Video is incomplete.
 - The Planning Presentation and public comments received on the DEIR for the Planning Commission hearing on Dec 15th are not posted where the public can easily reference them to make comments to the DEIR.
- Post articles in the Sacramento Bee and in Gold Country Media informing the DEIR comment period and summary of comments received at the Planning Commission along with where to access the project information (DEIR, public comments, hearing video, and presentation).
 - Please consider this request a public records request - the press release communications sent to the Media for the project 8 winery and the public notices placed for the Winery 8 project.
 - This is the largest proposed winery in Placer County. Wineries are located in rural unincorporated Placer County, the local free newspapers should have received public notices (in addition to the metropolitan subscription paper).
 - The Winery 8 DEIR asserts significant impacts that impact the local community, not just those within 300 ft. The local community affected by the DEIR proposal was not properly noticed.
 - The Winery 8 DEIR requests entitlements that can impact residents across Placer County. Placer County residents were not properly noticed that the Winery 8 DEIR with entitlements that can have County wide impacts was under review
- Post an article in the Placer Newsletter about the Winery 8 project with a summary of feedback received thus far along with where to access the project information (DEIR, public comments, video and presentation).
 - Placer Planning failed to include the public hearing in the Dec 8th release to alert residents to the upcoming Winery 8 Planning Commission hearing
 - The Placer Newsletter 12/23/2022 did not provide information about the Winery 8 DEIR comment period and deadline
- Extend the comment period for the Winery 8 project DEIR.
 - For all of the reasons above for failure to notify the public and for the lack of winery 8 project information available, the comment period should be extended.

Thank you for your responses. Please consider doing due diligence for the residents on this project. It is greatly appreciated that the Planning Commission sponsors a hearing to engage the public. Not really giving residents the opportunity to attend the hearing and be involved in the process is a dis-service.

Happy Holidays,

Cheryl Berkema

On Thu, Dec 22, 2022 at 10:36 AM Leigh Chavez <LChavez@placer.ca.gov> wrote:

Good morning, Ms. Berkema,



Thank you for your comments on the Project 8 Winery. Please note that at this time the County will not be extending the 45-day DEIR public comment period.

Thank you,

Leigh Chavez

Principal Planner/Environmental Coordinator

Placer County Community Development Resource Agency

Office: 530.745.3077

Cell: 530.320.7680

From: Jennifer Byous <JByous@placer.ca.gov>

Sent: Monday, December 19, 2022 3:07 PM

To: Cheryl Berkema <cheryl.berkema@gmail.com>

Cc: Clayton Cook <CCook@placer.ca.gov>; Andrea Dashiell <ADashiel@placer.ca.gov>; Christopher Schmidt <CRSchmid@placer.ca.gov>

Subject: RE: [EXTERNAL] Winery 8 project requests for transparency

Hi Cheryl,

Attached, please find the requested comments received by County on Project 8 Winery as 12/15/22 as well as the PDF of staff's Dec 15th Planning Commission presentation. For this project, a press release was sent to local media outlets and posted on County's website on Nov 17th [News Flash • Placer County, CA • CivicEngage](#) regarding the Project's DEIR. The Nov 18th Placer Newsletter also including information about the DEIR. Beyond the press release the County does not post article in the local media. We do however post Planning Commission hearing notices in the Sacramento Bee and this was done for the Dec 15th planning commission meeting.

The Planning Commission Dec 15th meeting was broadcast online and the public was able to view and provide comments during the meeting. The December 15th meeting is posted on



the [YouTube](#) channel, however that version is missing portion of the broadcast and IT is working fix that.

Hope you find this information helpful.

Jen

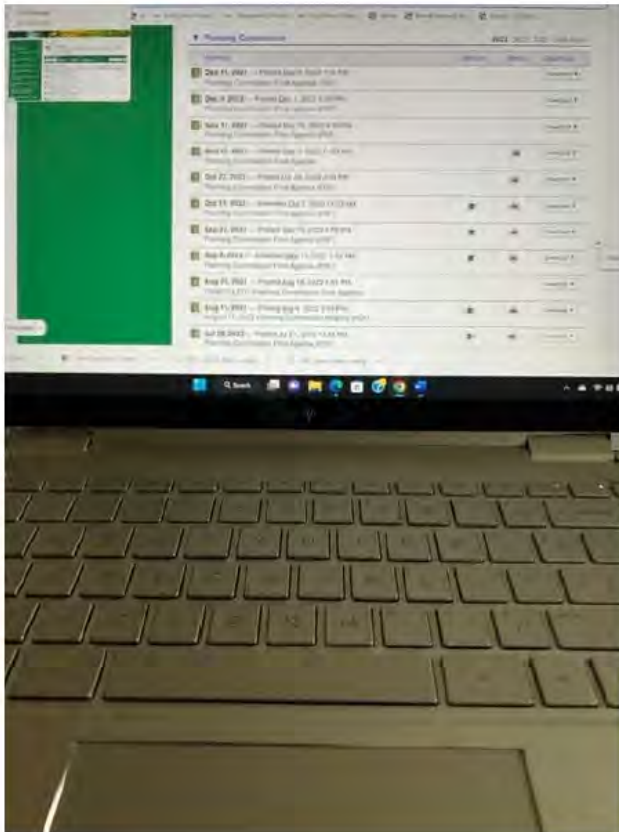
From: Cheryl Berkema <cheryl.berkema@gmail.com>
Sent: Monday, December 19, 2022 12:00 PM
To: Jennifer Byous <JByous@placer.ca.gov>
Cc: Clayton Cook <CCook@placer.ca.gov>
Subject: [EXTERNAL] Winery 8 project requests for transparency

Good morning Jennifer,

Could I please have a copy of the slides that you presented at the Planning Commission Dec 15th and a copy of the public comments received? I attempted to contact you on Friday but it appears as if the Placer mail server could not be found. I tried a few Placer email addresses. The Planning Commission Agenda webpage has not been updated in some time (video, minutes, presentations,...).

17-2





The Winery 8 Project's **lengthy DEIR** is under review during multiple holidays at a time when the public is less likely to respond due to other commitments, the Planning Commission December 15th meeting and call for DEIR comments were NOT announced in the latest Placer Newsletter preceding the Planning Commission meeting to alert the public of their opportunity to participate, nor could I find an article in Gold Country Media nor the Sacramento Bee for the Winery 8 project. I did however find your comments on the Winery 8 project in the Sacramento Business Journal article highlighting the \$15 million dollar winery with entitlements currently being processed.

17-2 cont.

As was obvious from the number of public concerns about the project at the December 15th Planning Commission hearing, the Winery 8 project as it is being proposed is a highly contentious project. The complex and less than straightforward methodology being used by the County to shepherd the Winery 8 project through (which has County wide implications) is beyond disingenuous.

Due to the lack of transparency thus far with the Winery 8 project, I request that the County take the following actions:



17-2 cont.

- Promptly post the Planning Commission December 15th Planning Commission video, public comments received for the hearing, and Planning presentation on the Planning Commission website for Dec 15th and the Winery 8 project website. The public that was not aware of the hearing should be able to view what was presented at the hearing and the public commentary to assist in making their comment on the DEIR.
- Post articles in the Sacramento Bee and in Gold Country Media informing the DEIR comment period and summary of comments received at the Planning Commission along with where to access the project information (DEIR, public comments, hearing video, and presentation).
- Post an article in the Placer Newsletter about the Winery 8 project with a summary of feedback received thus far along with where to access the project information (DEIR, public comments, video and presentation). .
- Extend the comment period for the Winery 8 project DEIR.

Thank you,

Cheryl Berkema

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LETTER 17: CHERYL BERKEMA

Response to Comment 17-1

The comment pertains to requests that are outside of the legal requirements for a lead agency with respect to providing opportunity for review and comment on a Draft EIR. The County met all legal requirements for publishing the Project 8 Winery Draft EIR. In accordance with CEQA requirements and pursuant to the Notice of Availability (NOA) published by Placer County on its website on November 14, 2022, the required 45-day public review period for the Draft EIR was from November 14 to December 28, 2022. The NOA additionally provided the December 15, 2022 date for the public meeting to be held on the Draft EIR in which members of the public could offer public comment either in-person or virtually through a Zoom meeting webinar.

With respect to the commenter's other requests, the County provided email responses, as shown above.

Response to Comment 17-2

The comment does not address the adequacy of the Draft EIR. Please see Response to Comment 17-1. With respect to the Draft EIR comment period, the County appreciates the commenter's request for an extension of the Draft EIR public review period. However, the County complied with the legal requirements of CEQA Guidelines Section 15105(a) by affording a 45-day public comment period, and is under no legal obligation to extend said review period. A 45-day public review period on a Draft EIR is common practice amongst public agencies, and in this agency's and its consultant's experience, extending the Draft EIR comment period to a period longer than 45 days is fairly atypical and restricted to cases where unusual circumstances exist. The County does not consider the holidays as unusual circumstances.

The comment has been noted for the recorded and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 18

Winery 8 DEIR feedback December 28, 2022

Thank you for accepting my comments on the Winery 8 DEIR,

18-1

1. Project Notification for both the Winery 8 NOP (Feb 2022) and the Winery DEIR notification were insufficient.
 - The Agencies contacted with the NOP for the DEIR were not listed
 - The area for public notification of the Winery 8 NOP was not identified. In the notice.
 - The Agencies contacted for the DEIR were not identified
 - The area for public notification for the DEIR were not identified.
 - Agency and Public feedback received by Community Development Resources Agency (CDRA) on the DEIR were not posted for the Planning Commission hearing.

18-2

2. Regarding Mitigation and Monitoring lacking but needed in the DEIR:

The County does not currently monitor and report on winery agricultural promotional or on special events that are allowed by right at wineries in Placer County.

There is no portal that the public can view:

 - how many attendees are allowed by each winery at agricultural promotional events,
 - how many special events are allowed with number of attendees that are allowed,
 - how many special events have taken place at the winery year to date, and
 - hours of operation allowed for the winery and for events.

This results in a high volume of calls to law enforcement and emergency resources regarding traffic, noise, utilizing a high level of public resource. The winery should pay for private traffic control and/or special fees to mitigate law enforcement resource.

18-3

3. Because of the lack of Placer County monitoring, reporting, and management of winery compliance, actual winery compliance is forced upon residents to monitor and report to law enforcement and Placer County code enforcement. There are no reports that have been provided to the public with this information.
 - Wineries that exceed the number of attendees creates additional traffic.
 - Wineries that exceed the number of attendees creates additional noise.
 - Wineries use emergency resources that are often already severely constrained.
 - Wineries that exceed the amount of traffic allowed generate additional GHG emissions which should be mitigated.
 - Higher numbers of drunk drivers create safety risks for residents.
 - Residents call law enforcement with winery complaints; law enforcement does not have a feedback loop to Placer County so the complaints are not measured, not managed, and not mitigated.



- 18-3 cont. ↑
This is a hardship to residents surrounding wineries & breweries. The County has already stated they do not have enough code enforcement in place. Without an evaluation of the current number of wineries & breweries including those pending on the number of violations, the number of resources required and hired, along with systems to track and report activity, Code Enforcement cannot be shown to be feasible and funded. Additional entitlements should not be granted.
- 18-4 [4. Regarding noise impacts at Winery 8, Placer County Noise ordinance does not allow for amplification. Winery 8 should not be allowed any amplification to comply with county code.
- 18-5 [5. Conditional use permits can be expanded without expanding mitigations growing the entitlements and impacts without growing the project mitigations. Cumulative impacts on new entitlements granted with CUP expansions are ignored. The Winery and Brewery Ordinance should be re-evaluated rather than changing the Winery & Brewery Ordinance rules for a single winery.
- 18-6 [6. Regarding Mitigations for road maintenance, there should be ongoing fees regularly assessed (not a one-time fee) for road maintenance on roads the public uses for access to the winery.
- 18-7 [7. The intensity of the Winery 8 project with expanded uses, number of attendees, and extended hours of operation would require a re-analysis of the Winery and Brewery Ordinance, since these additional entitlements could not have been anticipated and the outcome would potentially have been different.
- The level of significance with the additional entitlements may now compromise state targets for GHG Emissions.
- 18-8 [8. Winery 8 is seeking the entitlement of a Zoning Text Amendment of the Winery & Brewery Ordinance. Accordingly, the findings of the Placer Development Review Committee (DRC) should be included in the DEIR as to consistency with the Winery & Brewery ordinance and Chapter 17 since their review is required for a Conditional Use Permit and rezone.
- 18-9 [9. The DEIR should clarify why the Agriculture Commissioner is being relieved of the responsibility to make the Williamson Act compatibility finding. The BOS taking on responsibility is moot since inaction is as responsible as action. County should avoid any appearance of conflict.
- 18-10 [10. There is no analysis in the DEIR of similar size large wineries in Napa and Sonoma of the significant impacts from large wineries to wildlife with habitat removal, tree thinning, soil erosion, water. Winery 8 is said to be the largest winery project in Placer County. The DEIR should be looking at the larger impacts of a precedent setting impact.



18-11 [11. The Winery EIR (2020) used a small sample of wineries to evaluate in the Winery & Brewery EIR from Western Placer. The EIR asserted growth of wineries to be relatively small growth. The DEIR should contain the current growth (number of small, medium, and large wineries) along with where the County is within the 20-year projection for the 2020 EIR along with cumulative impacts thus far. Swaying from the linear projection provided without data adding entitlements is a dangerous precedent.

18-12 [Thank you for your consideration of my comments. Please include them on the Administrative record for Winery 8.

Cheryl Berkema



LETTER 18: CHERYL BERKEMA

Response to Comment 18-1

The commenter lists reasons why they believe “project notification” for the NOP and Draft EIR were insufficient; however, the listed reasons are not based on state law requirements. For example, the commenter suggests that notification was inadequate because agencies contacted with the NOP and Draft EIR were not identified, presumably within the Draft EIR itself. This information is not required to be included in a CEQA document. Nevertheless, a member of the public can request this information from the lead agency should they like to review it. The County complied with all noticing requirements when releasing the NOP and Draft EIR, which for state agencies, requires preparation of a Notice of Completion (NOC) and submittal of the NOC to the State Clearinghouse, specifying which state agencies should receive the NOP and Draft EIR for review. The County submitted an NOC to the State Clearinghouse along with the NOP and Draft EIR. Local agencies were noticed separately, but concurrently, based on the County’s standard distribution list for CEQA documents.

Response to Comment 18-2

The comment does not address the adequacy of the Draft EIR. The commenter’s opinion that winery agricultural promotional and special events would result “in a high volume of calls to law enforcement and emergency resources” is speculative. Thus, such concerns are not required for analysis under CEQA. Chapter 15, Public Services and Utilities, of the Draft EIR, evaluates potential substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for law enforcement services. This analysis begins on page 15-19 and concludes that the proposed project would include built-in security at the site, which would reduce law enforcement demands associated with the project and response times to the project site would be anticipated to be within the Placer County General Plan’s eight-minute response time standard for suburban areas. As a result, the Draft EIR concludes that the proposed project would not result in a need for new, or improvements to existing, sheriff protection facilities, construction of which could cause significant environmental impacts, and a less-than-significant impact would occur. Thus, there is no legal nexus to the commenter’s suggestion that the winery should pay for private traffic control and/or special fees to mitigate law enforcement resource (sic). Nevertheless, the comment has been forwarded to the decisionmakers for their consideration.

Response to Comment 18-3

Please see Response to Comment 16-17 regarding code enforcement. With respect to the commenter’s concerns with the existing code enforcement process, these concerns have been forwarded to the decision-makers for their consideration.

Response to Comment 18-4

The comment is incorrect. For example, Section 17.56.330(E)(4)(b), Noise Regulations, states:

- b. Prior to hosting events with **amplified speech or music** and weddings the owner/operator shall submit a site plan to the community development resource agency. The site plan shall identify the proposed outdoor location of the event and the distance to the nearest residential receptor property line. If the distance between the proposed sound source and nearest sensitive receptor property line is greater than shown in Table 5 below, then additional acoustical analysis shall not be required. If the



distance between the proposed sound source location and nearest sensitive receptor property line is less than shown in Table 5 below, a site-specific noise analysis shall be required to evaluate compliance with the Placer County Code Article 9.36 (Noise). *(emphasis added)*

Response to Comment 18-5

The comment is unclear and does not appear to address the adequacy of the Draft EIR. The overarching concern appears to be related to the requested ZTA. Please see Master Response 5 – ZTA.

Response to Comment 18-6

The commenter has not provided substantial evidence demonstrating that the amount and type of vehicle traffic attributable to the proposed project would substantially degrade pavement condition of local roads, resulting in the need for ongoing maintenance. For example, based on the Local Traffic Operational Analysis (LTA) prepared for the project by KD Anderson & Associates, the project would add between 18 to 288 additional daily vehicles to nearby study roadway segments, depending upon the road. This level of additional daily vehicle traffic, primarily consisting of passenger vehicles, would not substantially degrade roadway pavement conditions.

The on-time fee referenced by the commenter is likely the Traffic Impact Fee that is for capital improvements to the roadway system that are specifically listed in the capital improvement programs for this district, not roadway maintenance. Proposed land uses (including wineries) pay their fair share based on the estimated peak hour trips that the land use would create. The funds are applied to future capacity and safety projects.

Placer County typically has not collected an operations and maintenance fee for development on existing County roads.

Response to Comment 18-7

The comment does not address the adequacy of the Draft EIR, but states that the Winery and Farm Brewery Ordinance needs to be re-analyzed in light of the proposed project. The Project 8 Winery is a stand-alone project that can be appropriately evaluated through its own environmental review process. Furthermore, with the exception of the requested ZTA, the other proposed operational parameters for the Project 8 Winery, including maximum number of attendees at one time during agricultural promotional events, and the accessory restaurant and its proposed hours of operations, are allowable under the County Winery and Farm Brewery Ordinance, subject to County discretionary review and approval of a CUP. The Winery and Farm Brewery Ordinance EIR focused on the environmental effects of by-right activities allowed under the Ordinance (e.g., Winery and Farm Brewery Ordinance Draft EIR, pg. 3-11), and clearly acknowledged that analysis of future winery and/or farm brewery projects and their operations that require additional discretionary approvals, as set forth in the Ordinance, would be subject to separate environmental review and consideration by the Placer County decision-makers. Thus, re-analysis of the Winery and Farm Brewery Ordinance is not required.

Response to Comment 18-8

Please see Response to Comment 16-17 regarding Development Review Committee agenda.



Response to Comment 18-9

This comment does not address the adequacy of the Draft EIR; however, a decision on whether a winery is a compatible use under a Williamson Act contract is made by the Planning Department, the determination must involve consultation with the Agricultural Commissioner. The Agricultural Commission hearing is reserved for Williamson Act contract applications and cancellations. (Section 17.64.070, 17.64.150.) See Master Response 2 – Williamson Act.

Response to Comment 18-10

Potential impacts that could occur specifically through development of the proposed project are evaluated throughout the various technical chapters of the Draft EIR, including potential impacts that could occur to biological resources, such as protected wildlife species, in Chapter 7, Biological Resources, of the Draft EIR.

A comparative analysis of impacts associated with different wineries, in different locations, which would involve different environmental resources potentially affected, is not required under CEQA and would not assist in understanding the potential impacts associated specifically with the proposed project.

Response to Comment 18-11

“Cumulative impacts” are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines, Section 15355). The cumulative analysis for the Project 8 Winery should be focused on the project’s effects in combination with effects from other reasonably foreseeable development which, when considered together, are considerable. Thus, the Draft EIR only needs to consider the effects of future wineries and farm breweries if said effects would combine with the proposed project to create a considerable increase. With the exception of traffic, there is no basis for assessing the proposed project’s environmental effects in combination with other, potential future wineries/farm breweries identified in the Winery and Farm Brewery Ordinance EIR given their disparate locations. Furthermore, traffic impact significance in CEQA is now based on VMT, rather than level of service (LOS). Typically, a rural project’s VMT is not greatly influenced by traffic from other disparate developments in a geographic area. With respect to LOS, a project’s traffic can combine with traffic from other reasonably foreseeable developments, but not only is this issue outside the scope of CEQA, the LTA, which was prepared for the proposed project to evaluate consistency with General Plan transportation policies, included a two percent growth rate on each roadway segment over 20 years, consistent with the assumptions made in the Winery and Farm Brewery Ordinance EIR.

In conclusion, there is no basis for the Draft EIR to provide an updated assessment/projection of long-term winery growth within the County.

Response to Comment 18-12

The comment is a conclusion and does not address the adequacy of the Draft EIR. The commenter’s views have been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 19

Placer County Environmental Coordination Services

From: Moises Bermudez <moisesb@bem.com>
Sent: Thursday, December 8, 2022 1:23 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

19-1

To the Placer County Board of Supervisors,

I work in Placer County for BEM and feel very fortunate to be able to contribute to the Project 8 Winery because I think it would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

Moisés Bermudez.

4829 Pasarobles dr Sacramento California 95841

Enviado desde mi iPhone



LETTER 19: MOISES BERMUDEZ

Response to Comment 19-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Leslie Bisharat

To: cdraecs@placer.ca.gov
Subject: Project 8 Winery

December 27, 2022

20-1

I've been very interested in the above winery project for several reasons, the most important being the proposed change in County ordinances related to building height constraints, the traffic (and safety) impacts on adjacent rural roads, the visual impact of a 75'+ building on the ridgetop and the impact of noise on adjacent neighbors. After reading the DEIR and attending the December 15

20-2

Planning Commission hearing, I find myself wondering why Placer County planners are so eager to accommodate the desires of one landowner/businessman and not fully address the concerns of County (and especially Penryn) residents---so much so that the planners have ignored serious impacts of the project along with violations of laws and ordinances.

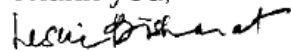
20-3

I live in a rural area of Granite Bay and have been pleased to see open land used for agriculture rather than housing developments but the draft EIR for Project 8 is deficient and should not be accepted. It seems to me that the "requirement" for a 75' tall building so that wine can be filtered by gravity is a ruse. I think the objective is to make the winery a destination, and therefore a financial success, with its rotating, ridgetop restaurant and event-hosting activities.

20-4

What Placer County allows for this project will set a precedent for future agricultural "developments". I urge the County Planning Commissioners to reject the DEIR as currently written and require a document that addresses the safety and aesthetic concerns--- and one that suggests alternatives that are in compliance with existing ordinances.

Thank you,



Leslie Lockhart Bisharat
7870 Eagle View Lane
Granite Bay, CA 95746



LETTER 20: LESLIE LOCKHART BISHARAT

Response to Comment 20-1

With respect to the proposed ZTA to the Placer County Winery and Farm Brewery Ordinance, please see Master Response 5 – ZTA.

With regard to traffic that could potentially be generated by the proposed project, traffic impact significance in CEQA is now based on VMT, rather than LOS. Typically, a rural project's VMT is not greatly influenced by traffic from other disparate developments in a geographic area. With respect to LOS, a project's traffic can combine with traffic from other reasonably foreseeable developments, but not only is this issue outside the scope of CEQA, the LTA, which was prepared for the proposed project to evaluate consistency with General Plan transportation policies, included a 2 percent growth rate on each roadway segment over 20 years, consistent with the assumptions made in the Winery and Farm Brewery Ordinance EIR.

With respect to potential impacts related to traffic hazards, please see the discussion and analysis under Impact 16-3 in the Transportation chapter of the Draft EIR, which starts on page 16-29. As detailed therein, traffic generated by the proposed project would not negatively affect the safety of the State highway facility. The proposed improvements at the site entrance from Callison Road would comply with Placer County Engineering Design Plate 116 Major for the design of rural road encroachments, and the new site entrance would be constructed at a location that allows exiting traffic to have views in each direction. In addition, because the proposed improvements at the site entrance from Callison Road would be designed in accordance with applicable County standards, potential vehicle safety impacts related to sight distance and approach tapers would be less than significant. However, because safety hazards could occur if eastbound traffic on Taylor Road fails to perceive waiting vehicles at the Taylor Road/Callison Road intersection in time to stop, or if eastbound motorists attempt to pass a turning vehicle on the right, the Draft EIR concludes under Impact 16-3 the project could substantially increase hazards to vehicle safety. To address the potential impact, the EIR requires Mitigation Measure 16-3, which, as amended in this Final EIR (see Chapter 3), requires the project applicant to install a left-turn lane on Taylor Road at the Callison Road intersection, with construction of Phase 2 of the project, or if Phase 2 improvement plans have not been approved within 3 years of Phase 1 occupancy, the applicant shall proceed with separate improvement plans for the left-turn lane on Taylor Road. With implementation of Mitigation Measure 16-3, the impact would be less than significant. Please also see Response to Comment 27-5.

With regard to potential visual impacts associated with the proposed octagon building, please see Response to Comment 10-5.

With respect to potential noise impacts that could occur as a result of the proposed project, please see the discussions and analyses in Chapter 14, Noise, of the Draft EIR, which start on page 14-26.

Response to Comment 20-2

The comment expresses a general opinion that is noted for the record and has been provided to the decision-makers.



Response to Comment 20-3

The comment expresses a general opinion that the Draft EIR is deficient, but does not provide specific examples that would allow for a detailed response.

Please see Master Response 3 – Octagon Building and Gravity Processing and Master Response 5 – ZTA.

Response to Comment 20-4

Potential impacts associated with the proposed project related to aesthetics are evaluated in Chapter 4, Aesthetics, of the Draft EIR. With respect to traffic safety concerns, please see Chapter 16, Transportation. Please also see Master Response 1 – Project Alternatives.

The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 21

«First» «Last»

«Address» «Address», «Address» «Address»

Tel: «Phone» (916) 663-9725 Mobile Phone (916) 531-2752 «Email»

12/26/22

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

Placer County Development Resource Agency;

I am writing in regards to the Project 8 Winery. Please see my following comments and concerns.

1. Ground water and well contamination.

The planting of vineyards has already occurred during a period of high drought and it does not seem that the local land owners outside the project have had any say in this matter. What recourse do we, local homeowners in the area of the Project 8 Winery, have if our wells now run dry due to this high production winery well? Was an environmental report done on the potential ground water contamination due to chemicals used on the grapes? What recourse will the homeowners have?

2. Traffic: — using the numbers the proposal;:

- 208 promotional events per year with 75 people at a time attending (the developer is requesting a CUP for this number) assuming two people per car = 780 additional cars on Callison per year
- special events , 12 at 200 people per year is 1200 additional cars per year on Callison
- lunch with 75 people allowed, generously assuming only 300 days per year, = 11,400 additional cars per year on Callison

21-1

21-2



21-2 cont.

- dinner with 98 people allowed times 300 days per year = 14,700 additional cars per year on Callison
- The does not include the delivery vehicles involved, the staff workers involved, public members visiting to wine taste , etc. These unlisted additional people could easily add another 10,000 vehicles per year to this narrow rural road with no side-walks.

**Grand total of additional car per year on Callison: 38,380
or using 300 days per year of operation: a mum of 130 addi-
tional cars per day**

21-3

- Callison Road is a small, rural road that has not had much traffic until the Project 8 Winery began its development nearly two years ago This proposal means local homeowners will have to worry about their safety when driving and walking on Callison between the hours of operation, 10:00 a.m. to 10 p. m. at night. What safety measures will be taken to protect Penryn citizens walking in the area of the winery project? Sidewalks would certainly help this as would several speed bumps in critical places on Callison.

21-4

If the entrance to the Project 8 Winery facility was off of Taylor Road (the Lincoln Highway) instead of off Callison Road (a narrow rural road), it would help to truly maintain the rural integrity of the area and mitigate the traffic issues listed above. I for one, would be much more welcoming of this proposal.

Sincerely,
Carol Brock



LETTER 21: CAROL BROCK

Response to Comment 21-1

As discussed on page 3-9 of the Draft EIR, “crop production” associated with the existing vineyards within the 44.14-acre parcel area is an existing use allowed by right under the property’s current zoning designations of F-B-X 20-Acre Minimum and RA-B-100 (see County Code Sections 17.10.010[B] and 17.44.010[B]). As a result, the analysis included in the Draft EIR is not required to evaluate the effects of the existing vineyard’s crop production and harvesting operations. Nevertheless, it is noted that though not frequent, vineyard cultivation, as most farming, does require occasional application of pesticides and herbicides. Such applications are highly regulated by the State of California and the Placer County Department of Agriculture. All federal, state, and county requirements relating to the application of these substances such as proper training, permits, records, and oversight by the County are and will continue to be met by the property owner’s farming operations.

In addition, the Draft EIR incorporates the discussions and analyses from the Public Well Impact Evaluation prepared for the proposed project by EMKO Environmental, Inc. (EMKO) (see Appendix N of the Draft EIR). As discussed on page 12-30 of the Draft EIR,

The project site is not located within a groundwater basin. Rather, groundwater within the project site is provided by a fractured hard rock aquifer. The fractured hard rock aquifer within which the project site is located is not regulated by a water quality control plan or sustainable groundwater management plan. Nonetheless, as described above, an analytical model was developed to calculate the drawdown of the groundwater levels that would occur due to pumping from Public Well 20-2 under three scenarios (Scenario A, Scenario B, and Scenario C).

Groundwater pumping typically causes a drawdown cone to form around the pumping well. The maximum drawdown occurs at the pumping location and then decreases radially away from that point. Thus, the closer that a neighboring well is to the pumping location, the larger the drawdown that will occur at that location. The nearest non-project well to Public Well 20-2 is the private supply well at 7585 Callison Road, which is approximately 150 feet away.

Table 12-3 summarizes the drawdown results for Scenarios A, B, and C. The pumping rates for Scenarios B and C are greater than that for Scenario A. However, the duration of pumping under Scenario A is appreciably longer than for the other two scenarios. Thus, the greatest drawdown occurs under the long-term average operation of the project. The short-term drawdowns for special events could create a cumulative addition to the long-term average. However, under more realistic conditions, a single-day special event would incrementally add 0.3-foot of drawdown to the 1.6-foot long-term average, while a single peak hour would add 0.03-foot of drawdown. Thus, the peak simulated drawdown that could occur at the nearest well location at 7585 Callison Road due to long-term project operation is predicted to be 1.93 feet for short durations during the peak-hour demand during a special event. The drawdowns that would occur at wells located further than 150 feet from Public Well 20-2 would be substantially less than what is shown in Table 12-3.



Table 12-3 Projected Drawdowns at 150 Feet from Project Well				
Scenario	Pumping Rate (gpm)	Duration (days)	Drawdown (Feet)	
			High T* Value	Low T Value
A. Average Rate for 353 Days	3.32	353	1.0	1.6
B. MDD for 12 Days	4.98	12	0.80	1.2
C. PHD for 6 Hours	7.47	0.25	0.14	0.11
* Transmissivity value				
<i>Source: EMKO, 2022.</i>				

Available data shows that the 7585 Callison Well is 90 feet deep, while the static depth to groundwater is 10 ft bgs, such that the well has an available static water column of 80 feet. When the pump in that well operates, the depth to water drops to 20 ft bgs, providing a water column of 70 feet. The average and maximum short-term effect from use of Public Well 20-2 for the project would add an additional 1.6 feet to drawdowns at the 7585 Callison Well, but could add as much as 1.93 feet over a short period (approximately one hour). Thus, the use of Public Well 20-2 could potentially decrease the static water column in the 7585 Callison Well by approximately two percent on a long-term basis and 2.4 percent on a short-term basis. In addition, use of Public Well 20-2 could decrease the available water column by approximately 2.3 percent to 2.8 percent when the 7585 Callison Road well is operating. However, according to EMKO, the reductions in the water column at the nearest neighboring well are considered to be de minimis and would not impact the use of the 7585 Callison Road well.²¹

Because the magnitude of the change in groundwater levels that would occur during pumping of Public Well 20-2 would decrease radially away from the well, the effects at more distant wells would be appreciably less than what are identified for the nearest well at 7585 Callison Road. Therefore, the use of Public Well 20-2 for the project operations would not have any adverse effects on the wells of neighboring property owners.

Response to Comment 21-2

Draft EIR Table 16-6 indicates that the Project 8 Winery is forecast to generate 288 to 306 daily one-way trip ends at its access on Callison Road. The commenter’s estimate of daily “cars” is indicative of “round trips”, and the suggestion of 130 additional cars would equate to 260 one-way trip ends. The commenter’s forecast is less than but similar to the Draft EIR estimate.

Similarly, Draft EIR Table 16-8 identifies the Project 8 Winery’s annual daily trip generation as 67,728 daily trip ends. The commenter’s suggestion of 38,380 additional cars annually would be equivalent to 76,760 annual daily trips, which is slightly higher than the estimate in the Draft EIR. However, review of the comparative data indicates that the difference primarily relates to the estimated visitors to the Accessory Restaurant. As noted in Response to Comment 10-15, the Draft EIR’s estimate of trips generated by the accessory restaurant is based on trip generation rates published by the ITE for restaurants nationwide, a source regularly recognized by Caltrans and local lead agencies. This is a conservative “worst case” approach by using standard ITE trip generation rates for a “free standing” restaurant which exceed the applicant’s anticipated trip generation.

Additional analysis is not required.



Response to Comment 21-3

Safety relating to pedestrians and bicyclists is discussed in the Draft EIR beginning on page 16-27, and additional information relating to collision history on study area roads is provided in the supporting LTA. It should be noted that in regard to the commenter's statement concerning development of the winery nearly two years ago, the analysis included in the Draft EIR is not required to evaluate the effects of the existing vineyard's crop production and harvesting operations that are not a part of the proposed winery project. Crop production is a use allowed by right under the property's current zoning designations.

As noted in Draft EIR page 16-18, the proposed project would not physically disrupt an existing pedestrian facility, nor interfere with implementation of any planned pedestrian facility. Because the volume of traffic added by the Project 8 Winery is comparatively low, the project would not result in an increased number of vehicles and/or pedestrians on a facility that does not have adequate pedestrian facilities, such that conflicts between pedestrians and other travel modes would likely increase. As such, implementation of the proposed project would not adversely affect pedestrian facilities.

As noted, beginning on Draft EIR page 16-29, the Project Winery 8 will improve roughly 500 feet of Callison Road at the project entrance to provide standard Placer County improvements that are consistent with the nature of the project and Placer County standard plans. The improvements include 12-foot travel lanes and paved shoulder and intersection approach tapers that are consistent with the County's design Plate 116.

While the comment suggests that sidewalks and or speed bumps should be installed on Callison Road, sidewalks are not consistent with Placer County's standard plans for rural collector roads, such as Callison Road, nor are sidewalks required to address an identified pedestrian safety impact. Placer County has established programs to address traffic calming measures that could reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users. Information on the County's Neighborhood Traffic Management Program can be found at: <https://www.placer.ca.gov/1570/Traffic-Calming>.

Response to Comment 21-4

While the Taylor Road property located at the NW corner of Callison Road and Taylor Road is farmed by an entity under the same umbrella as that of Project 8, it is not part of Project 8. Furthermore, the Taylor Road property is not contiguous with the Project 8 property. Providing access to the Project 8 property via the Taylor Road property would require constructing a new crossing of the North Union Pacific Railroad Track. In light of the United States Department of Transportation's published goal of reducing the number of at-grade railroad crossings (nationally), the only options would be to cross overhead or underneath the railroad tracks, either of which make the possibility of relocating the Project 8 access off Taylor Road completely infeasible from the standpoints of time and cost.



Letter 22

Placer County Environmental Coordination Services

From: Amanda Budde <ajorganics@icloud.com>
Sent: Sunday, December 11, 2022 9:01 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

22-1

To the Placer County Board of Supervisors,

I am writing regarding the Project 8 Winery. I am writing to express my support for the project because our community needs more agriculture, agritourism, and the right economic development. I support the Project 8 as proposed.

Sent from my iPhone



LETTER 22: AMANDA BUDDE

Response to Comment 22-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 23

Placer County Environmental Coordination Services

From: Amanda Carnes <amandagcarnes@gmail.com>
Sent: Friday, November 18, 2022 3:07 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Project 8 Winery Comment

23-1

Hello Shirlee Herrington, my name is Amanda Carnes and I am requesting this letter be accepted in reference to Project 8 Winery.

It is with great joy that I support Project 8 Winery. It is of particular interest to me due to its commitment to sustainable development and resource usage. It will be important for Placer County to have an additional wine and dining option which will provide economic growth.

It is without doubt that the ethics and quality of the leadership at Project 8 is top notch. I support approval of the project as proposed.

Kind regards,
Amanda Carnes
Loomis Resident
amandagcarnes@gmail.com



LETTER 23: AMANDA CARNES

Response to Comment 23-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 24

From: noreply@civicplus.com
To: [Andrea Dashiell](#); [Judi Tichy](#)
Subject: [EXTERNAL] Online Form Submittal: Public Comment Submission - Planning Commission
Date: Wednesday, December 14, 2022 7:57:11 AM

Public Comment Submission - Planning Commission

During the Covid-19 Pandemic, Placer County is committed to public participation in County Government in a manner that is consistent with guidance provided by our Public Health Official. We have provided this form that can be used to submit comments to the Planning Commission.

First and Last Name Catherine Chappell
Email Address (Optional) chappell.cathy@gmail.com
Agenda Item (Optional) Project 8 Winery, Penryn

Comments

24-1 I am a 35 yr resident of Callison Rd. I like our rural community and agricultural history. I support agricultural development such as the project 8 winery and vineyard in general. The proposed Octagon Building is not aligned with either County norms for agricultural development or in keeping with the Callison Rd neighborhood. The proposed project does not maintain the rural aesthetic of the area. The developer has not provided sufficient justification for the requested exceptions that require County discretionary approval. I encourage the County – Planning Commission and Board of Supervisors - to work for and support all community members in their decision on this project. Below I further describe the reasons for my primary concerns with the Octagon building including:

- Proposed height and variance request
- Accessory restaurant hours of operation and Conditional Use Permit (CUP).

I also have a few concerns with the DEIR, including:

- location designation as knoll, as opposed to ridgeline
- no mention of the accessory restaurant in the Williams Act discussion

Octagon Bldg

24-2 The most flagrant impacts of the Project are related to this intrusive structure. The developer proposes a 75' structure on a ridgeline, with a variance request to exceed the current 36' height limit allowance. As stated in the DEIR, the Octagon Building height impact is significant and unavoidable. The developer has not provided sufficient justification for the need for the increased height other than for personal preferences. The purported "need" for gravity flow filtration with a 75' structure is misleading. There are other options for the height requirement, such as going underground. The project already proposes digging caves, so



24-2 cont.	↑	could incorporate the gravity flow requirement. Further, the gravity flow process is a winemaking preference, there are other options. .
24-3		The DEIR explains that the octagon building will be on a "knoll" and not a ridgeline, so finds that the ridgeline restrictions do not apply. There is inconsistency with the DEIR defining the site as a knoll, not a ridgeline and the developers plan for a rotating tasting room, which has been described in presentations by the developer of providing access to the 360 degree view, which strongly suggest there is a ridge that the structure will rise above to provide such a view. Even if the footprint of the structure is on a knoll, it is clearly impacting the ridgeline. Even if the DEIR does not acknowledge this, I encourage Commissioners and Supervisors to consider it in their review of the height variance request.
24-4		The developer said at the November HBPC MAC meeting in response to a question, that the alternative to the overly tall structure would be two structures with larger footprints that would result in additional tree removal. (Please note the project has already removed multiple trees both at the proposed building site as well as the surrounding hillside. Again, his options are based on personal preference, and there are other alternatives. There is no need to have both, and perhaps neither, structure built at the top of the ridge. Several of the proposed elements, such as the residence can be constructed at a lower elevation, where no additional trees need to be removed. The Project is inconsistent with the Placer County General Plan and the Horseshoe Bar/Penryn Community Plan (HBPCP). Proposed changes to the countywide to the Winery/Brewer Ordinance are not only unnecessary, but they have also not been adequately analyzed in the EIR.
24-5		I am opposed to the Conditional Use Permit to allow an auxiliary restaurant, as well as the increase from 50 to 75 attendees. The auxiliary restaurant appears to exceed the scope of the current Winery and Brewery. The DEIR does not explain why the restaurant should be allowed deviation from the County's land use plans and ordinances. I have seen no other public records showing that there is a valid reason to allow such a departure from the land use plans and ordinances.
24-6		The hours of operation for the accessory restaurant until 10 p.m. is inconsistent with the neighborhood and other Placer County wineries. As detailed in the project description, the property is adjacent to rural, single-family residences. Villa Wise's restaurant, currently the largest winery in Placer County, and the only one with a restaurant, is open until 8 p.m. Thur – Sat. At a minimum the Penryn winery project should be held to these same
24-7		DEIR The DEIR does not adequately address Williamson Act requirements. It acknowledges that the residence will require a
	↓	



24-7 cont.

compatibility determination from the Agricultural Commission (but fails to note that the Board of Supervisors also has to make this determination. The DEIR is silent on the compatibility of the restaurant. The findings must be consistent with State law and the County land use code, and both of those require that the proposed project is consistent with the existing land use code. Which it is not. The DEIR not only comes to an unsupported conclusion on this issue, it fails to fulfill its informational purpose by glossing over the restaurant and revealing only that the residence will require a consistency determination, and omitting entirely the fact that the law requires the proposed project to be consistent with existing land use code.

For these, and many other reasons, I encourage the Planning Commission and the Board of Supervisors to choose the No Project (No Build) Alternative until the developer redesigns the project and in particular the Octagon Building.

24-8

Can clarifications be provided to the public on the following questions:

- Two alternatives are presented in the DEIR. Can both the Reduced Height and Reduced Operations Alternatives be selected?

24-9

- Table 2-1: Impacts on Wildlife: why is construction the only disturbance considered? Where isn't increased traffic considered a disturbance that can lead to increased wildlife injuries and death?

Thank you for your consideration in serving local long-time residents and the entire Penryn community.

Attach a document

Field not completed.

Email not displaying correctly? [View it in your browser.](#)



LETTER 24: CATHERINE CHAPPELL

Response to Comment 24-1

The commenter expresses concerns regarding the project's effects to the rural community and aesthetic of the area. In *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA's overriding and primary goal is to protect the physical environment. CEQA defines a "significant effect on the environment" as "substantial, or potentially substantial, adverse changes in physical conditions" (PRC section 21100. subd. [d]).

Regarding concerns about the proposed height, please see Master Response 3 – Octagon Building and Gravity Processing and Master Response 5 – ZTA; for concerns about the accessory use restaurant, please see Master Response 4 – Accessory Restaurant; and for concerns about Williamson Act, please see Master Response 2 – Williamson Act. For concerns about the distinction between knoll and ridgeline, please see Response to Comments 9-33 and 10-8.

The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 24-2

Please see Master Response 1 – Project Alternatives and Master Response 3 – Octagon Building and Gravity Processing.

Response to Comment 24-3

For concerns about the distinction between knoll and ridgeline, please see Responses to Comments 9-33 and 10-8.

Response to Comment 24-4

Please see Master Response 1 – Project Alternatives and Master Response 5 – ZTA.

Response to Comment 24-5

Please see Master Response 4 – Accessory Restaurant. The commenter's opposition to the accessory restaurant and the proposed increase in the maximum number of attendees for agricultural promotional events is noted for the record and has been forwarded to the decision-makers for their consideration.

Response to Comment 24-6

The comment does not address the adequacy of the Draft EIR. The commenter's belief that the proposed hours of operation for the accessory restaurant are inconsistent with the neighborhood and other Placer County wineries has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 24-7

Please see Master Response 2 – Williamson Act and Master Response 4 – Accessory Restaurant. The commenter's recommendation that the decision-makers choose the No Project



(No Build) Alternative is noted for the record and has been forwarded to the decision-makers for their consideration.

Response to Comment 24-8

The commenter appears to request consideration of another alternative, which would be a combination of the Reduced Height and Reduced Operations Alternatives. Please see Master Response 1 – Project Alternatives regarding the explanation and justification that the Draft EIR already evaluates a reasonable range of alternatives, and thus, meets CEQA requirements for an alternatives analysis. The Board of Supervisors has discretion over approval of the proposed project and any modifications and/or conditions of approval.

Response to Comment 24-9

With respect to wildlife, CEQA appropriately focuses on special-status species (Appendix G, Section IV(a)) and the project's potential effects to said species. The types of special-status species that the Draft EIR identified as potentially occurring in the area would not be adversely affected by vehicle traffic (i.e., birds).



Letter 25

Placer County Environmental Coordination Services

From: Jacob Coleman <jcolster@icloud.com>
Sent: Thursday, December 8, 2022 1:17 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

25-1

I work in Placer County for BEM. I am excited about the acres of vines, the water conservation using ponds, and the plans for a beautiful tasting room with a view of the foothills and valley! All the projects we work on are high quality so I know this winery will be something special. I am proud to be associated with this project and can't wait to bring my friends and family to visit once it's done. I support approval of Project 8 Winery as proposed.

Jacob Coleman
902 Lawton Ave , Apt 5
Roseville 95678

Sent from my iPhone



LETTER 25: JACOB COLEMAN

Response to Comment 25-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 26

Shirlee Herrington

Subject: FW: [EXTERNAL] Question about a new variance/zoning text amendment being proposed county-wide!

From: Chuck-Muriel Davis <chamdavis@yahoo.com>

Sent: Friday, November 18, 2022 12:43 PM

To: Jennifer Byous <JByous@placer.ca.gov>

Cc: Placer County Board of Supervisors <BOS@placer.ca.gov>; Andrea Dashiell <ADashiel@placer.ca.gov>; Alexander Fisch <AFisch@placer.ca.gov>

Subject: [EXTERNAL] Question about a new variance/zoning text amendment being proposed county-wide!

RE: A proposal for a 'zoning text amendment'/'variance'; for raising the maximum height of buildings in the county from 50 ft to 75 ft.

Hi Jennifer,

A new proposal only appears in the description for the Project 8 Winery project in the 'active projects' list:
Also proposed is a Variance to allow a maximum height of 75 feet for an Octagonal building.

But at the Nov 1, 2022, MAC meeting, you called this proposal a '**zoning text amendment**'. This proposal actually sounds like a 'zoning text amendment'!

Even if this variance/zoning text amendment only applies to wineries, this new maximum height change would apply throughout the county. Once a variance is allowed, then others can ask for that same variance.

In the past, zoning text amendments were separate projects and presented at all of the MACs before going before the Planning Commission and the BOS.

Since this proposed maximum height limit from 50ft to 75ft will affect residents throughout the county, why is this not a separate project that would be presented to all the MACs?

Thanks,
Muriel Davis
11/18/22
cc: Planning Commissioners, Board of Supervisors

26-1



LETTER 26: MURIEL DAVIS

Response to Comment 26-1
Please see Master Response 5 – ZTA.



Letter 27

Shirlee Herrington

Subject: FW: [EXTERNAL] Project 8 Winery DEIR (PLN21-00198) - comments

From: Chuck-Muriel Davis <chamdavis@yahoo.com>

Sent: Tuesday, December 27, 2022 4:28 PM

To: Jennifer Byous <JByous@placer.ca.gov>

Cc: Andrea Dashiell <ADashiel@placer.ca.gov>; Jim Holmes <JHolmes@placer.ca.gov>; Beverly Roberts <BRoberts@placer.ca.gov>

Subject: [EXTERNAL] Project 8 Winery DEIR (PLN21-00198) - comments

RE: Project 8 Winery DEIR, on Callison Rd in Penryn -- Comments

To: Jennifer Byous

CC: Planning Commissioners

Here are my comments related to the DEIR of the Project 8 Winery:

27-1

1. The 75 foot tower is NOT an accessory restaurant to a winery; it is a commercial attraction because of it's height and the rotating restaurant.

27-2

2. Having this large commercial restaurant violates the Williamson Act, which governs the land on which this restaurant is to be built.

27-3

3. The height of 75 ft violates the county's ridge codes, that protect the beauty of the county.

27-4

4. Building a restaurant of this height cannot happen without the county changing the zoning text amendment for building heights. To allow 75 ft buildings throughout the county would affect the privacy of residents and affect the beauty of Placer County. Since 75 feet is higher than the average utility pole, increasing building heights would be a major county impact.

27-5

5. The DEIR needs to evaluate the traffic impact on English Colony, Delmar Ave, Clark Tunnel, Sisley rd.....all of which are narrow 2-lane rural roads! Even Sierra College could be impacted, as well as Penryn Rd, especially since the latter would be a main access off the freeway. This winery would be on the county's winery tour map, so even other roads would be impacted.

27-6

6. Noise travels far, as residents can confirm when the local Penryn restaurant has bands playing. This winery restaurant will be higher and the noise from the restaurant and from events there would travel even farther.


27-7


7. The lights from the restaurant would affect the neighbors and the night sky because of the height being so high. Even downward lights would be high enough to impact the dark night sky for residents.


27-8

8. The DEIR neglects to show that the restrictions of the number of customers in the restaurant, or the noise, or the lights will be difficult to enforce



27-8 cont.  once the restaurant is established.

27-9  9. The DEIR should have a project option where the restaurant is built lower and below the ridgeline.

27-10  The vineyards and the winery are a good use of the land on Callison Rd. A normal winery accessory restaurant would also be appropriate. However, a commercial entertainment attraction/restaurant/event center, as is being proposed, would be more appropriate near a freeway, such as highway 65 or up the hill near I-80 in Auburn!

Sincerely,

Muriel Davis
Penryn Resident
12/27/22



LETTER 27: MURIEL DAVIS

Response to Comment 27-1

The comment does not address the adequacy of the Draft EIR. Please see Master Response 3 – Octagon Building and Gravity Processing and Master Response 4 – Accessory Restaurant.

Response to Comment 27-2

The comment does not directly address the adequacy of the Draft EIR. Please see Master Response 2 – Williamson Act and Master Response 4 – Accessory Restaurant.

Response to Comment 27-3

The comment does not directly address the adequacy of the Draft EIR. For concerns about ridgelines, please see Responses to Comments 9-33 and 10-8.

Response to Comment 27-4

The comment does not directly address the adequacy of the Draft EIR. Please see Master Response 3 – Octagon Building and Gravity Processing and Master Response 5 – ZTA.

Response to Comment 27-5

With regard to traffic that could potentially be generated by the proposed project, traffic impact significance under CEQA is now based on VMT, rather than LOS. Nonetheless, an LTA was prepared for the project by KD Anderson. The LTA estimated an increase of 18 vehicles per day on Sisley Road and Clark Tunnel Road in close proximity to the project parcel. English Colony Road and Del Mar Avenue are located further from the project parcel and we would expect fewer project related vehicle trips than the 18 shown on the adjacent roadways. It was also noted in Draft EIR Table 16-3 that Callison Road is the primary access route to the site. The study intersections and roadway segments evaluated in the LTA were selected based on professional engineering judgment of the project traffic consultant and County Department of Public Works, taking into consideration project trip generation and distribution data. The traffic consultant and County are confident that the selected study area is fully adequate to determine whether the proposed project triggers any roadway improvements based on conflicts with County traffic-related policies.

Response to Comment 27-6

The comment does not directly address the adequacy of the Draft EIR. As discussed on page 39 of the Environmental Noise & Vibration Assessment prepared for the proposed project and included as Appendix O of the Draft EIR, to account for shielding provided by intervening topography, elevation data for the entire project area was input to the noise analysis model. In addition, using aerial imagery and the project site plans, model inputs for both hard surfaces, soft surfaces, and vegetated areas were applied. In addition, as stated on page 14-37, and shown in Figure 14-7, of the Draft EIR, the potential noise effects from use of the outdoor terraces adjacent to the octagon building and processing/warehouse building were evaluated in the Draft EIR and found to be less-than-significant (Draft EIR, pg. 14-54).

Response to Comment 27-7

Please see Response to Comment 10-7.



Response to Comment 27-8

As stated on page 3-14 of the Draft EIR, the proposed accessory restaurant would be reservation-only. Thus, the number of restaurant customers would not be difficult to enforce. Enforcement regarding lights will not be needed as the design of the lighting would be reviewed and approved by the County to ensure that impacts to the community would not be significant. Please see Response to Comment 10-7. While enforcement of noise may be required, the need for such is speculative based on the analysis contained in the Draft EIR, which determined that the project's operational noise, including amplified music would be less-than-significant. Please also see Response to Comment 9-21.

Response to Comment 27-9

Please see Master Response 1 – Project Alternatives.

Response to Comment 27-10

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 28

Placer County Environmental Coordination Services

From: Eric Dede <ericwdede@gmail.com>
Sent: Wednesday, December 7, 2022 8:42 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

28-1

I live in Placer County and work for BEM. I am fortunate enough to work in the same community that I live in and think the Project 8 Winery would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

Eric Dede from meadow vista



LETTER 28: ERIC DEDE

Response to Comment 28-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 29

Placer County Environmental Coordination Services

From: DONNA DELNO <delnofamily@aol.com>
Sent: Saturday, December 3, 2022 11:42 AM
To: Placer County Environmental Coordination Services
Cc: pneifer
Subject: Fwd: [EXTERNAL] Question about a new variance/zoning text amendment being proposed county-wide!

29-1

Please see and understand the impact of this 75 foot light roaring restaurant unneeded! on a hilltop in rural Penryn- this is not needed to be on the hilltop- do NOT grant a favor to the project- that will impact Penryn in many ways forever!

Begin forwarded message:

From: DONNA DELNO <delnofamily@aol.com>
Date: December 3, 2022 at 9:39:28 AM PST
To: bos@placer.ca.gov, Clerk BOS <BoardClerk@placer.ca.gov>
Cc: pneifer <pneifer@gmail.com>, Chuck-Muriel Davis <chamdavis@yahoo.com>
Subject: Fwd: [EXTERNAL] Question about a new variance/zoning text amendment being proposed county-wide!

Dear BOS clerk and BOS:
Re- Project 8 towering hilltop structure-

29-2

My thoughts- since it's such a huge monstrosity for a small rural town, I say let's have a temporary 30 day lit up structure that's the same height so when people drive by and see it for 30 days, we're going to get hundreds and hundreds of opinions and complaints because they're going realize how huge it is and it just doesn't fit a rural town. Let's give it a test run somehow?
It's such a huge distraction and unnecessary.

29-3

I also will make you a bet that Private airplanes will want to fly over are going to circle around to look at it and it's going to become an icon for the area that we don't need or want- ruin local Views and make people upset since it doesn't fit.

29-4

There is no reason the restaurant needs to be the at the top of the hill in Penryn for everyone to look at! He can put it down several hundred feet to still be up high, but not towering over the top of the hill, where the sounds will carry, the lights will be a distraction and not pleasant of the local views?
And the sound will carry much further.

29-5

Remember- we're going to have more planes flying over to come look at it because it's going to be so unusual and that is not safe or good for pollution and for safety and unneeded attraction by all means, for the noise and beauty of our quiet town of 878.

Donna Delno
Diablo View- Penryn 22 years!



LETTER 29: DONNA DELNO

Response to Comment 29-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 29-2

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 29-3

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 29-4

With respect to potential impacts related to light that could occur through development of the proposed project, please see the discussions and analyses under Impact 4-3, which starts on page 4-26 of the Draft EIR. With regard to potential impacts related to noise, please see the discussions and analyses under Impacts 14-1 and 14-2, which start on pages 14-26 and 14-30 of the Draft EIR, respectively.

Response to Comment 29-5

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 30

Placer County Environmental Coordination Services

From: Stacia Delucchi <spdelucchi@gmail.com>
Sent: Wednesday, December 28, 2022 9:12 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

30-1

As a local resident, I know Project 8 Winery will have supporters and opponents. I love living in this community for all the reasons you'd imagine – open natural spaces, low density development, quiet, etc. That said, I am in favor of growth that stays within the boundaries of what we appreciate in this community. Bringing businesses to the area that will create local revenue while maintaining the agricultural history and offering desirable destinations is a plus. I am in favor of the Project 8 Winery and look forward to having it right here in Penryn.

Stacia Delucchi
Sent from my iPhone



LETTER 30: STACIA DELUCCHI

Response to Comment 30-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 31

Placer County Environmental Coordination Services

From: Chris Denoyer <chris@rcmi-hvac.com>
Sent: Thursday, December 8, 2022 1:05 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

31-1

To the Placer County Board of Supervisors,

I am writing regarding the Project 8 Winery. I am writing to express my support for the project because our community needs more agriculture, agritourism, and the right economic development. I support the Project 8 as proposed.

I am a resident of Lincoln and owner of river city mechanical. I support this project.

Chris DeNoyer
River City Mechanical Inc.
Cell: 831-207-1516
Main: 916-770-7122

Sent from my iPhone



LETTER 31: CHRIS DENOYER

Response to Comment 31-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 32

Dear Planning Commission,

32-1

My property is about 1,000 feet from the build site in Penryn and surrounded on 3 sides by the Project 8 Vineyards. The development of the surrounding vineyard property has already diminished my privacy and the rural character that brought me to this area and the winery development will be a further loss for myself and my family. I ask that you do not approve the requested variance for the height of the winery building as it will have a profound negative impact on my residence and ability to sell my home in the future. The proposal to have a 7 story building with a rotating restaurant on the ridgetop overlooking my property is simply 'creepy' and an invasion of privacy that no one should have to endure.

32-2

Here is a picture of the developer, Michael Fournier, at the proposed build site taken from my property (The proposed building will be higher than he is in this photo, I estimate he is only 50 feet high in this picture).



32-3

Input on EIR Chapter 21 (Alternatives)

Under Project Objectives #3 The Technology, the BEM developers claim that the winery needs to be over 75 foot tall to enable the gravity fed filtration systems they desire, however they could enjoy the same benefit by abiding by the 35 foot building code and then establishing their wine 'cave' 40 feet deeper that would provide the 75 feet of drop being chosen without impacting aesthetics.

In addition, I would also propose the developers have other than a Technology objective when asking for a building over 80 feet tall, as they would gain:

- a. A form of advertising that can be seen from Highway 80 and the valley communities including Lincoln, Roseville, and Rocklin.



- 32-3 cont. ↑
- b. Enablement of the rotating restaurant to attract visitors.
- Clearly the developers would benefit from all the ‘attention’ this building would generate in the disruption of our county’s ridgeline and the rural aesthetics of the town of Penryn. In addition, by enabling the rotating restaurant they have are able to have an additional attraction from a traditional winery to maximize their guest visits.
- The variance for the height of the building to meet the ‘#3 Technology’ objective is clearly a Self Created Hardship for the purposes of the Planning Commission consideration. There are no other examples of wineries requiring 75 feet of gravity filtration across the world, this ‘objective’ of the developers does not need to be accommodated and is not coming from an attribute imposed by the building site. This is a hardship created by the developer, as such the variance should not be granted. The desired height of the building is not a ‘hardship’ introduced by the nature of the property where a variance should be considered, it is simply a ‘want’ of the developer.
- 32-4 [
1. No Project (No Build) Alternative
As one of the closest neighbours to the project site I highly favour a ‘No Build’ alternative as a rotating restaurant on a tower disrupts my privacy in astronomical proportions, however I am pragmatic enough to realize that if the developers were not asking for these significant variances the project would be readily approved by the county. I am hoping that the planning commission will ‘right-size’ this winery development to mitigate the traffic and aesthetic concerns by not granting any variances for height or maximum attendees.
- 32-5 [
2. Reduced Height Alternative
I don’t believe any aspect of the winery should be over the 35 feet as set forth in our building code, including the proposed agricultural tower. If the winery needs 75 foot of drop for their filtration system, they should dig a deeper cave and not ruin the aesthetics for Penryn and all the valley communities that will be able to identify this structure across our ridgeline.
- 32-6 [
3. Reduced Operations Alternative
My primary concern is the height of the winery and this alternative allows for the 75 foot variance. For this reason I do not favor this alternative.
- It is impossible to prevent the negative impact from traffic and let the winery be built, but the least that can be done to mitigate the impact is to not grant the request for maximum attendees to be extended to 75 from 50. The more people you allow at the winery at a time, the more traffic will be generated for our community.
- 32-7 [
- The winery developers are exploiting the rural character of our town for their financial gain, but in return Penryn and Placer county will only gain an increase of traffic and an eyesore on our landscape. Please help to mitigate the negative impact of this project by not granting the height or capacity variances. The county does not need a phallus on it’s ridgetop.



Regards,

Doug DiRuscio

871 Peach Tree Ln
Penryn, CA 95663
(530) 368.1101; doug.diruscio@yahoo.com



LETTER 32: DOUG DIRUSCIO

Response to Comment 32-1

The County appreciates the commenter's privacy concerns, which have been noted for the record and forwarded to the decision-makers for their consideration in their deliberations and decision-making regarding certification of the EIR and potential approval of the proposed project. With respect to CEQA, it is emphasized that, as stated on page 4-4 of the Draft EIR:

CEQA (Public Resources Code Section 21000 et seq.) case law has established that only public views, not private views, are protected under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488] the court determined that "we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: '[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.'" Such a conclusion is consistent with the thresholds of significance established in Appendix G of the CEQA Guidelines.

Based on the above, it is appropriate to focus the aesthetic impact analysis on potential impacts to public views, rather than private views.

Response to Comment 32-2

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

Response to Comment 32-3

Please see Master Response 1 – Project Alternatives, Master Response 3 – Octagon Building and Gravity Processing, and Master Response 5 – ZTA.

Response to Comment 32-4

The comment does not directly address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers for their consideration. Please see Master Response 1 – Project Alternatives.

Response to Comment 32-5

The comment does not directly address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers for their consideration. Please see Master Response 1 – Project Alternatives and Master Response 3 – Octagon Building and Gravity Processing.

Response to Comment 32-6

The comment does not directly address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers for their consideration. Please see Master Response 1 – Project Alternatives.



Response to Comment 32-7

The comment does not address the adequacy of the Draft EIR. The commenter expresses concerns regarding the project's effects to the rural character of the area. In *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA's overriding and primary goal is to protect the physical environment. CEQA defines a "significant effect on the environment" as "substantial, or potentially substantial, adverse changes in physical conditions" (PRC section 21100. subd. [d]).

The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 33

Placer County Environmental Coordination Services

From: Julia Duarte <juliapalmerduarte@gmail.com>
Sent: Wednesday, December 7, 2022 7:50 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

33-1

I am writing regarding the Project 8 Winery. I am writing to express my support for the project because our community needs more agriculture, agritourism, and the right economic development. I support the Project 8 as proposed.

Best,

Julia Duarte from Meadow Vista



LETTER 33: JULIA DUARTE

Response to Comment 33-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 34

Shirlee Herrington

From: Jennifer Byous
Sent: Wednesday, December 14, 2022 8:09 PM
To: sales@popiewines.com
Cc: Shirlee Herrington
Subject: RE: Project 8 Winery Project - Draft EIR

Michael,

Please bring your written document and/or talking points with you and provide a copy to the clerk for the record as well as provide additional written comments by Dec 28th. Each speaker is given 3 mins each for comments.

Jen

Jennifer Byous
Supervising Planner, Planning Services
Placer County Community Development Resource Agency
3091 County Center Drive, Suite 120, Auburn, CA 95603
Office:(530) 745-3008 |www.placer.ca.gov



From: sales@popiewines.com <sales@popiewines.com>
Sent: Wednesday, December 14, 2022 2:42 PM
To: Jennifer Byous <JByous@placer.ca.gov>
Subject: [EXTERNAL] Project 8 Winery Project - Draft EIR

Hi Jennifer,

I plan on giving a public comment tomorrow during the Planning Commission meeting in support of the Project 8 Winery Project. I will be finishing up my written comments later today and will bring them with me to comment from as long as I don't get called in for Jury Duty. I do have a couple questions if you don't mind.

- Should I send you my completed document that I will talk from? or should I bring an extra copy or copies to the meeting?
- Is there a set time limit on how long I can talk? I'm timing myself now and I think I'll be over (probably five minutes in total) what I believe is a 3 minute time limitation. If that is the limit, I'll pair down my comments, but submit everything I have written down in order for the commission to see all my comments and/or concerns.

34-1



34-1 cont.

I look forward to attending the meeting tomorrow.

Thank you very much for what you do as I know these meetings can get a little interesting.

Sincerely,

Michael Duarte

Popie Wines

e-mail: Sales@PopieWines.com

web page: www.PopieWines.com

(916) 768-7643 Phone

(916) 652-7173 Fax



LETTER 34: MICHAEL DUARTE

Response to Comment 34-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 35

Placer County Environmental Coordination Services

From: Chad Erickson <sandman.ce@gmail.com>
Sent: Saturday, December 17, 2022 6:59 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

35-1

I am writing to express my support for Project 8 Winery because our community needs more agriculture, agritourism, and the right economic development. I support approval of Project 8 as proposed.



LETTER 35: CHAD ERICKSON

Response to Comment 35-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 36

Placer County Environmental Coordination Services

From: Fabricio Garcia <fabriciog@bem.com>
Sent: Friday, December 9, 2022 8:17 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

36-1

As a local resident, I know Project 8 Winery will have supporters and opponents. I love living in this community for all the reasons you'd imagine – open natural spaces, low density development, quiet, etc. That said, I am in favor of growth that stays within the boundaries of what we appreciate in this community. Bringing businesses to the area that will create local revenue while maintaining the agricultural history and offering desirable destinations is a plus. I am in favor of the Project 8 Winery and look forward to having it right here in Penryn.

Sent from my iPhone



LETTER 36: FABRICIO GARCIA

Response to Comment 36-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 37

Placer County Environmental Coordination Services

From: Alec Goeken <agoeken22@gmail.com>
Sent: Thursday, December 8, 2022 2:32 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

37-1

To the Placer County Board of Supervisors,

I am writing regarding the Project 8 Winery. I am writing to express my support for the project because our community needs more agriculture, agritourism, and the right economic development. I support the Project 8 as proposed.

Sent from my iPhone



LETTER 37: ALEC GOEKEN

Response to Comment 37-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 38

Placer County Environmental Coordination Services

From: Salvador Gonzalez <salg@bem.com>
Sent: Thursday, December 8, 2022 1:19 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

38-1

I live in Placer County and work for BEM. I am fortunate enough to work in the same community that I live in and think the Project 8 Winery would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

Salvador Gonzalez

234 grape st Roseville Ca 95678

Sent from my iPhone



LETTER 38: SALVADOR GONZALEZ

Response to Comment 38-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 39

December 28, 2022

Jennifer Byous
Placer County Community Development Resource Agency Environmental Coordination Services
County Center Drive, Suite 190
Auburn, CA 95603

Dear Ms. Byous:

39-1

Our letter is concerning the Project 8 Winery, with which we have multiple concerns. As residents of Placer County since 1978, including our present home's three-acre parcel in Penryn, we have always appreciated the rural atmosphere, especially the open spaces, farms, ranches, and friendly neighbors.

Driving by the begun winery on historic Highway 40, there is already a gash on the hillside. Our main objections (and there are many others,) is the County's apparent willingness to accept an inadequate, faulty Draft Environmental Impact Report, ignoring full compliance with the California Environmental Quality Act, the 75' tower and large building sitting atop a ridge, the impact of increased traffic, noise, loss of habitat and wildlife corridors.

39-2

Project 8 Winery's DEIR is so limited in scope, both in presentation, and migration options that it doesn't meet minimum standards. A new EIR, covering thoroughly a more in-depth look at problems is required. Individuals in the community have voiced concerns that are not dealt with or minimized. It's as if the County wants this large operation in the hopes of increased tax revenue, ignoring environmental effects such a habitat loss, run off, possible well contamination, air pollution, and residential concerns that are not properly mitigated. This winery appears to be a tourist attraction for Placer County more than an agricultural business. The proposed 16.5 acre vineyard won't produce the needed grapes for the estimated 50,000 cases of annual wine sales, which is a breach of the County's Winery and Farm Brewery Zoning Amendment. This applicant should not be given an exemption!

39-3

It is of particular ire to think that a 75' tower attached to a large restaurant meets multiple County requirements. It doesn't! The alternatives offered in the DEIR do not meet CEQA standards. This is a fancy restaurant, wine sales facility, and tourist attraction, disguised as a winery. The owner falsely stated the tower is necessary for gravity fed filtration, a statement denied by UC Davis viticulture graduate and consultant Stephen Burch. The hilltop views of the Sacramento Valley are in direct violation of Placer County Planning ridge height limitations. Exemptions set a precedence, rendering protective ordinances basically useless. While the scenery may be attractive to diners and wine aficionados, it will be a stark facility carved into the hilltop, an assumed eye sore for travelers along Taylor Road and surrounding areas, especially locals who enjoy the rural community and ambiance.



- 39-4 The DEIR does not offer viable alternatives to traffic, light and noise pollution or impact on local wildlife. The project is going to need to truck in grapes from other areas, since the property is too small for the growth of grapes for 50,000 cases a year. The trucking traffic will be minor in comparison to guests coming for meals and wine. Suggesting people carpool is nice, but inadequate and not enforceable. Traffic could potentially back up past the left turn lane heading east, blocking Taylor Road on busy weekends. The increase in traffic will exceed the County's Vehicle Miles Traveled goals. Noise pollution will grow as more and more people in their vehicles use the roadways. While the applicant has stated there will only be one small amplifier allowed, there is no written guarantee limiting additional amplification. It is quite easy to imagine this facility will be rented out for weddings and other group events, with desires for music not of the "light," chamber, string quartet or piano variety. The overall size of the project will require night lighting, which even with downcast illumination, will make a statement of commercial presence. Finally, the wildlife, with no voice in the approval, will have a large, intrusive building and assorted walkways, parking lot, brewery, and out buildings taking over land they use. Raptors need acres and acres of open grassland to hunt, herbivores require space to forage on, with lack of human intervention. The Project 8 Winery encompasses 80 acres of wildlife habitat, some of it already destroyed. Please, save the rest. CEQA needs to be reviewed in this area.
- 39-5
- 39-6
- 39-7
- 39-8 We strongly disagree and request denial of the proposed Project 8 Winery until an accurate DEIR report can be submitted and carefully reviewed. Placer County zoning ordinances and CEQA requirements must be met, with mitigations and alternatives that are adequate and responsible. Other areas of concern include the tower and large scale restaurant, aesthetically incongruent with Penryn, the increase in traffic, with its accompanying noise, air pollution, and heavier use on already busy Taylor Road, the light pollution from the facility at night, and the loss of wildlife habitat. Until these and other objections can be responsibility addressed, we are not in support of the Project 8 Winery.

Sincerely,

Lawrence Gouveia
Beth A Sunflower Gouveia
5165 Abbott Road
(PO Box 25)
Penryn, CA 95663



LETTER 39: LAWRENCE GOUVEIA

Response to Comment 39-1

The comment expresses a general opinion that the Draft EIR is inadequate and fails to account for potential impacts related to the octagon building, traffic, noise, loss of habitat and wildlife corridors, but does not provide specific examples that would allow for a detailed response. Please see the discussions and analyses in Chapter 4, Aesthetics; Chapter 7, Biological Resources; Chapter 14, Noise; and Chapter 16, Transportation, of the Draft EIR, which address the foregoing issues.

The commenter also expresses their appreciation for the rural atmosphere, which are noted for the record and have been forwarded to the decision-makers for their consideration. With respect to CEQA, in *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA's overriding and primary goal is to protect the physical environment. CEQA defines a "significant effect on the environment" as "substantial, or potentially substantial, adverse changes in physical conditions" (PRC section 21100. subd. (d)).

Response to Comment 39-2

Please see Response to Comment 39-1, as well as the discussions and analyses in Chapter 4, Aesthetics; Chapter 6, Air Quality and Greenhouse Gas Emissions; Chapter 7, Biological Resources; and Chapter 12, Hydrology and Water Quality, of the Draft EIR.

The acreage of vineyard currently present adjacent to the project site is well in excess of the 16.5 acres estimated by the commenter. The total acreage will also continue to increase as additional areas are made ready for planting in the coming seasons.

It is also noted that there are additional existing vineyards within Placer County affiliated (through ownership and management agreements) with the winery. Grapes from these existing vineyards will be an important contribution to the supply of grapes necessary to achieve the 50,000+ case production target.

The balance of grape supply will be obtained and imported from other areas both within and beyond Placer County. This is, in fact, an important aspect of the business model, as stated in the Project Objectives on page 3-5 of the Draft EIR. While many varieties of wine grapes prosper in Placer County growing conditions, that is not the case for all types universally. By seeking high quality grapes from areas where growing conditions are most favorable for their particular varietal, the winery will be able to cultivate a selection of wines that can appeal to a larger audience helping to ensure its success.

Response to Comment 39-3

Please see Master Response 1 – Project Alternatives regarding alternatives, and Master Response 3 – Octagon Building and Gravity Processing, and Responses to Comments 9-37 and 9-38 regarding the 75-foot-tall octagon and proposed method of gravity filtration. Regarding the concerns about impacts to the rural community, please see Response to Comment 32-7.



The commenter's views and recommendations regarding the merits of the project have been considered by Placer County staff in developing the staff recommendation, and by the Planning Commission and the Board of Supervisors in their deliberations and decision-making regarding certification of the EIR and merits of the proposed project.

Response to Comment 39-4

Please see Master Response 1 – Project Alternatives regarding alternatives. Regarding truck traffic, please see Response to Comment 39-2 and note that truck traffic associated with hauling grapes to the proposed winery is also evaluated in Chapter 16, Transportation, of the Draft EIR (see Table 16-5). Regarding the concern about traffic backing up past the left-turn lane heading east, blocking Taylor Road on busy weekends, it is important to note that Mitigation Measure 16-3, as amended in this Final EIR (see Chapter 3), requires that the project applicant install a left-turn lane on Taylor Road at the Callison Road intersection with construction of Phase 2 of the project, or if Phase 2 improvement plans have not been approved within 3 years of Phase 1 occupancy, the applicant shall proceed with separate improvement plans for the left-turn lane on Taylor Road. It should also be noted that, due to the project's significant and unavoidable VMT impact, a statement of overriding considerations has been prepared separately by the County and will need to be adopted by the Board of Supervisors should they vote to approve the project.

Response to Comment 39-5

Please see Response to Comment 9-21.

Response to Comment 39-6

Please see Response to Comment 10-7.

Response to Comment 39-7

As discussed on page 3-1 of the Draft EIR, the proposed project site, or improvement area, consists of approximately 18 acres of the 44.14-acre parcel area. The wildlife species about which the commenter is concerned are not specifically identified, with the exception of raptors and herbivores. Raptors are addressed in Impact 7-2 of the Biological Resources chapter of the EIR. The Draft EIR includes Mitigation Measure 7-2 requiring preconstruction nesting surveys for raptors and other birds protected under the Migratory Bird Treaty Act, and if detected on-site, implementation of avoidance and minimization measures.

As detailed in Table 7-6 of the Draft EIR, of the 6.2 acres of blue oak woodland found on-site, the project would impact approximately 4.2 acres of blue oak woodland. The site also contains 1.7 acres of annual grassland that would be impacted by the proposed project. The project site is located within Plan Area A: Foothills of the PCCP and the proposed project is a Covered Activity requiring PCCP Authorization. The project is required to apply for PCCP Authorization and comply with PCCP General Condition 3 for land conversion fee obligations for permanent land conversion.

Development fees would be applied for the proposed project's vegetation community impacts, in accordance with PCCP guidelines. The vegetation community impacts that would be accounted for would include impacts to the oak woodlands, as well as other natural and semi-natural habitats, such as annual grassland. Therefore, the proposed project would offset the loss of potential habitat for raptors and herbivores, though the latter may not be considered special-status species, such as common rodents, rabbits, and deer.



Response to Comment 39-8

Please see Responses to Comments 10-7 and 39-1, as well as Master Response 3 – Octagon Building and Gravity Processing, and Master Response 5 – ZTA. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 40

Placer County Environmental Coordination Services

From: Brad Heisler <bheisler@heislerlaw.com>
Sent: Tuesday, December 20, 2022 3:34 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

Dear Placer Board of Supervisors,

I am a Placer County resident since 1990 and currently reside in Newcastle and am writing in support of the Project 8 Winery in Penryn. I am excited to see such a world class project take shape in this part of the County. We have plenty of suburban housing projects, but not enough of what I would call "high end agriculture" to support Agri-tourism. Project 8 is compatible with the fruit orchards of our past and can act as a catalyst for growth in related agriculture businesses, so that Placer County can have a diverse economic and lifestyle portfolio to offer residents. Wineries in the pattern of Project 8 have been such a blessing to El Dorado and Amador Counties (not to mention Napa and Sonoma). I know neighbors to Project 8 who started out with concerns but now are excited to see Project 8 advance. This is a testament to the team advancing this project. They are good at listening to valid concerns and accommodating them.

My fear for Placer County is that dense housing will slowly absorb the small farms and ranchettes of rural Placer County. A more balanced future will certainly include housing, but should also include unique attractions that are consistent with our agricultural past. I am hard pressed to think of a better fit than something like Project 8. Maybe golf courses, but we have a good number of those. Regional parks, yes, but we are making good progress on that front here as well. Skiing, yes, but that is up the hill and seasonal. Tahoe, definitely, but that is mostly for the eastern part of the County.

Regarding the old Hwy 40 corridor, I think Project 8 will complement efforts to remember and celebrate this one of America's old highways, as visitors to Project 8 will drive along a vintage section of this old highway, and perhaps through the Newcastle tunnel. Roadside attractions will do better with tourist visitors, rather than masses of daily commuters.

Thanks also for your leadership and your passion for Placer County. I am especially pleased to have lived through the Pandemic here in Placer County, where common sense mostly prevailed. Keep up the good work.

Brad Heisler
171 Rainbow Valley Lane
Newcastle, CA 95658
bheisler@heislerlaw.com
916-728-3687

40-1



LETTER 40: BRAD HEISLER

Response to Comment 40-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 41

Jennifer Byous 12/27/22
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603
Re: Project 8 Winery
Draft Environmental Impact Report (SCH#202201088)

Dear Ms. Byous:

41-1

I am writing on behalf of myself and my husband Colonel Christopher Pantos Ret., to address the Draft EIR in regard to the development called Project 8. This Project is inconsistent with the General Plan and the County-wide changes proposed to the Winery/Brewer Ordinance are not only unnecessary, they have not been adequately analyzed in the EIR.

41-2

The 75' Octagonal building, formally called the Tower, has many issues. The first and foremost issue, beyond the fact that it not allowed by code, is that there is no need for a 75' building at all. In the famous Napa Valley wine region, there are no towers. All of the gravity-flow filtration, especially of exclusive wines, is accomplished underground. I know this after interviewing a prominent wine maker in the Napa Valley from Caymus Vinyards and researching online articles. In fact, most of the filtration in the Napa Valley is done by machine. The developer is requesting a Zoning Text Amendment to add height limit exceptions to the Placer Count Winery and Farm Brewery Ordinance, Section 17.56.330. It is wrong to grant special privilege to the wine industry over any other commercial enterprise or individual to capitalize on the scenic view for personal gain which is denied to all others. If this is even considered, it would be a travesty that one person could change the ordinance to favor his project.

41-3

Which brings me to the point that the Project is calling the ridge, a knoll. The definition of a knoll is, "a small, rounded hill" The definition of a ridge is, "an elongated section of higher land with the land falling away on both sides". If the developer were to build on a knoll, one wouldn't be able to see the view at all. I've hiked the ridge many times in the past and it absolutely falls away on the sides to expose the view of the Sutter Buttes and beyond. It seems to me the developer is trying to change the wording from "ridge" to "knoll" to escape the fact that the ridge is protected. The 75' tall looming, rotating restaurant (75'plus footage, considering the mechanical equipment is located on top and no one has revealed how much extra footage that will add) will have a significant impact on the aesthetics of the ridgeline. The DEIR acknowledges this. The 75' building will degrade the beauty of the ridgeline views and the enjoyment of the area, especially for the locals that will be faced with it daily. Additionally, the



- 41-4 "Lake Effect" applies to this project. Waterfowl could mistake the large tower windows for water and fly into them. This goes for solar panels as well. This 75'+ structure may very well be a disaster for all birds.
- 41-5 In regard to the Williamson Act, the project will require a compatibility determination from the Ag commissioner and the Bord of Supervisors but it doesn't mention about the compatibility of the restaurant. The findings must be constant with State law and the County land use code and the project must be consistent with the existing land use code which it doesn't appear to be. Additionally, it appears the hours of the proposed restaurant and other activities are excessively long. This is an agricultural rural setting not a downtown gathering place.
- 41-6 On the topic of noise, noise travels, especially in the morning and evening and even more from higher areas. We are concerned about the parties and music concerts that are propose to be held outside. We live on one of the highest points on Sisley Rd. and already the winery construction noise has been an imposition on our lives. We are concerned about the noise from events in addition to the noise of the machinery and heavy equipment utilized by the project. More study must be done on this.
- 41-7 The request to raise the number of guests from 50 to 75 is another issue that needs to be denied. Already the developer is allowed to have 12 special events a year with 200 guests. That's an average of one special event every month. How will the number of guests be enforced? Isn't this an agricultural project not an event center? There are over 100 parking stalls planned. They will be an eyesore and able to be seen from the road. Our country roads are not set up for this kind of traffic, especially Sisley Rd. on which we live. Sisley Rd. is the last remaining original section of the Lincoln Highway and it is of significant historic value. This wasn't even mentioned in the DEIR. Extra traffic will degrade the surface and promote more patching of the road. Eventually there will be no original stretch of the Lincoln Highway left.
- 41-8
- 41-9 Also, many walkers and bicyclists use Sisley Rd. along with all sorts of wildlife. With the curves of the road and the propensity of speeding vehicles these days, the addition of more vehicles would put people and animals in danger.
- 41-10
- 41-11 Traffic on Callison Rd. is a problem. Huge trucks associated with the winery project have been busy on the road since its inception. When one goes by, it's so loud you can't even hear if any other vehicles are nearby which is a danger to pedestrians. We regularly walk dogs on Callison Rd. and it is becoming increasingly unsafe. Because of the traffic and the scope of the project, the entrance to the project needs to be on Taylor Rd. to alleviate the safety issues on our small country roads.
- 41-12 Grapes are a heavily sprayed crop which causes contamination. How will this affect wildlife, water and the neighbors near the vineyards? Insecticides and herbicides when sprayed, can be picked up by a breeze and carried beyond the scope of the Project thus contaminating neighbors, organic gardens, wildlife and innocent folks out for a walk or bicycle ride.



41-13

This Project, as presented, is not right for the area. The buildings look as though they belong in an industrial park not in the rural setting of Penryn even though the developer says they have incorporated local themes such as the goldrush and the railroad etc. At the December 15th meeting, mention was made of a keypad entrance rather than a guard at the gatehouse. If this project is supposed to benefit the local residents of Penryn how will they be able to enter the facility? On a side note, how often would a local resident be able to afford the wine tasting fee for ultra-high-end wines and the exclusive reservations-only restaurant? This project does not benefit the community nor does it comply with the Placer County General Plan, the Horseshoe Bar/Penryn Community Plan (“HBPCP”), and the Zoning Ordinance.

Sincerely,

Ann Henderickson-Pantos

Colonel Christopher Pantos Ret.

1497 Sisley Rd. Penryn 95663

41-14

FYI: On December 15th, 2022 I attended the meeting regarding the DEIR. The slideshow was presented but before I could completely read one slide the next one was being shown. I thought the packet I picked up upon entering the meeting room would have the slideshow information but it did not. I was able to understand one particular slide because an official requested that it be shown again. It was the slide that had a graph showing that with this project, there would be more of an environmental impact with lower buildings rather than a 75' building. There was no explanation of this or any proof. This makes me wonder what else of importance I missed with the other slides. It seems to me that the DEIR meeting was slanted in favor of the developer. Additionally, the DEIR was so extensive and complicated how was a layperson supposed to get through it? There was so much information regarding what Project 8 wants to do and so little about how important negative issues could be mitigated.

41-15

An extension was requested regarding public comment but it was not granted. This was not right considering the December 15th meeting and the deadline for public comment, December 28th, were during the busy holiday season, this seemed to favor Project 8 as well.

Ann Henderickson-Pantos



LETTER 41: ANN HENDERICKSON-PANTOS

Response to Comment 41-1

Please see Master Response 5 – ZTA and Response to Comment 9-33. The commenter’s concerns are noted for the record and have been forwarded to the decision-makers for their consideration.

Response to Comment 41-2

The comment does not address the adequacy of the Draft EIR, but is noted for the record. Views and recommendations regarding the merits of the project have been considered by Placer County staff in developing the staff recommendation, and by the Planning Commission and the Board of Supervisors in their deliberations and decision-making regarding certification of the EIR and potential approval of the proposed project.

Please also see Master Response 3 – Octagon Building and Gravity Processing, regarding the 75-foot-tall octagon and proposed method of gravity processing, as well as Master Response 5 – ZTA regarding the requested ZTA.

Response to Comment 41-3

As discussed on page 4-21 of the Draft EIR, the octagon building would be located atop a knoll rather than a ridgeline. Regardless, this does not affect the significance conclusion of the Draft EIR regarding aesthetics. As the commenter rightly notes, the Draft EIR concluded that the proposed octagon building would result in a significant aesthetic impact by substantially degrading the existing visual character or quality of the site and its surroundings, as seen from public views. In an effort to reduce the magnitude of the impact, the Draft EIR includes Mitigation Measure 4-2. The mitigation, among other things, requires additional plantings along the project’s Callison Road frontage, a living façade on floors 2-4 of the octagon building, and structural materials on the upper portion of the octagon building that are representative of the surrounding oak woodland. Nevertheless, the project’s aesthetic impact would remain significant and unavoidable.

Response to Comment 41-4

Please see Response to Comment 53-1.

Response to Comment 41-5

Please see Master Response 2 – Williamson Act.

Response to Comment 41-6

Please see the discussions and analyses in Chapter 14, Noise, of the Draft EIR. Specifically, refer to the analyses under Impact 14-2, which evaluates potential noise generated by project-generated traffic along roadways in the project vicinity, parking areas, on-site vehicle circulation, outdoor amplified music from the octagon building and warehouse building, outdoor event crowds, an emergency standby generator, and agricultural operations, starting on page 14-30.

The commenter also appears to express concern about the project’s elevated (“higher”) position. The elevation of the project site, including the proposed octagon atop the hill, is factored into the noise modelling. As discussed on page 39 of the Environmental Noise & Vibration Assessment prepared for the proposed project and included as Appendix O of the Draft EIR, to account for shielding provided by intervening topography, elevation data for the entire project area was input



to the noise analysis model. In addition, using aerial imagery and the project site plans, model inputs for hard surfaces, soft surfaces, and vegetated areas were applied.

Response to Comment 41-7

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. Regarding enforcement, please see Response to Comment 16-17.

Response to Comment 41-8

As illustrated in the simulations included in the Aesthetics chapter of the Draft EIR, proposed parking areas will not be visible from public roads, with very limited exception (i.e., select spaces in front of the processing/warehouse building). This would not result in a substantial degradation of the existing visual character or quality of the site and its surroundings.

Response to Comment 41-9

Sisley Road is discussed in the Draft EIR, beginning on page 16-14, and is described as a local two-lane road with pavement in poor condition and width that ranges from 16 to 22 feet without shoulders. As noted in Draft EIR Table 16-3, Callison Road is the primary access route to the site, and the Project 8 Winery is only projected to add 18 vehicle trips per day to Sisley Road. This volume of occasional automobile traffic would not appreciably affect the condition of Sisley Road, nor create the need for maintenance.

Response to Comment 41-10

As stated in Response to Comment 41-9, the proposed project is projected to add 18 vehicle trips per day to Sisley Road. It is reasonable to conclude that this relatively minor increase in daily traffic would not substantially increase hazards related to pedestrians and bicyclists (see Appendix G, Section XVII, Question c). With respect to wildlife, CEQA appropriately focuses on special-status species and the project's potential effects to said species. The types of special-status species that the Draft EIR identified as potentially occurring in the area would not be adversely affected by vehicle traffic (i.e., birds).

Response to Comment 41-11

As discussed on page 16-4 of the Draft EIR, Callison Road is a two-lane rural road with varying pavement and does not include shoulders. The pavement width ranges from 22 to 24 feet along the segment that extends from the UPRR crossing to Taylor Road. From the UPRR crossing to Clark Tunnel Road, the width ranges from 16 to 20 feet. As noted in Draft EIR page 16-18, the proposed project would not physically disrupt an existing pedestrian facility, nor interfere with implementation of any planned pedestrian facility. Because the volume of traffic added by the Project 8 Winery is comparatively low, the project would not result in an increased number of vehicles and/or pedestrians on a facility that does not have adequate pedestrian facilities, such that conflicts between pedestrians and other travel modes would likely increase. As such, implementation of the proposed project would not adversely affect pedestrian facilities.

Please also see Response to Comment 21-4.

Response to Comment 41-12

It is important to note that the existing vineyards are located adjacent to the Project 8 project site and are not part of this application and; thus, there is no requirement to analyze grape cultivation



in this Draft EIR. Nevertheless, the following is offered for informational purposes. Though not frequent, vineyard cultivation, as most farming, does require occasional application of pesticides and herbicides. Such applications are highly regulated by the State of California and the Placer County Department of Agriculture. All federal, state, and county requirements relating to the application of these substances such as proper training, permits, records, and oversight by the County are and will continue to be met by vineyard farming operations. All applications are tightly controlled, and careful planning is employed to carry out applications in optimal conditions (e.g. low wind).

Response to Comment 41-13

The comment does not address the adequacy of the Draft EIR. Views and recommendations regarding the merits of the project have been considered by Placer County staff in developing the staff recommendation, and by the Planning Commission and the Board of Supervisors in their deliberations and decision-making regarding certification of the EIR and potential approval of the proposed project. Regarding General Plan and HBPCP, please see Response to Comment 9-33.

Response to Comment 41-14

The commenter requests explanation as to how the Reduced Height Alternative could have more of an environmental impact than the proposed project with a 75-foot-tall building. The commenter appears to be referring to the portion of the Alternatives Analysis where a comparison of biological resources impacts is provided (e.g., Draft EIR, pg. 21-15 and -16). As stated therein:

As shown in Figure 21-2, due to the development of two shorter buildings and a 75-foot agricultural structure for the use of gravity filtration, rather than one 75-foot octagon building, the Alternative would result in an increased disturbance area of 1.46 acres as compared to the proposed project, as well as an increased impact area to the on-site woodland canopy of an additional 1.65 acres. Thus, the Alternative would include removal of a greater acreage of oak woodlands relative to the proposed project, and absent compliance with applicable PCCP mitigation measures, would still have the potential to conflict with the PCCP.

Thus, the Draft EIR appropriately states that the Reduced Height Alternative could increase impacts to biological resources due to larger building footprints and associated grading limits.

Response to Comment 41-15

While the County appreciates the commenter's request for an extension of the Draft EIR public review period, the County complied with the legal requirements of CEQA Guidelines Section 15105(a), by affording a 45-day public comment period, and is under no legal obligation to extend said review period. A 45-day public review period on a Draft EIR is common practice amongst public agencies, and in this agency's and its consultant's experience, extending the Draft EIR comment period to a period longer than 45 days is fairly atypical and restricted to cases where unusual circumstances exist. The County does not consider the holidays as unusual circumstances.



Letter 42

Placer County Environmental Coordination Services

From: Alice Jack <alicebjack@gmail.com>
Sent: Tuesday, December 13, 2022 2:15 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

I am so pleased with the respectful and beautiful design of Project 8. It's gorgeous and will be a wonderfully complimentary use of the amazing Penryn hillsides.

I am writing regarding the Project 8 Winery. I am writing to express my support for the project because our community needs more agriculture, agritourism, and the right economic development. I support the Project 8 as proposed.
Alice Jack

Sent from my iPhone. Please excuse typos!

42-1



LETTER 42: ALICE JACK

Response to Comment 42-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 43

Placer County Environmental Coordination Services

From: Alice Jack <alicebjack@gmail.com>
Sent: Tuesday, December 13, 2022 2:16 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

43-1

The Project 8 Winery is a beautiful and respectful use of the beautiful Penryn land.

I am writing regarding the Project 8 Winery. I am writing to express my support for the project because our community needs more agriculture, agritourism, and the right economic development. I support the Project 8 as proposed.

Sent from my iPhone. Please excuse typos!





LETTER 43: ALICE JACK

Response to Comment 43-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 44

44-1

I approve Project 8.
Grant Kageta
7524 Ridgeview Lane
Penryn, CA 95663



LETTER 44: GRANT KAGETA

Response to Comment 44-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 45

Placer County Environmental Coordination Services

From: Janet Kellman <janetodellkellman5@gmail.com>
Sent: Tuesday, December 27, 2022 7:17 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Response to the Penryn Winery Proposal

To the Placer County Development Resource Agency,

First, I would like to express my appreciation for the serious consideration you are bringing to the many sides which come into question with the introduction of the Winery Proposal. It is a balancing act to preserve the rural life of a community while at the same time inserting a world class destination into it's midst. I am writing this letter, burdened by the question of whether the two are possible to coincide, given the current scope of the proposal.

45-1

Our family moved to Penryn 42 years ago. We bought a 3.9 acre piece of land on Couey Lane and lived in a mobile home for 5 years while my husband built our beautiful hand-crafted "wood workers jewel" of a home. During this time we were both working as teachers in the community while also creating a healthy family life together. We loved working on the land together and over the years have planted around 400 trees, including a family fruit orchard and a productive vegetable garden. For our "retirement project" we planted 40 meyer lemon trees. People who come to our home call it a Paradise. And that is what it is.... Over Time, we have created our Destination. I share the above with you so that you can have a picture of the real people who will be impacted by your decision.

Our neighbors have also created their homelands, their daily Destination spots. We take care of our homes, our properties and each other. We are a Community. And this is why we find it an affront to have someone come into the peace of our Community with the idea of making the rural life we have cultivated into a backdrop for a world-wide Destination spot.

Simply said, the Winery Project needs to be Scaled-down! WHY is the question we live with, can one person, who does not even reside here, be given a building height variance twice that of what the locals have adhered to? WHY, for the dining pleasure of 35 guests, does the community need to tolerate a 75 foot, lit up rotating building, to be built in their midst. WHY??? This is no way to build healthy social relations among the community of residents!

Let me be clear, we are not totally against this project. The builder has every right to plant a vineyard with processing buildings and wine tasting and dining spaces. WHY can the project not be scaled down?!

45-2

Yes, we also have questions about the air and soil quality that will come with commercial fertilizers and heavy pesticides which are needed by any grape crop. And, Yes, we have major questions about the use of Callison road to Clark Tunnel.

45-3

That stretch of Callison is so narrow that a yellow line cannot be painted on it. There are blind turns and already now with heavy trucks using that road on a daily basis, we feel the impact and wonder what it will be like when folks who have been drinking alcohol will also be added to that mix of traffic.....to that mix of Penryn life.

45-4

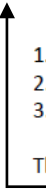
Yes, many many questions are unresolved for us. But, the greatest at this point is, WHY you, as a Board representing ALL of the Placer County residents, are willing to make an exception of the building height so that one person can build his dream structure. It absolutely doesn't make sense and will only serve to create anti-social feelings among a community who's life style is already going to be impacted by this project.

45-5

To re-cap the "WHY's" of this letter which are requesting a response:



45-5 cont.

- 
1. Building Height limit variance
 2. The width of Callison Road
 3. Impact of Air and Soil quality on the community.

Thank you for your attention to these deeply felt considerations and we look forward to your response,

Janet Kellman

6881 Couey Lane
Penryn, CA 95663

Sent from my iPad



LETTER 45: JANET KELLMAN

Response to Comment 45-1

The comment does not directly address the adequacy of the Draft EIR. The comment is noted for the record. Views and recommendations regarding the merits of the project have been considered by Placer County staff in developing the staff recommendation, and by the Planning Commission and the Board of Supervisors in their deliberations and decision-making regarding certification of the EIR and potential approval of the proposed project.

Please see Master Response 5 – ZTA. It is also noted that a Reduced Height Alternative was evaluated in the Draft EIR, as further discussed in Master Response 1 – Project Alternatives.

Response to Comment 45-2

Please see Response to Comment 41-12.

Response to Comment 45-3

Please see Response to Comment 21-3. In addition, the Draft EIR discusses the condition of Callison Road between the project entrance and Clark Tunnel Road and notes from the UPRR crossing to Clark Tunnel Road, the width of Callison Road ranges from 16 to 20 feet and identifies 15 mph reversing curves located between the project site and Clark Tunnel Road. This portion of Callison Road carries 245 vehicles per day. The Draft EIR's LTA indicated that one collision was reported on Callison Road between January 2017 and December 2021.

This portion of Callison Road would be a secondary route to the site, and Draft EIR Figure 16-3 indicated that the Project 8 Winery is projected to add 18 daily trips to Callison Road. The small traffic volume increase would not have an appreciable effect of safety along this portion of Callison Road, and mitigation is not required.

Response to Comment 45-4

The comment does not address the adequacy of the Draft EIR. It is important to note that the Board of Supervisors has not yet made any decision on the proposed project. Subsequent to the release of this Final EIR, Placer County planning staff will schedule the project for a hearing before the Planning Commission, who will make a recommendation to the Board of Supervisors regarding the proposed project. The Board of Supervisors, after considering the environmental impacts of the proposed project, and the Planning Commission's recommendation, will vote on the project entitlements, including the ZTA request for the increased height. Please see Master Response 5 – ZTA.

Response to Comment 45-5

Please see Responses to Comments 45-2 through 45-4.



Letter 46

From: noreply@civicplus.com
To: [Andrea Dashiell](#); [Judi Tichy](#)
Subject: [EXTERNAL] Online Form Submittal: Public Comment Submission - Planning Commission
Date: Wednesday, December 14, 2022 4:52:06 PM

Public Comment Submission - Planning Commission

During the Covid-19 Pandemic, Placer County is committed to public participation in County Government in a manner that is consistent with guidance provided by our Public Health Official. We have provided this form that can be used to submit comments to the Planning Commission.

First and Last Name	Joseph Kelly
Email Address (Optional)	jtkelly6@sbcglobal.net
Agenda Item (Optional)	<i>Field not completed.</i>
Comments	DEIR Comments submitted to the Planning Commission Meeting of 12/15/22

46-1

My name is Joseph Kelly, I have been a resident of Penryn most of my life having lived on Sisley Road during my childhood and returning to raise a family on Callison Road in 1997.

While my wife and I support agriculture and a winery that conforms to the current county codes and general plans, we strongly oppose any variances or entitlements requested for the Project 8 Winery.

46-2

As neighbors of the proposed Penryn Project 8 Winery project we urge the Planning Commission to reject ALL of the requested variances and force this project (if approved) to conform to the existing Placer County Winery ordinance and existing zoning and land use restrictions. This project is so large that even if it

proceeds in conformance with the existing winery and land use restrictions it will still have MASSIVE negative impacts on the surrounding community with increased traffic, noise, safety, and possible groundwater depletion and contamination. In particular we have concerns with the following:

46-3

Proposed 75 foot tall ridge-top restaurant with additional seating and extended operating hours.

Allowing the building of this structure on a ridge line or "knoll" would ruin the natural aesthetics of our community and amplify the impacts of music and traffic noise for MILES across our community!

46-4

Specifically, we are opposed to the exemption to the height limit exemption request for the winery/accessory restaurant and



46-4 cont.

believe alternative methods are available to accomplish the gravity flow method. The impact of this requested exemption includes impairing the visual character of the ridgeline landscape and the public views. We request the Planning commission and Board of Supervisors maintain the current 36-foot height restriction.

46-5

The accessory restaurant does not conform to existing zoning and Williamson Act provisions and is well above and beyond anything permitted before. This restaurant is not an agricultural use and is clearly a commercial use and should therefore be located in an area zoned for a commercial enterprise. There are spaces meeting this designation widely available in other areas of the County. Allowing this exemption will significantly impact the character of the area and impact the quality of life for local families. The request to increase the capacity for the tasting room from 50 to 75 attendees should be denied to remain consistent with the current Brewery/Winery ordinance.

46-6

We respectfully request the Planning Commission and Board of Supervisors uphold the current State Law, County Land use code, the General Plan and the Winery/Brewery Ordinances with no exemptions or entitlements and reject ALL requested variances and entitlements.

Thank you,
Joe & Tamra Kelly

Attach a document

[Project 8.pdf](#)

Email not displaying correctly? [View it in your browser.](#)



LETTER 46: JOSEPH KELLY

Response to Comment 46-1

The comment does not address the adequacy of the Draft EIR. The comment is noted for the record. Views and recommendations regarding the merits of the project have been considered by Placer County staff in developing the staff recommendation, and by the Planning Commission and the Board of Supervisors in their deliberations and decision-making regarding certification of the EIR and merits of the proposed project.

Response to Comment 46-2

The comment does not specifically address the adequacy of the Draft EIR. The comment has been noted for the record. Please see Response to Comment 46-1. With respect to project-related potential transportation impacts, please see the discussion and analysis under Impact 16-3 in the Transportation chapter of the Draft EIR, which starts on page 16-29, and response to Comment 18-6. Regarding potential noise impacts that could occur as a result of the project, please see Responses to Comments 9-21 and 9-22. With respect to potential safety impacts attributable to the project, assuming the commenter is referring to traffic safety, please see Responses to Comments 20-1 and 27-5. With respect to potential groundwater impacts, please see Response to Comment 21-1.

Response to Comment 46-3

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record. Please see Response to Comment 46-1. In addition, please see Response to Comment 10-5, which pertains to the Draft EIR's analysis of potential impacts to the existing visual character or quality of public views of the project site that could occur as a result of the proposed project, including the proposed octagon building.

In addition, it should be noted that noise modeling conducted as part of the Environmental Noise & Vibration Assessment prepared for the proposed project by Bollard Acoustical Consultants, Inc. accounted for the topography of the project site, including the position of the proposed octagon building and the terrain of the hilltop (see Appendix O of the Draft EIR). Thus, the Draft EIR's analysis of potential increases in noise levels to the existing ambient noise environment that could occur as a result of the proposed project is adequate.

Response to Comment 46-4

Please see Master Response 1 – Project Alternatives, Master Response 3 – Octagon Building and Gravity Processing, and Master Response 5 – ZTA.

Response to Comment 46-5

Please see Master Response 2 – Williamson Act and Master Response 4 – Accessory Restaurant. The commenter's recommendation to deny the requested increase in maximum number of attendees from 50 to 75 is noted for the record and has been forwarded to the decision-makers for their consideration.

Response to Comment 46-6

The commenter's recommendation to deny all requested entitlements (note: no variance is being requested) is noted for the record and has been forwarded to the decision-makers for their consideration.



Letter 47

Placer County Environmental Coordination Services

From: Me <kesslp@gmail.com>
Sent: Monday, December 12, 2022 8:36 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Project 8 Winery

47-1

Looking at what I presented for an EIC I see it as incomplete and outdated.

In the picture that is included in the report what is missing is the continual expansion of the project. The added pond to the left of the entrance, the added landscape that has been changed by moving and adding dirt. The razing of the single family housing to the right of entrance. As the county representing those that live here, the most up to date information needs to be provided. Not what the developer wants people to see. How many residences have been lost due to the project? That information should be in the report.



47-2

I live off of Clark Tunnel and my farm relies on the antelope canal. The developer states that they will have over 650,000 gallons of water in holding tanks and ponds, where does this water come from? Will my aquifer be drained and my family, my children not have any water? What is the county doing to mitigate this?

47-3

Callison is a rural road, now there will be increased traffic on the road and god forbid people try and cut through to Lincoln along Clark Tunnel. That road is narrow and widely used by people walking and bicycling. The winery owns property off of Taylor, a better designed thoroughfare for increased traffic.

47-4

Many of the locals are aware of how this development has snubbed it's nose at county permits and processes. We are also aware of how certain members at the county level in opposition of this project have been asked to step down or retire. I don't believe that the county officials are working in the best interest of the area, but are more interested in their own personal gains. This is evident by the inaccurate EIR that is available, not demonstrating the full impact and scope of the project.

Peter Kessler
Penryn, CA



Sent from [Mail](#) for Windows



LETTER 47: PETER KESSLER

Response to Comment 47-1

According to CEQA Guidelines Section 15125, Environmental Setting:

- (a) An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.
 - (1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

Pursuant to 15125(a), the Draft EIR accurately describes the physical environmental conditions in the vicinity of the project as they existed when the Notice of Preparation (NOP) was published for the project. In accordance with CEQA Guidelines Section 15082, an NOP was circulated to the public, local, State and federal agencies, and other known interested parties for a 30-day public and agency review period on January 13, 2022. It is also important to note that the ongoing improvements to the parcel on which the project site is located are allowable under current agricultural zoning.

Response to Comment 47-2

The Antelope Canal is fed by Placer County Water Agency (PCWA) surface water, and therefore, would not be impacted by proposed winery operations. The winery operations would utilize the applicant's groundwater well, which has been permitted by the State of California. The potential impacts associated with use of this groundwater well were evaluated in the Draft EIR and found to be less than significant. Please see Response to Comment 21-1.

Response to Comment 47-3

Please see Responses to Comments 21-3 and 41-11.

Response to Comment 47-4

The comment expresses a general opinion that the Draft EIR inadequately analyzed the full impact and scope of the project, but does not provide specific examples that would allow for a detailed response.



The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 48

Placer County Environmental Coordination Services

From: Cord Lamphere <cordlamphere2@gmail.com>
Sent: Monday, December 19, 2022 11:34 AM
To: Cord Lamphere; Placer County Environmental Coordination Services
Subject: [EXTERNAL] Project 8 Winery - PLN21-00198 (State Clearinghouse No. 202201088)

Hello,

- 48-1 [This is Cord Lamphere and I live at 7880 Callison Rd across from the winery project. I am in full support of the winery project and believe that is the best thing for our community that has happened in a long time. I know this is about the EIR so I will focus on that.
- 48-2 [1) Traffic - I would like to see the project add the left turn lane on Taylor Rd coming from the Taylor Rd - English Colony intersection.
- 48-3 [2) Traffic - I would like to see a speed limit of 35 mph added to Callison Rd the entire length of the road.
- 48-4 [3) Traffic - I would like to see walking traffic on Callison Rd from Taylor to the winery addressed. The ideal for me would be to get pedestrians and/or bicycles off Callison and on to a bike path on the Railroad property side of the road so they are not right next to the traffic. My concern with a bike lane is that traffic will speed up due to the wider road.
- 48-5 [4) Height - I am in full support of the proposed height of the restaurant and believe that it is the best choice for keeping the trees and the beauty of Penryn. Please weigh the voice of people who live near the proposed project More than people who don't. I am seeing a lot of voices of people who are not affected speaking out thinking that they are helping when they are really not.
- 48-6 [5) Having an Ag project near me instead of a mini-Bickford is SUCH a pleasure. Thank you so much for helping to get this done and the project has my full support. Let's do this right.

End of EIR specific comments.
Thank you,
Cord Lamphere

- Other Notes:
- 48-7 [1) The fire safety of my neighborhood is 20 times better than it was 3 years ago all due to the careful and highly engineered water systems of the winery and the cultivation.
 - 48-8 [2) All of the work that I see done at the winery is of top notch quality. I am impressed with the attention to detail and long view that is being taken on the project.
 - 48-8 [3) I am so happy to see Ag return to Penryn and look forward to a future that includes it rather than sprawling in-fill that I am seeing in other places.



LETTER 48: CORD LAMPHERE

Response to Comment 48-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 48-2

It appears that the commenter is requesting a left-turn be added at the Taylor Road/English Colony Way intersection, which would not be warranted due to the relatively low level of turn movements at this intersection. However, Mitigation Measure 16-3 on page 16-33 of the Draft EIR does require the applicant to install a left-turn lane on Taylor Road at the Callison Road intersection to the satisfaction of the Placer County Department of Public Works.

Response to Comment 48-3

The comment does not address the adequacy of the Draft EIR. Nevertheless, the commenter's request for a 35 mph speed limit on Callison Road is noted for the record and has been forwarded to the decision-makers for their consideration. Speed Limits on County roads are determined by an engineering survey. Requests for an Engineering and Traffic Survey can be made directly to Placer County Department of Public Works.

Response to Comment 48-4

Please see Responses to Comments 21-3 and 41-11.

Response to Comment 48-5

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 48-6

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 48-7

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 48-8

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 49

Placer County Planning Commission
December 14, 2022
Re: Proposed Project 8 Winery

Dear Planning Commission:

- 49-1** The proposed Project 8 Winery should not be allowed to proceed as planned. This project is problematic for many reasons. Many of the most serious problems have no possibility of mitigation and are in direct violation of the Winery Ordinance. Our biggest concerns are the degradation of quality of life of a rural neighborhood that will come with this project. Excessive traffic and noise, unknown effects on the aquifer, light pollution and the permanent loss of the aesthetics of the area are all certain outcomes of allowing Project 8 to be completed.
- 49-2** We currently live next door to a vineyard/tasting room in the Gold Hill area. They routinely defy Placer County's Winery Ordinance in terms of numbers of events, numbers of attendees, excessive noise, and light pollution. Despite all the verbiage in the Project 8's EIR of these events being chiefly concerned with educating the public about wine and wine production, in reality, what such facilities actually turn out to be is just another bar in a rural location, with patrons who generally behave as people do when they are at a bar. The result is a loss of the people's right to quiet enjoyment of their properties over a large area in the general vicinity.
- 49-3** Project 8 is very clear in its proposal in the EIR that it is allowed to host up to 208 "Agricultural Promotional Events" per year. They are requesting, however, that they be granted an exemption to the County Winery Ordinance to allow them to have up to 75 attendees at these events. Our experience is that such a request is disingenuous at best. They will not, on their own, limit the attendance at such events. They are in business to attract as many paying customers as they can, and it then falls on Placer County Code Enforcement to police. Code Enforcement is woefully understaffed and ill-equipped to monitor violations. In practice, there is little to no enforcement of this regulation, resulting in large crowds with all the attendant noise and traffic; it is a virtual certainty that Project 8 will consistently violate what they propose, further exceeding the Winery Ordinance boundaries.
- 49-4** The EIR addresses amplified music (which they propose can be generated from 10AM to 8PM, for the 208 events they expect to have annually) which they state "would include, but not be limited to, live, light music such as a string quartet, chamber group or pianist played through a small single amplifier....". Despite such assurances, we can tell you that our experience with our neighboring vineyard has been that it is almost exclusively heavily amplified bands playing cover versions of 80's rock and country music. The County does not have the resources to monitor compliance. Neighbors for miles around are going to hear amplified music on their property and in their homes each and every time; County Code exist to protect residents from this excessive development.
- 49-5** In closing, Placer County has multiple ordinances that this project would require exemptions to. County residents and the county partnered over a long time to write the Winery Ordinance.



49-5 cont.



Project 8 is unacceptable, unsatisfactory, and cannot be allowed to be an exception to governance.

Sincerely,

Doug McDougall and Rosemarie La Rocca
6040 Wise Road
Newcastle, Ca 95658



LETTER 49: DOUG MCDUGALL

Response to Comment 49-1

The commenter expresses concerns regarding the project's effects to the rural community and aesthetic of the area. In *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA's overriding and primary goal is to protect the physical environment. CEQA defines a "significant effect on the environment" as "substantial, or potentially substantial, adverse changes in physical conditions" (PRC section 21100. subd. [d]).

With respect to project-related traffic effects, please see Responses to Comments 18-6, 18-11, and 20-1. Regarding potential noise impacts attributable to the proposed project, please see Response to Comment 9-22. With regard to potential impacts associated with the aquifer, please see Response to Comment 21-1. With respect to potential visual impacts associated with the proposed octagon building, please see Response to Comment 10-5. Regarding potential impacts related to light and glare, please see the discussions and analyses under Impact 4-3, which starts on page 4-26 of the Draft EIR.

Response to Comment 49-2

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 49-3

The commenter speculates regarding about the applicant's intention to effectively monitor their operations and expresses concerns regarding the County's ability to implement Code enforcement if needed. CEQA does not require the analysis of speculative impacts. As stated in CEQA Guidelines Section 15384, "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."

With respect to code enforcement concerns, please see Response to Comment 16-17.

Response to Comment 49-4

Please see Responses to Comments 16-17 and 9-21.

Response to Comment 49-5

The commenter incorrectly states that the proposed project would require exemptions from multiple County ordinances. With the exception of the requested height of the octagon structure, the other proposed operational parameters, including maximum number of attendees at one time during agricultural promotional events, the accessory restaurant and its proposed hours of operations, are allowable under the County Winery and Farm Brewery Ordinance, subject to County discretionary review and approval of a CUP. Nevertheless, the comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 50

DEIR Comments Submitted to the Planning Commission Meeting of 12/15/22

- 50-1 My name is Judy McKeig. I have been a Penryn resident since 1997 and am a current member of the Penryn-Horseshoe Bar MAC.
- 50-1 While my husband and I are not opposed to a winery and tasting room that conforms to the County's codes and general plans, we are opposed to the variances and entitlements requested by the proposed Project 8 Winery as detailed in the Draft Environmental Impact Report (DEIR). We believe the project is inconsistent with the county's General Plan and ask the Planning Commission and Board of Supervisors to consider the impacts to both the local community, and the county at large if the entitlements are granted.
- 50-2 We are opposed to the proposed Zoning Text Amendment to grant a height limit exception to a winery, tasting room, or accessory-use restaurant. Included in the DEIR are two significant and unavoidable impacts: degradation of the area's visual character and public views, as well as long term changes to the visual character. This is due, in large part, to the proposed 75-foot-tall octagon building where a 36-foot height restriction is allowed. There is no evidence in the Project Objectives to support the need for a gravity flow filtration system and its resultant height constraint. This appears to be an owner preference and not a requirement for a successful winery.
- 50-3 We are opposed to the Conditional Use Permit to allow an auxiliary restaurant, as well as the increase from 50 to 75 attendees. The auxiliary restaurant appears beyond the scope of the current Winery and Brewery ordinance, and the DEIR does not articulate why the restaurant is necessary and requires a deviation from the County's land use plans and ordinances.
- 50-4 Further, the building is proposed for the top of a ridge, which the DEIR dismisses by calling it a knoll and finding the County's Ridgeline protections do not apply. However, the Project Description states the northern portion of the project "...rises to a hilltop, the plateau and slopes of which, contain oak woodland." We ask for explanation of the differences between a ridgeline, hilltop, and knoll, and analysis if the hilltop is part of Bickford Ridge.
- 50-5 Significant Impacts regarding Transportation are included in reference to transit and public transportation. However, the report does not appear to analyze potential impacts to the significant number of runners, walkers, and bikers who utilize the roads surrounding the project.
- 50-6 The DEIR briefly mentions The Lincoln Highway in Chapter 8. This highway, dedicated in 1913, spans 3,000 miles between San Francisco and New York and was the first transcontinental highway in the United States and its historical significance should not be ignored. Today, The Lincoln Highway runs along Sisley Road, as well as Callison and Taylor Roads, which front the project and its vineyards. Parts of the original concrete roadway are still in use on Sisley Road, and we ask for further analysis relating to its preservation.
- 50-7 Finally, the DEIR states there is a less than significant conflict with a Williamson Act contract. However, both the residence and restaurant appear to be inconsistent with the provisions of the Williamson Act and would require the Agricultural Commission and Board of Supervisors to determine if these uses are compatible. These findings must be consistent with State law and County land use codes that require the proposed use to be "clearly incidental" to the agricultural use. The proposed commercial events appear to be incongruent with an agricultural operation.

Thank you for your time and consideration.

Judy and Mike McKeig



LETTER 50: JUDY MCKEIG

Response to Comment 50-1

The comment does not directly address the adequacy of the Draft EIR. The commenter's opposition to the requested entitlements has been noted for the record and forwarded to the decision-makers for their consideration (note that a variance is not being requested). Regarding General Plan consistency, please see Response to Comment 9-33.

Response to Comment 50-2

Please see Master Response 3 – Octagon Building and Gravity Processing, and Master Response 5 – ZTA.

Response to Comment 50-3

Please see Master Response 4 – Accessory Restaurant. The commenter's opposition to the requested CUP for the accessory restaurant has been noted for the record and forwarded to the decision-makers for their consideration.

Response to Comment 50-4

Please see Response to Comment 41-3.

Response to Comment 50-5

As detailed under Impact 16-2 of the Draft EIR on page 16-27, due to the rural nature of the project site and Callison Road, the road is not heavily used by pedestrians and/or recreational bicyclists. While the possibility remains that future guests and employees of the proposed project could choose to ride bicycles to the project site, only one additional daily bicycle trip would be reasonably assumed to be added to the area circulation system by commute activity. Furthermore, pedestrians and bicyclists currently mix with automobiles traveling on Callison Road, which ranges from 16 feet to 24 and does not contain shoulders. Several horizontal curves are located along the road. However, at the relatively low traffic volume levels anticipated to be generated by the proposed project, conflicts between motor vehicles and pedestrians and bicyclists would be unlikely to increase above existing levels (see Table 16-6 and Table 16-8 of the Transportation chapter of the Draft EIR). Furthermore, with the presence of bikes lanes on Taylor Road, a continuous bicycle network is available in the project vicinity along more heavily traveled roads for any bicyclist who travels to the project site. Overall, the proposed project would not result in a significant increase in pedestrians and bicyclists on a facility that does not have adequate pedestrian and bicycle facilities, such that conflicts would be likely to increase. As such, the Draft EIR concludes implementation of the proposed project would not adversely affect pedestrian and bicycle facilities.

As a point of correction, the Draft EIR does not identify a significant impact to transit and public transportation (see Draft EIR, pg. 16-28).

Response to Comment 50-6

Potential impacts to historical resources associated with the proposed project are addressed in Chapter 8, Cultural Resources, of the Draft EIR. As part of the analysis included therein, a Cultural Resources Study was prepared by LSA Associates, Inc., and is included as Appendix G to the Draft EIR. Based on a literature review conducted as part of the Cultural Resources Study, portions of Callison Road were identified as being a potential historic resource (P-31-003277).



However, as noted in Impact 8-1 of the Draft EIR, portions of Callison Road within the project site are not eligible under the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR) criteria.

Roadway improvements coincident with the original alignment of the Lincoln Highway would only occur at the intersection of Taylor Road and Callison Road. Specifically, the addition of a left-turn lane on eastbound Taylor Road. All construction would occur within the existing right-of-way and primarily south of the intersection. Construction of the new turn lane would entail removal of surface level material, alteration of striping, modification of the existing shoulders, and repaving. Design and construction would be consistent with modern engineering and safety practices. The original conveyance of the Lincoln Highway would remain in place within the historical alignment. The rural bucolic nature of the surrounding area would not be changed.

Response to Comment 50-7

Please see Master Response 2 – Williamson Act.



Letter 51

Shirlee Herrington

Subject: FW: [EXTERNAL] Project 8 DEIR comments

From: Wayne Nader <wnader@wavecable.com>
Sent: Monday, December 19, 2022 9:35 AM
To: Jennifer Byous <JByous@placer.ca.gov>
Subject: [EXTERNAL] Project 8 DEIR comments

Good morning Jennifer,

Below are comments that I made at the December 15th planning commission hearing on the Draft EIR for the Project 8 Winery project:

51-1

-It appears that the applicant decided after the NOP comments, which likely had many expressing concern about the proposed 75 foot tower, that they might find an easier path by amending the Placer County Winery and Farm Brewery Ordinance to allow structures to be higher than the 36 feet. I was on the planning commission when much of the ordinance was being developed. It went for multiple years and numerous hearings. Never once did those from the vintners group ever say that the 36 foot limit on structure height was a problem. Throughout the DEIR text I could not find where the applicant justified the reasoning for using the ordinance rather than applying directly for a variance for the 75 foot tower. They need to provide a logical explanation for this approval request method.

51-2

-In section 13, on page 9, they have proposed language for the amendment to the Placer County Winery and Farm Brewery Ordinance. There are no limits to structural height in their wording of the amendment. If this is to be adopted it must have a maximum height.

51-3

-In section 4, on page 21, the third paragraph, they refer to the placement of the 75 foot tower "on a hillside" and "atop a knoll". Topographically the tower will be on top of a hill, not the side of a hill, and not a gentle knoll. It would seem that they are trying to down play the location of the tower so that it would appear to comply with Placer County Policies 1.K.1 and 1.O.3. They need to correct this and be consistent with it throughout the environmental document, even if it puts them in conflict with Policies 1.K.1 and 1.O.3.

51-4

-In section 1, page 3, the second paragraph, it says that the structure will be 75 feet "plus rooftop mechanical equipment that will be screened from view". This would imply that the total mass will be higher than 75 feet. Screened or not this additional height will be seen. They need to state the total height including the mechanicals and screening.



51-5

-In section 4, page 25, the last italicized paragraph, it states with regard to the hilltop vegetation: “If any of this screening vegetation is damaged during construction, replacement landscaping...shall be planted...”. Replacement vegetation would be substantially smaller than what existed, thereby revealing more of the 75+ foot tower. Replanted trees would take decades to get to the height and mass of the current trees. Restrictive language needs to be incorporated that at all cost the existing trees must be protected. Substantial penalties should be applied for loss of screening vegetation. With the proposed extensive underground work I believe that all of the trees in that area could be compromised and eventually die. An objective arborist, hired by Placer County, should evaluate the risks of losing any of the existing trees related to the construction work.

Respectfully submitted,
Wayne Nader
Auburn, CA



LETTER 51: WAYNE NADER

Response to Comment 51-1

The comment does not directly address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decision-makers for their consideration. Please see Master Response 5 – ZTA.

Response to Comment 51-2

This comment does not address the adequacy of the Draft EIR; the comment has been further discussed in the staff report and provided to decision-makers for their consideration. Please see Master Response 3 – Octagon Building and Gravity Processing.

Response to Comment 51-3

The Draft EIR already discloses that the project would be inconsistent with General Plan Policy 1.O.3(a). Please also see Response to Comment 41-3.

Response to Comment 51-4

The comment does not address the adequacy of the Draft EIR and is noted for the record. An existing exception in the Placer County Height Limits and Exceptions ordinance allows for a 15 percent increase in height for mechanical equipment (as well as various other features) which, in this case, results in an additional 5.4 ft. The rooftop mechanical equipment for the proposed octagon structure would not exceed this limit.

Response to Comment 51-5

The comment addresses the language in Mitigation Measure 4-2. Said language is as follows:

- *Retention of existing oak woodlands on the slope in front of the octagon building for screening purposes. If any of this screening vegetation is damaged during construction, replacement landscaping including native, or native-appearing and drought-tolerant vegetation; shall be planted to the satisfaction of the Placer County Community Development Resource Agency.*

The commenter requests that restrictive language be incorporated that at all cost the existing trees must be protected. The County appreciates the request, but believes that the financial cost associated with both replacement plantings and PCCP land conversion fees required for impacts to oak woodland will sufficiently deter the applicant from removing oak woodland trees.

The commenter also requests substantial penalties be applied for loss of screening vegetation. This comment is noted for the record and has been forwarded to the decision-makers for their consideration.



Letter 52

Placer County Environmental Coordination Services

From: pneifer <pneifer@gmail.com>
Sent: Saturday, December 3, 2022 10:55 AM
To: Placer County Environmental Coordination Services
Cc: DONNA DELNO
Subject: [EXTERNAL] Project 8 Penryn Winery DEIR public comment

Re- Project 8 towering hilltop structure-

52-1

My thoughts- since it's such a huge monstrosity for a small rural town, I say let's have a temporary 30 day lit up structure that's the same height so when people drive by and see it for 30 days, we're going to get hundreds and hundreds of opinions and complaints because they're going realize how huge it is and it just doesn't fit a rural town. Let's give it a test run somehow?
It's such a huge distraction and unnecessary.

52-2

I also will make you a bet that Private airplanes will want to fly over are going to circle around to look at it and it's going to become an icon for the area that we don't need or want- ruin local Views and make people upset since it doesn't fit.

52-3

There is no reason the restaurant needs to be the at the top of the hill in Penryn for everyone to look at! He can put it down several hundred feet to still be up high, but not towering over the top of the hill, or the sound will carry, the lights will be a distraction of the local views?
And the sound will carry much further.

52-4

Remember- we're going to have more planes flying over to come look at it because it's going to be so unusual and that is not safe or good for pollution and for safety and unneeded attraction by all means, for the noise and beauty of our quiet town of 878.

Donna Delno
Diablo View- Penryn 22 years!



LETTER 52: PATTY NEIFER

Response to Comment 52-1

This letter is a duplicate of Comment Letter 29. Please see Response to 29-1.

Response to Comment 52-2

Please see Response to 29-2.

Response to Comment 52-3

Please see Response to 29-3.

Response to Comment 52-4

Please see Response to 29-4.



Letter 53

Placer County Environmental Coordination Services

From: pneifer <pneifer@gmail.com>
Sent: Tuesday, December 13, 2022 8:28 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Public Comment Project 8 Winery DEIR
Attachments: Screenshot_20221213-072804_Gallery~2.jpg; Winery observation towerbird killer _221213_200852.pdf

Patty Neifer
Resident of Penryn, California
Pneifer@gmail.com
916 934-9050
December 13, 2022

53-1

Birds, thousands, die from flying into windows. The proposed Project 8 Winery contains a 75 foot tall, glass-covered round tower.

This rotating restaurant tower will be the tallest structure in the area and is located on the top of a hill.

The DEIR does not address how the glass tower will obstruct bird flight and will cause the death of birds who fly into the tower windows.

How will the structure be made bird friendly to eliminate bird in-flight collisions with the glass and structure?

Bird-Strike Prevention: How to Stop Birds From Hitting Windows

Up to 1 billion birds die after hitting windows in the U.S. each year, and almost 50% of these hit home windows. Addressing collisions into windows makes a huge difference for birds, and there are many bird window deterrents.

American Bird Conservancy

Birds collide with glass because they see the world differently than people do. These collisions kill up to 1 billion birds each year in the United States.



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American Bird Conservancy

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The winery will offer visitor experiences including an elevated restaurant with 360-degree views of the vineyards and the surrounding area.

LETTER 53: PATTY NEIFER

Response to Comment 53-1

While the complete preclusion of bird mortality due to in-flight collisions with the tasting room building façade is not feasible, the building designers have given strong consideration to various means of mitigation of this risk. As a result, multiple features aimed at minimizing the potential for in-flight bird collisions with the building façade have been incorporated. These features include but are not limited to:

- Use of low glare glass in glazing units;
- Downward angled glazing at tasting room level;
 - Angling glass downward toward the ground has been shown to reduce bird mortality (American Bird Conservancy, *Bird-Friendly Building Design Guide*).
- Articulating shades designed to automatically follow the path of the sun throughout the day at tasting room level;
 - Shades in lowered position prevent direct exposure of the glazing to sunlight, thus minimizing glare and reflection;
 - Shades in the raised position create a 10-foot min. deep overhang further reducing likelihood of bird collisions.
- Exterior lighting limited to “acceptable” shielded, downward facing fixtures
 - According to *Bird-Friendly Building Design Guide*,

“There has been a tendency to associate collision events with very tall structures, though published reports clearly document impact from light at all levels. Early reports of this phenomenon came from lighthouses. Contemporary reports of light-associated circling events are common at oceanic drilling rigs, and disoriented birds have been reported at night skiing sites. A study in Toronto, using the number of lighted windows on a series of buildings as an index of emitted light, found that the amount of light emitted, not the height of the building, was the best predictor of bird mortality.”



From: pneifer <pneifer@gmail.com>
Sent: Wednesday, December 14, 2022 8:46 AM
To: Jennifer Byous <JByous@placer.ca.gov>
Subject: [EXTERNAL] Flow winery without tower

Letter 54

54-1

Here is an article about gravity flow wineries (has a reference inside to a technical publication).

There is a picture in this article of how one is built underground. Another (Stoller Winery in Oregon) uses the hillside for gravity flow feature. It can be done without 75 ft towers if you buy the right piece of property.

<https://www.winemag.com/2019/01/07/gravity-flow-wineries/>

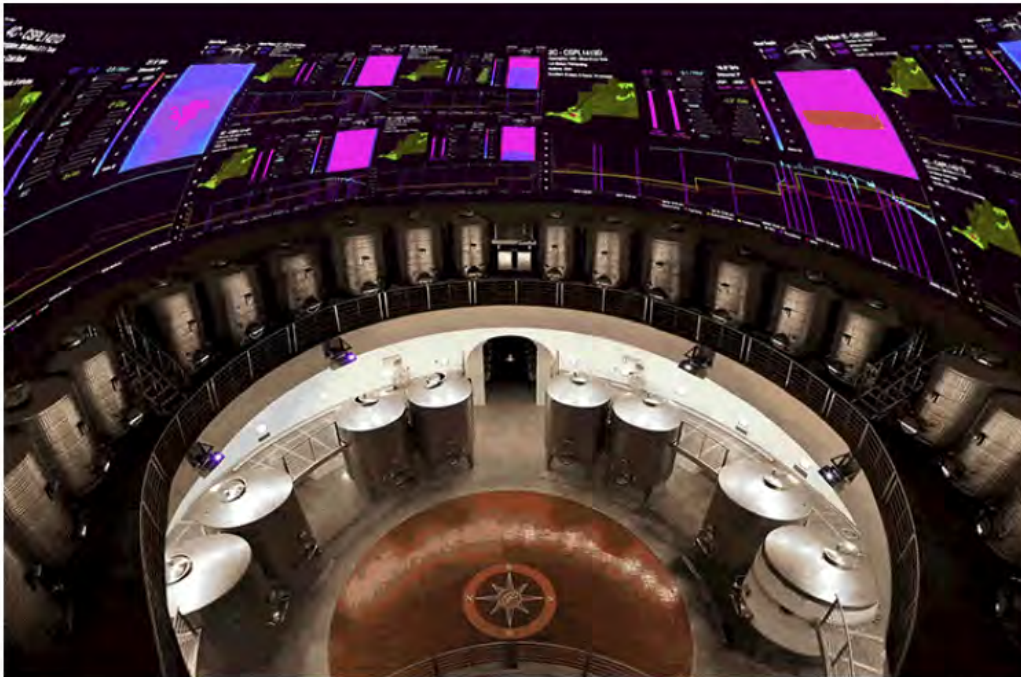
Sent from my Verizon, Samsung Galaxy smartphone



🏠 > [WINE & RATINGS](#)

How Gravity-Flow Wineries are Taking Grapes to New Heights

BY [JESSICA KELLY](#)



THE NERVE CENTER OF PALMAZ VINEYARDS GRAVITY-FLOW WINE SYSTEM, PROVING LOW-INTERVENTION DOESN'T MEAN LOW-TECH / PHOTO BY NICOLA MAJOCCHI / ANIMATED BY MATTHEW DIMAS

Somewhere between industrialized winemaking and the full-on natural/no-intervention movement, there are a growing number of producers using the environment—and more importantly, gravity—to refine their winemaking technique. Many believe that removing pumps or motors from the winemaking process preserves better fragrance and flavor. Some wineries have even gone so far as to build their facilities underground or on sloped land to bypass machinery and let gravity better work its magic.

Are these environmental efforts the future or just a fad? Owners and winemakers from five wineries around the U.S. and Canada speak about how their environmentally-friendly production techniques influence the quality of the resulting wines.



“By avoiding shaking, bruising, emulsion [or] oxidation, we are able to preserve the purity of fruit and negate astringency and compromising flavors. Aromatics are kept within the wine.” –Jean-Laurent Groux, winemaker, Stratus Vineyards



THE TASTING ROOM OF STRATUS VINEYARDS / PHOTO COURTESY STRATUS VINEYARDS

Stratus Vineyards

Jean-Laurent Groux, or “J-L,” is the winemaker at [Stratus Vineyards](#) in Niagara, one of the few completely pump-free wineries in the world.

“By avoiding shaking, bruising, emulsion [or] oxidation, we are able to preserve the purity of fruit and negate astringency and compromising flavors,” says Groux. “Aromatics are kept within the wine.”

To do this, Stratus utilizes a four-story production facility, certified by the [Leadership in Energy and Environmental Design \(LEED\)](#) organization, which allows for the movement of wine from the upper levels of the facility to those lower, while keeping oxygen contact and aeration to a minimum. In addition to their production design, Stratus also makes a point of using [100% hand-harvested grapes](#).



“The pursuit of optimal quality and form following function drove the entire process at Stratus,” says Groux. “As we were a completely new build, we were able to incorporate ‘ideal’ scenarios for the noninterventionist movement of fruit, juice and wine. [The harnessing of] gravity, being an age-old concept, [is] still highly relevant to premium winemaking.”



KEEPING A CLOSE EYE ON THE PROCESS AT PALMAZ VINEYARDS / PHOTO BY NICOLA MAJOCCHI

Palmaz Vineyards

Christian Gastón Palmaz, CEO of Palmaz Vineyards in Napa Valley, says that there’s a science to gentle winemaking based in, well, science.

Tannin polymerization occurs as a wine ages. It’s the process by which tannin molecules bind together and fall out of suspension as sediment, which smooths out the texture and mouthfeel of the wine.

“Ever since it has been known that the tannin molecules in wine are polymerizing structures, there has been a great benefit to being as gentle as possible during the winemaking process,” says Palmaz.

The facility, which spans 18-stories underground, was engineered so that the gravity alone is enough to transport the fermented wine, as well as filter it and allow for blending with minimal agitation. The distance between the levels even creates enough pressure for bottling without pumps.





PALMAZ VINEYARDS EXTERIOR AND THEIR SUBTERRANEAN PRODUCTION FACILITIES / PHOTO BY LANCE HITCHINGS

“Tannin polymerization is limited or even degraded by the mechanical shear caused by pumps,” Palmaz says. He maintains that when wine is made with machines, it doesn’t get the chance to rest until it hits the bottle, resulting in added aging responsibility for the wine’s buyer.

Not only does the facility reduce electricity consumption, “[it’s] one of the only certified net-zero water consumption wineries in California,” says Palmaz. “This means that every drop of water used in the process of making wine is captured, treated back to nearly potable standards, stored in a tunnel three city blocks long, and then used for irrigation the following year.”

“This amounts to over 1.5 million gallons of water saved every year and reused for irrigation,” he says.

These methods also allow the winery to scale back on equipment used, allowing for further conservation by decreasing the amount of water and resources needed to clean equipment like pumps.

“Our facility’s non-compromising approach to gravity flow ensures that any polymerization achieved during the process of aging wine [in tank or barrel] is maintained to the bottle,” says Palmaz. “Since, arguably, the wine is progressively more molecularly delicate as tannin polymers form, we have dedicated the design of Palmaz Vineyards to be truly gravity from start to finish...hence why we like to call our process ‘gravity finished.’”



MELISSA BURR, VICE PRESIDENT OF WINEMAKING, STOLLER FAMILY ESTATE / PHOTO BY BRIE MULLIN

“[Avoiding pumps] protects the delicate aromatic compounds in Pinot Noir. The wines are made in a reductive environment for the most part, ultimately leading to freshness and purity in the bottle.” –Melissa Burr, vice president of winemaking, Stoller Family Estate

Stoller Family Group

At Oregon’s Stoller Family Estate, in the Willamette Valley’s Dundee Hills, it was fairly easy to embrace the gravity-flow method, says Melissa Burr, the winery’s vice president of winemaking.

“We utilized the natural topography of the hillside on the Stoller estate to build the winery, and incorporated the slope to create a multilevel gravity-flow facility,” says Burr. “The advantage of using gravity to move wine from fermentation to settling, and then to barrel for gentle processing and treatment of wine, was part of the design.”

According to Burr, these techniques reduce oxygen contact in the final wines.



“This protects the delicate aromatic compounds in Pinot Noir,” says Burr. “The wines are made in a reductive environment for the most part, ultimately leading to freshness and purity in the bottle.”

Making full use of the hillside’s benefits, the winery utilizes natural insulation in the cellars. The first LEED Gold winery in the world, Stoller’s cellar is completely underground, keeping it cooler in the summer and warmer in the winter. Catacombs also wind throughout the facility, facilitating air movement and helping create consistent temperatures without artificial heating or cooling.

“The temperature in our barrel room stays cool year-round,” says Burr.



STOUTRIDGE WINERY, HUDSON VALLEY, NEW YORK / PHOTO COURTESY STOUTRIDGE WINERY

Stoutridge Winery

Stephen Osborn, the owner, winemaker and distiller at [Stoutridge Vineyard](#) in New York’s Hudson Valley, decided to ditch machine methods for two main reasons.

“First, it’s more environmentally friendly,” says Osborn. “No electric motors and less things to clean with hot water and cleaning agents. Second, it makes fresher-tasting wine.”

Also contributing to sustainability efforts, Stoutridge powers both the production facilities as well as areas open to the public through photovoltaic solar panels mounted on the south-facing roof. The winery also utilizes a system to capture heat created



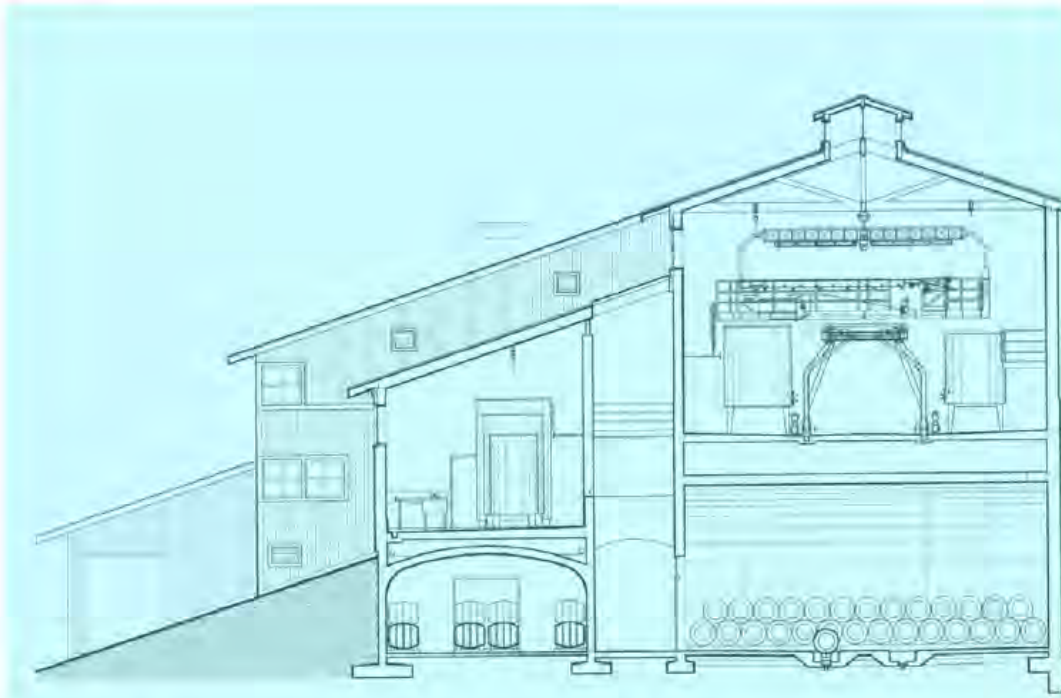
during the winemaking process to help warm outdoor areas as well as the floors of the tasting room.

“It’s a lot like the difference between a puréed tomato and a whole tomato—the purée always tastes less fresh and visceral, even though the chemistries of the two are identical.” –Stephen Osborn, owner/winemaker/distiller, Stoutridge Vineyard

But what is it about the gravity technique that allows for a fresher style of wine?

“Lack of pumping and filtration helps to retain the dissolved [carbon dioxide] from fermentation in the finished wine, which alters the flavor profile globally,” says Osborn. “So it’s a texture value, dissolved gasses, affecting the entire flavor profile of the wine. It becomes fresher tasting and more vibrant.

It’s a lot like the difference between a puréed tomato and a whole tomato—the purée always tastes less fresh and visceral, even though the chemistries of the two are identical.”



THE DESIGN FOR LEMELSON VINEYARDS’ GRAVITY-FLOW WINE SYSTEM, BY ARCHITECT LARRY FERAR / PHOTO COURTESY LEMELSON VINEYARDS



Lemelson Vineyards

According to Eric Lemelson, owner/founder of Lemelson Vineyards in the Willamette Valley, they settled on gravity flow for one reason.

“I wanted to make the most nuanced, complex, highest-quality wine from the wine grapes we grow in all of our seven sites,” says Lemelson. “Gravity flow is one of many choices we make that affect the complexity of the final product.”

Matt Wengel, head winemaker at Lemelson, describes the winemaking process. The fruit is first hand-picked, then placed on the elevated sorting platform above the tank.



LEMELSON VINEYARDS' ELEVATED SORTING PLATFORM / PHOTO BY ANDREA JOHNSON

“Individual berries or clusters literally fall into the [fermenting] tank one by one, as opposed to using a must pump or dumping processed half-ton fruit bins into the tank via forklift,” he says. “What this means is that we can get a higher proportion of whole berries in our tanks over the other two methods, and we avoid mechanical shearing of the berries which can easily be caused by must pumps.”

Lemelson sees these techniques as one part of a greater whole when it comes to making quality wine. “While I know that you can make great wines using pumps, and that employing low-pressure, gravity-based winemaking does not guarantee anything at the end of the day, I still believe that it’s the better qualitative choice,” he says.


Lemelson, who has a degree in environmental law, also volunteers for a number of ecological causes, including the Oregon Global Warming Commission, as well as the conservation group 1000 Friends of Oregon. He also sits on the board of directors of The Lemelson Foundation, which aims to support inventors and innovators, with a focus on strengthening the planet's ecosystem. However, he does admit that his eco-friendly winemaking techniques aren't a complete panacea for the planet.

"Everything we do, seemingly, has implications in terms of energy and materials used that affect our emissions and...the global ecosystem," says Lemelson.

But the producer does see stark differences in the final wine.

"What this translates to is softer, rounder tannins and mouthfeel in the resulting wines, as well as an enhanced red-fruit character similar to that of carbonic maceration," says Wengel. "Mechanical damage to the berry skins, and particularly the seeds, will cause unwanted, harsher tannin release before the tank even starts fermenting."

[Discover more about how science is leading drinks into the future in our Wine & Tech issue.](#)

 [Comments](#)



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LETTER 54: PATTY NEIFER

Response to Comment 54-1

The referenced article refers to the use of gravity flow filtration at several different wineries throughout the country, and does not specifically address the adequacy of the Draft EIR. Nonetheless, the commenter's concerns have been noted for the record and forwarded to the decision makers for their consideration. In addition, please see Master Response 3 – Octagon Building and Gravity Processing.



Letter 55

Placer County Environmental Coordination Services

From: Home <penrynplace@att.net>
Sent: Wednesday, December 14, 2022 7:32 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Project 8 Winery/BEM Inc.

55-1

Attention Planning Commission Board;

We have lived in Penryn for twenty-eight years and during that time we have seen some changes and some changes are good. We are appalled at the proposal/exception request by BEM Inc. for the monstrous building they are wanting to build on their winery. There is a reason that the RULES and GUIDELINES of our community plan are in place. We are sincerely surprised that this developer has the audacity to make this request, or did they not know the rules? Or even scarier, did their architect not know the rules? If the architect did not advise BEM Inc., what other issues will the building have? As lifelong rule followers and taxpayers, we would not even think about presenting a plan that right out of the gate does not follow the rules. We are not talking about two feet, four feet or even six feet, it is over double the guidelines size. Please take action now and send this building design back to the drawing board to conform with the community plan and Placer County guidelines before a seventy-foot building is in your backyard community. Your action will set precedent for future buildings in Placer County.

Janice & Greg Nelson

7660 Logan Lane, Penryn



LETTER 55: JANICE AND GREG NELSON

Response to Comment 55-1

The commenter's concerns have been noted for the record and forwarded to the decision makers for their consideration. Please see Master Response 3 – Octagon Building and Gravity Processing.



Letter 56

Placer County Environmental Coordination Services

From: Victor Gaytan <gay0388@yahoo.com>
Sent: Friday, December 9, 2022 6:57 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

56-1

To the Placer County Board of Supervisors,

I live in Placer County and work for BEM. I am fortunate enough to work in the same community that I live in and think the Project 8 Winery would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

Enrique Gaytan Ortega
8055 Penryn Ca 95663

Gaytan Ortega



LETTER 56: GAYTAN ORTEGA

Response to Comment 56-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 57

Placer County Environmental Coordination Services

From: Baisha Osborn <baishalee_4@icloud.com>
Sent: Wednesday, December 14, 2022 10:56 AM
To: Placer County Environmental Coordination Services
Cc: glen@osbornrockwalls.com
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

I have lived in the area for 50 years, I am a business owner in Placer County, Del Oro high school graduate and was raised on a mandarin farm in Penryn. I just recently learned more about the new proposed winery in Penryn – Project 8. I was very excited to see something like this being built in our area and having access to such a local destination right in our own backyard. Not only will the winery offer new wine and dine options but provide job opportunities in Penryn without losing the beautiful rolling hills to high density development. I also like that is not opening more housing developments for Bay Area and beyond to continue to overcrowd Placer County. I'm looking forward to visiting once it is completed and fully support Project 8 as proposed.

Glen Osborn

57-1



LETTER 57: GLEN OSBORN

Response to Comment 57-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 58

To: Placer County Planning Commission

Re: DEIR Comments for the Meeting of 12/15/2022

58-1

My name is Kevin Owens and I reside on a property that will be directly affected by the proposed Project 8 Winery. My wife, Gail, and I have resided here since 2001 and have watched this region grow in keeping with the rural nature delineated by our zoning laws. Not only are we concerned for the direct affect this project will have on our immediate neighborhood, we are also very concerned about the impact to our greater community.

58-2

Our first concern regards the increased light and noise pollution that will inevitably be generated by a development of this magnitude. It is far beyond what is typical for an agricultural endeavor in our area. The increased noise and light will not only be present from the predawn hours during the growing and harvesting seasons but also will extend well into the nighttime hours secondary to the commercial endeavor of the restaurant as outlined in the current plan and the potential event-space usage which the scope of the project could accommodate. The owner of the project has publicly admitted that light emissions from his tower restaurant is an issue. The redress proposed will not completely mitigate the intense light exposure nearby properties will experience.

58-3

Our second concern is the 75-foot tower that would house the restaurant and proposed filtration system. There is no requirement for a gravity-fed system in modern winemaking and therefore it is not a necessary element to this project. The need for this large of a building to house a "auxiliary restaurant" is excessive if the focus is on winemaking and providing the opportunity for public tastings. It is clear the restaurant as proposed is a full-scale commercial project, not at all necessary in the pursuit of winemaking. There has been multiple variances requested, as well as the proposed zoning text amendment height limit exemption, for a commercial enterprise that has no place in an agriculturally zoned area. Light, noise and visual impacts which will permanently change the ridgeline and negatively impact the surrounding properties for a structure that is not relevant to the production of winemaking and grape growing belies common sense.

58-4

The third, very grave, issue is the impact on the local aquifer that residents depend on for their drinking water. We believe the impact on local wells in the area have not been adequately addressed in the draft EIR. Not only are there concerns for depletion of groundwater but also contamination inevitably caused by the large commercial project. Not only will massive excavating cause degradation to the water quality, the by-products of waste from the entire scope of the project should be very closely examined. Not to mention the fact that grape growing is a crop requiring intensive use of herbicides, pesticides and fertilizers which will require constant monitoring by

58-5

outside resources. There still would be no guarantee that misuse of even California approved products would stay out of our water supply. Even "safe" chemicals can cause great harm if mishandled which has been proven in other agricultural areas throughout our state.

58-6

Lastly, we have concerns about the owner's compliance with codes and regulations as put forth by the county. He chose not to follow proper county procedures in the beginning stages of this development. Grand jury hearings have previously addressed the inability of Placer County to enforce the winery codes. The grand jury concluded that Placer County lacks code enforcement resources and should this developer choose not to follow the Winery and Brewery Ordinances it is a recipe for disaster for the Penryn community at large and the property owners near the project.

I appreciate this opportunity to voice our concerns.

Kevin Owens, MD



LETTER 58: KEVIN OWENS

Response to Comment 58-1

The comment does not specifically address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. Please see the below response to the commenter's more specific concerns.

Response to Comment 58-2

Impacts related to light and glare are addressed in Chapter 4, Aesthetics, of the Draft EIR. As discussed therein, Mitigation Measure 4-3 would require that the project applicant submit a lighting plan for the project to Placer County Planning Services for review and approval, demonstrating that proposed lighting is Dark-Sky compliant as specified by the International Dark-Sky Association. With implementation of Mitigation Measure 4-3, the Draft EIR determined that all impacts related to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area would be less-than-significant.

Light from growing/harvesting equipment is unrelated to the proposed project. As stated on page 5-24 of the Draft EIR, the recently planted vineyards within the greater parcel area, on which the project site is located, are not part of the proposed project. As such, the light from growing/harvesting activities, should it be required, is outside of the scope of this project and is not required to be analyzed in the Draft EIR.

Impacts related to noise are addressed in Chapter 14, Noise, of the Draft EIR. As discussed under Impact 14-2, combined on-site operational noise associated with project-generated traffic along roadways in the project vicinity, parking areas, on-site vehicle circulation, outdoor amplified music from the octagon building and warehouse building, outdoor event crowds, an emergency standby generator, and agricultural operations would result in noise level increases well below 5.0 decibels (dB). Because the calculated combined noise exposure from project on-site operations would satisfy applicable Placer County General Plan and Placer County Code noise level standards at the nearest existing residential uses and because the combined noise exposure would not significantly increase ambient noise levels at those uses, the Draft EIR determined that noise generated by all on-site operational activities at existing residences in the project vicinity would be less than significant. Similar to light, noise associated with growing/harvesting is outside of the scope of the project, and is not required to be analyzed in the Draft EIR.

Response to Comment 58-3

Please see Master Response 3 – Octagon Building and Gravity Processing. Please also note that no variances are being requested by the applicant. Please refer to Master Response 5 – ZTA, regarding the ZTA being requested. The commenter incorrectly states that the proposed project would require multiple variances from County ordinances. With the exception of the requested height of the octagon structure, the other proposed operational parameters, including maximum number of attendees at one time during agricultural promotional events, the accessory restaurant and its proposed hours of operations, are allowable under the County Winery and Farm Brewery Ordinance, subject to County discretionary review and approval of a CUP. Nevertheless, the comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Response to Comment 58-4

Impacts related to groundwater are addressed in Chapter 12, Hydrology and Water Quality, of the Draft EIR. Please also see Response to Comment 21-1. As a result, impacts were determined to be less than significant. In addition, impacts related to degrading surface or ground water quality during construction and operations are addressed in Impacts 12-1 and 12-2 of the Draft EIR. As noted therein, implementation of Mitigation Measures 12-1 and 12-2(a) through 12-2(f) would ensure that impacts would be less than significant.

Response to Comment 58-5

Please see Response to Comment 41-12.

Response to Comment 58-6

The comment does not address the adequacy of the Draft EIR; rather, the code enforcement concerns noted by the commenter would be considered as a policy matter, and have been addressed through the public hearing process by decision makers. Please see Response to Comment 16-17.



Letter 59

Placer County Environmental Coordination Services

From: Garrett Patterson <gpatterson487@gmail.com>
Sent: Wednesday, December 7, 2022 9:09 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

59-1

I work in Placer County for BEM. I am excited about the acres of vines, the water conservation using ponds, and the plans for a beautiful tasting room with a view of the foothills and valley! All the projects we work on are high quality so I know this winery will be something special. I am proud to be associated with this project and can't wait to bring my friends and family to visit once it's done. I support approval of Project 8 Winery as proposed.

Sincerely,

Garrett Patterson



LETTER 59: GARRETT PATTERSON

Response to Comment 59-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 60

Placer County Environmental Coordination Services

From: Ingrid Phippen <ingiping@gmail.com>
Sent: Wednesday, December 28, 2022 5:00 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] re: Public comment on Project 8 Winery 12/28/22

60-1 To Whom it May Concern;
I am a Penryn resident for over 27 years now. I live on Clark Tunnel Road, just up the road from Callison Road. It is the road I always drive when going to the Auburn area. I avoid going west on I 80 as much as possible. I am writing to comment on my opinion of the Project 8 Winery. I wasn't opposed to the winery initially, as we grew grapes and kiwis in Loomis when I was a kid. As I read about it I changed my mind. My concerns are the validity in the project's claims, affects on and of traffic, environment/wildlife, light and noise pollution, country/rural way of living and aesthetics and public safety. I have read the EIR in its entirety. I have a BS degree from CSU Chico in Parks & Natural Resource Management.

60-2 First there are some comments I want to address. Tiffany McKenzie, Marketing Director for Visit Placer, stated "It will serve as a beacon to the world about what Placer County has to offer and how you can thrive economically while still respecting the local culture and quality of life." "It will serve as a beacon to the world about what Placer County has to offer and how you can thrive economically while still respecting the local culture and quality of life." What in the world do you mean by that? Do you want to live next to a "beacon of the world" of *anything*? I know I speak for all of the unincorporated area residents of Placer County when I say "No thank you!"

60-2 And Joshua Hanosh, VP of the Auburn Chamber of Commerce, states that it, The Project 8 Winery will be a "local gem". You do not live in Penryn. You are not local! These proponents of the winery have different goals than the local residents. It is monetary, plain and simple. If something is to be a gain for Placer County, it shouldn't have to be at the cost of the taxpayers of the area in which it is constructed. It's like a bad joke--only the one making the comment is laughing. If a project is to be pursued, it needs to benefit not only the larger community but also the one it is constructed in. At least not hurt it anyway.

60-3 This leads in to my opinion--this project harms our Penryn small rural town community. It mars the view, makes our streets unsafe, hurts local wildlife, and makes us a target for further development, which I see as a negative impact. First, I am quite sure the idea of a 75 foot tower, whether as part of a building or built separately as mentioned in an alternative plan, is bogus. We made wine in a huge oak barrel in our Carmichael garage with our Loomis grown grapes, bottled it in reused bottles and made a fine wine through Boeger winery in the 80's. It was so good, that when Queen Victoria and President Ronald Reagan went wine tasting there, they offered this wine to them as it was superior. No 75 foot tower necessary. Check the expert witness letter from UCDavis. As far as the view goes in the area, all you will see from that height is the tops of oaks, homes and the Folsom Lake in the distance. Big deal NOT a big draw for the general public. You get a view of Mount Diablo from part way up Clark Tunnel Rd. And a beautiful sunset to boot.

60-4



- 60-4 cont. That is what I call a view! The idea that this restaurant view will be a real stunner is a joke. It will be a letdown and become what we know it already will be --an eyesore.
- 60-5 I am concerned with all that glass about the birds running into it and breaking their necks. They are not threatened or endangered species per se, but they are local residents too. Bluebirds, Bewick wrens, Nuthatches, Red Robins, Acorn Woodpeckers, Flickers and more will see the reflections of trees and sky in the glass and smack right into it! What is the mitigation for them? What about the racoons, skunks, rats, and opossums that go to eat the grapes? And the turkeys? Will you trap them or poison them? And the Canada Geese that will crap all over your property and stink up your ponds? Will you allow them to nest there? Or will you call them a nuisance and scare them away? Where are the deer supposed to go? The EIR strangely doesn't cover species that are not on some list. Kites were seen foraging there. One could predict that they nest there too. Did they check during nesting season? That bird is on a list. And what about pets? Our pets? The ones that along with wildlife will invariably be struck down by careless or distracted drivers?
- 60-6 Yes traffic will be an issue, whether it is 7 days a week or 4 days a week. Not only will it be an issue for the animals, but cyclists which proliferate on the weekends and in the warmer weather too. They come in droves and block the road entirely at times, causing locals to stop and wait or go around to the other side of the road to get by on blind corners! They will certainly be at risk. And then there are the people who walk their dogs, push their children in strollers, joggers, high school cross country running teams, etc. There are no shoulders, just ditches alongside Callison and Sisley Roads. Lastly the Railroad track crossing just past Sisley on Callison. It is built at an angle that tilts vehicles even when going slowly over the tracks. Just add alcohol and sightseeing and envision the disaster waiting to happen there. The private driveways of residents will not be apparent to visitors and may also cause them to have accidents. Speed on Sisley has been a long standing issue. If it finally gets repaved it will be worse. There are no speed trap cameras or anything else to slow people down. Any sort of speed bump system would be an irritant to local drivers as well. What are the solutions? Where is the discussion?
- 60-7 I worry about the water table in our area. With Bickford Ranch coming in and possibly 192 apartments, I wonder if there is enough.
- 60-8 As far as light pollution goes, what will you do about it? I would want to see shutters or blinds, automated for blocking light from windows at night. Outdoor lighting should have shields to cast light downward and be automated by motion sensors in walkways. Height of all lights should be truncated as much as possible for their uses--walkways, parking lots, etc. They should be a wonderful example of respect for the rural area and its residents. Signage lights should be embedded in a wall and not put on towers or posts and also have a shield so as not to cast light where it isn't needed. I did not see information on a noise study. Where would it be and what would it be from? Agricultural work? The most concerning would be the 115+ events a year allowed there. 12 events most likely being weddings and receptions with live or DJ music. Sound bounces off the hills loudly. We hear trains from all directions in our area due not only to where the railroad lines are but to the topography. Parties, events and weddings would inundate our peaceful serene area. Frankly, we were here first and should be allowed to say when enough is enough!
- 60-9
- 60-10



60-11

This Project 8 Vineyard is a ruse for a commercial wine production factory. The acreage planted here is not enough to supply production of the stated amounts of cases of wine. It will be trucked in as mentioned. If it is a 7 days a week open winery, imagine the traffic just industrially! If it is a 4 day a week open winery, it is still a lot and that is not including visitors. Please, Project 8, do us a favor and reconsider your plans.

Ingrid Phippen



LETTER 60: INGRID PHIPPEN

Response to Comment 60-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. Generally, the commenter notes concerns regarding, traffic, wildlife, light and noise pollution, aesthetics, and public safety. Potential impacts related to such are discussed in Chapter 16, Transportation; Chapter 7, Biological Resources; Chapter 4, Aesthetics; and Chapter 14, Noise; and Chapter 15, Public Services and Utilities of the Draft EIR.

The commenter also expresses concerns regarding the project's effects to the rural community and aesthetic of the area. In *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA's overriding and primary goal is to protect the physical environment. CEQA defines a "significant effect on the environment" as "substantial, or potentially substantial, adverse changes in physical conditions" (PRC section 21100. subd. [d]).

Response to Comment 60-2

The scope of an EIR is limited to a local agency's evaluation of potentially significant environmental impacts of a project, which by definition are limited to physical conditions, rather than social or economic conditions. (Pub. Res. Code § 21060.5; CEQA Guidelines § 15360.) The analysis of social or economic impacts unrelated to a physical change is not included within an EIR because such potential impacts are not considered to be effects on the environment. (CEQA Guidelines §§ 15064(e), 15131(a), 15358(b), 15382.) Therefore, potential social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment, are not substantial evidence of a significant environmental effect. (Pub. Res. Code § 21080(e)(2); CEQA Guidelines § 15064(f)(6).) As such, comments concerning potential social or economic effects of the project, when not contributing to, or when not caused by, a physical change to the environment, need not be analyzed or addressed further in this EIR.

The comment is noted for the record and has been forwarded to the decision-makers for their consideration.

Response to Comment 60-3

Please see Response to Comment 60-1 and Master Response 3– Octagon Building and Gravity Processing.

Response to Comment 60-4

The comment is noted for the record and has been forwarded to the decision-makers for their consideration. Impacts related to degrading the existing visual character or quality of public views of the site and its surroundings are discussed in Chapter 4, Aesthetics, of the Draft EIR. As noted under Impact 4-2, the Draft EIR included Mitigation Measure 4-2, which would require submittal of a final landscaping plan help to further screen public views of the project site. However, the Draft EIR concluded that a significant and unavoidable impact would occur as development of the proposed octagon would still substantially degrade the existing visual character or quality of public views of the site and its surroundings. According to CEQA Guidelines Section 15093, if the



specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." As such, the County would be required to adopt a Statement of Overriding Considerations to address the aforementioned significant and unavoidable impact.

Response to Comment 60-5

Please see Response to Comment 53-1.

Response to Comment 60-6

The Draft EIR includes analysis of all special-status wildlife species that could be potentially impacted by the proposed project, as required by the CEQA Guidelines. As detailed on page 7-8 of the Draft EIR, special-status wildlife species may meet one or more of the following criteria:

- Wildlife listed as threatened or endangered, or proposed as candidates for listing by the United State Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) under the FESA (50 CFR 17.11 for listed wildlife and various notices in the Federal Register for proposed species);
- Wildlife listed or proposed for listing by the State of California as threatened and endangered under the CESA (14 CCR 670.5);
- Wildlife that meets the definitions of rare or endangered species under CEQA Guidelines Section 15380;
- Wildlife Species of Special Concern to the California Department of Fish and Wildlife (CDFW);
- Wildlife species that are fully protected in California (California Fish and Game Code [CFGF], Sections 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]); and/or
- Covered species under the Placer County Conservation Program (PCCP).

The wildlife species identified in the Draft EIR as being potentially impacted by the proposed project are only those that meet one or more criteria for special status and were either identified within the Biological Resources Assessment as being on-site or having habitat on-site to accommodate their presence. With regard to impacts associated with white-tailed kite, the Draft EIR includes Mitigation Measure 7-2, which requires that, if vegetation removal and grading activities must occur during the nesting season (February 1 to August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist on the project site and within a 500-foot radius of proposed construction areas to ensure that impacts to nesting birds and raptors do not occur. Therefore, the discussions and analyses in Chapter 7, Biological Resources, of the Draft EIR are adequate.

Response to Comment 60-7

Safety relating to pedestrians and bicyclists is discussed in the Draft EIR beginning on page 16-27, and additional information relating to collision history on study area roads is provided in the supporting LTA.

As noted in Draft EIR page 16-18, the proposed project would not physically disrupt an existing pedestrian facility, nor interfere with implementation of any planned pedestrian facility. Because the volume of traffic added by the Project 8 Winery is comparatively low, the project would not result in an increased number of vehicles and/or pedestrians on a facility that does not have



adequate pedestrian facilities, such that conflicts between pedestrians and other travel modes would likely increase. As such, implementation of the proposed project would not adversely affect pedestrian facilities.

As noted, beginning on Draft EIR page 16-29, the Project Winery 8 will improve roughly 500 feet of Callison Road at the project entrance to provide standard Placer County improvements that are consistent with the nature of the project and Placer County standard plans. The improvements include 12-foot travel lanes and paved shoulder and intersection approach tapers that are consistent with the County's design Plate 116.

With respect to wildlife, CEQA appropriately focuses on special-status species (Appendix G, Section IV(a)) and the project's potential effects to said species. The types of special-status species that the Draft EIR identified as potentially occurring in the area would not be adversely affected by vehicle traffic (i.e., birds).

In addition, impacts related to substantially increasing hazards to vehicle safety due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) were discussed under Impact 16-3. The Draft EIR concluded that with implementation of Mitigation Measure 16-3, which would require the construction of a left-turn lane on Taylor Road at the Callison Road intersection to the satisfaction of the Placer County Department of Public Works, impacts would be less than significant.

The commenter's concerns are noted for the record and have been forwarded to the decision-makers for their consideration.

Response to Comment 60-8

Impacts related to groundwater are addressed in Chapter 12, Hydrology and Water Quality, of the Draft EIR. As discussed under Impact 12-3, the use of Public Well 20-2 for the project operations would not have any adverse effects on the wells of neighboring property owners. As a result, impacts were determined to be less than significant. Please also see Response to Comment 21-1.

Response to Comment 60-9

Please see Response to Comment 10-7.

Response to Comment 60-10

Impacts related to noise are addressed in Chapter 14, Noise, of the Draft EIR. The Noise chapter is primarily based on the Environmental Noise & Vibration Assessment (Noise Assessment) prepared for the proposed project by Bollard Acoustical Consultants, Inc. As discussed under Impact 14-2, combined on-site operational noise associated with project-generated traffic along roadways in the project vicinity, parking areas, on-site vehicle circulation, outdoor amplified music from the octagon building and warehouse building, outdoor event crowds, an emergency standby generator, and agricultural operations would result in noise level increases well below 5.0 dB. Because the calculated combined noise exposure from project on-site operations would satisfy applicable Placer County General Plan and Placer County Code noise level standards at the nearest existing residential uses and because the combined noise exposure would not significantly increase ambient noise levels at those uses, the Draft EIR determined that noise generated by all on-site operational activities at existing residences in the project vicinity would be less than significant.



Noise from growing/harvesting equipment is unrelated to the proposed project. As stated on page 5-24 of the Draft EIR, the recently planted vineyards within the greater parcel area, on which the project site is located, are not part of the proposed project. As such, the noise from growing/harvesting activities is outside of the scope of this project and is not required to be analyzed in the Draft EIR.

Response to Comment 60-11

Truck traffic associated with hauling grapes to the proposed winery is also evaluated in Chapter 16, Transportation, of the Draft EIR (see Table 16-5). Please also see Response to Comment 39-2. The comment is otherwise a closing statement and does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 61

Placer County Environmental Coordination Services

From: Aldo Pineschi <aldo@surewest.net>
Sent: Thursday, December 15, 2022 8:46 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

61-1

To the Placer County Board of Supervisors, Good morning.

I am writing to express my support for Project 8 Winery because our community needs more agriculture, agritourism, and the right economic development. I support approval of Project 8 as proposed.

Sent from my iPhone



LETTER 61: ALDO PINESCHI

Response to Comment 61-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 62

Placer County Environmental Coordination Services

From: Aldo Pineschi <aldo@surewest.net>
Sent: Thursday, December 15, 2022 9:05 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors:

Good morning.

I am writing to express my support for Project 8 Winery because our community needs more agriculture, agritourism, and the right economic development. I support approval of Project 8 as proposed.

This is an outstanding project—it will benefit Placer County for years to come. I respectfully request your support for the proposed Project 8 in Penryn.

Thank you, Aldo Pineschi

Sent from my iPhone

62-1



LETTER 62: ALDO PINESCHI

Response to Comment 62-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 63

Placer County Environmental Coordination Services

From: Bruce Richie <brucerichie1970@gmail.com>
Sent: Thursday, December 8, 2022 1:15 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

63-1

As a local resident, I know Project 8 Winery will have supporters and opponents. I love living in this community for all the reasons you'd imagine – open natural spaces, low density development, quiet, etc. That said, I am in favor of growth that stays within the boundaries of what we appreciate in this community. Bringing businesses to the area that will create local revenue while maintaining the agricultural history and offering desirable destinations is a plus. I am in favor of the Project 8 Winery and look forward to having it right here in Penryn.

Bruce I Richie,
1175 Sierra Dawn Ln, Colfax California, 95713



LETTER 63: BRUCE RICHIE

Response to Comment 63-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 64

Placer County Environmental Coordination Services

From: Bob Romness <bobromness@yahoo.com>
Sent: Wednesday, December 14, 2022 12:29 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

64-1

I am writing to express my support for Project 8 Winery because our community needs more agriculture, agritourism, and the right economic development. I support approval of Project 8 as proposed.

Sent from my iPhone



LETTER 64: BOB ROMNESS

Response to Comment 64-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 65

Placer County Environmental Coordination Services

From: Aaron Rudolph <aaronrudolph85@gmail.com>
Sent: Wednesday, December 14, 2022 11:30 PM
To: Jennifer Byous; Placer County Environmental Coordination Services
Cc: Beverly Roberts; Suzanne Jones
Subject: [EXTERNAL] Project 8 Winery

To whom it may concern, regarding the proposed Project 8 Winery -

65-1

This proposed project violates the general plan, community plan height limits, zoning regulations, and rural design guidelines. **Please** stay grounded in the general plan and existing rules that have been established for our communities: encourage vineyards and small tasting rooms, reject massive tall commercial buildings and Bay-Area-to-Tahoe party spots in residential neighborhoods.

65-2

The recent EIR confirms the negative impacts this proposed project will have - many of which cannot be mitigated (traffic, noise, fire safety). The proposed structure clearly violates the Placer County Rural design guidelines (Goal 1 - *predominant landmarks which impose on the landscape*). This list goes on...

65-3

Empty promises from the developer of limited seating capacity and operating hours that won't be enforceable should be completely disregarded - and honestly, regarded as disingenuous. The county has some recent experience with another event venue in Penryn that should serve as some precedent here...

65-4

If Placer County bends to the demands of wealthy land developers - a precedent is set that "with enough money, you don't need to follow the rules." And unfortunately, this precedent is actually codified by modifications to the general plan in this case. I, and my neighbors, view this potential scenario as **catastrophic and completely unacceptable**.

Rather, I view this proposed project as a **golden opportunity to set a precedent of how Placer County has integrity** in how existing development guidelines are applied, and requires all development (by individuals/corporations both rich and poor) to follow the same rules, and to clearly benefit the community.

If we do not do this - slowly but surely: the trees will come down, the tall buildings will be built, the high density apartments will fill up any open space, and the things that make Rural Placer County special will be gone forever. I've seen it happen elsewhere, and it all started with small compromises like "just one tall building here" or "these two old-growth oak trees cut down here" or "a small shopping center.... but in a residential area."

Once you start compromising, there's no stopping it. This is a unique opportunity to **not** open this door, to **not** make that first compromise **without benefit** to the community, and to **not** start down the path of development and planning compromises that really has no end.

It's interesting - how when development follows a community's guidelines, it's good for the community....and as soon as it doesn't follow the guidelines, it's just good for the developer...

It is clear to me that this proposed project benefits only the developer, his grandiose vision for his personal winery, and opens a door wide open to similar inappropriate development all over this county. **Please** do not open that door.

Sincerely,

Aaron Rudolph
Penryn, CA



LETTER 65: AARON RUDOLPH

Response to Comment 65-1

The proposed project's consistency with Placer County General Plan policies is discussed on page 13-9 and within Table 13-1 beginning on page 13-14 of the Draft EIR. For further detail regarding General Plan consistency, please see Response to Comment 9-33.

In addition, please see Master Response 3 – Octagon Building and Gravity Processing and Master Response 5 - ZTA, as well as Response to Comment 57-6 regarding the County's enforcement of existing standards and regulations included in the Placer County Code.

Response to Comment 65-2

As discussed in the Draft EIR, significant and unavoidable impacts would occur related to substantially degrading the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality, long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of Placer County, and resulting in VMT which exceeds an applicable threshold of significance, except as provided in CEQA Guidelines Section 15064.3, subdivision (b). According to CEQA Guidelines Section 15093, if the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." As such, the County would be required to adopt a Statement of Overriding Considerations to address the aforementioned significant and unavoidable impact. All other impacts were determined to be less-than-significant or less-than-significant with the implementation of mitigation measures included within the Draft EIR.

In addition, please see Master Response 3 – Octagon Building and Gravity Processing.

Furthermore, while the commenter states that the proposed project would result in an unmitigable impact related to fire safety, as discussed in Chapter 18, Wildfire, of the Draft EIR, with the implementation of Mitigation Measure 18-2, all impacts related to wildfire would be considered less than significant or less than significant with mitigation. Chapter 15, Public Services and Utilities also includes an analysis of whether the proposed project would result in significant impacts associated with an increased demand on fire protection services. As discussed therein, the Draft EIR concluded that impacts would be less than significant. Therefore, the commenter's statement is incorrect.

The commenter also incorrectly states that the proposed project would result in an unmitigable impact related to noise. As discussed in Chapter 14, Noise, of the Draft EIR, based upon a project-specific noise analysis, which accounted for on-site topography and all proposed operational noise sources associated with the project, predicted noise levels would not exceed the County's applicable noise thresholds. Therefore, the project would have a less-than-significant noise impact.

Nonetheless, the commenter's concerns are noted for the record and have been forwarded to the decision-makers for their consideration.



Response to Comment 65-3

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 65-4

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 66

Placer County Planning Commission

December 21, 2022

I am submitting the following comments regarding the DEIR for the Project 8 Winery.

66-1

As a 42 year resident of Penryn I am very concerned about the impacts of the proposed Project 8 Winery. While I do respect and enjoy the agricultural legacy of the county, the size and scope of this proposed winery and restaurant are not suitable for this rural residential neighborhood.

66-2

Access to the winery needs to be kept to Taylor Road only. Instead of having to improve the Callison Road/Taylor Road intersection, just make the improvement directly on Taylor Road at the current winery access point. Keep the winery traffic off Callison and Sisley Roads as these are very narrow with ditches on both sides. The DEIR does not adequately address the current use these roads get from bicyclist, walkers and runners. Although the drawings were not in enough detail to see exactly where the improvements to the sight lines on Callison Road at the proposed winery entrance would occur, I am concerned about the destruction of a bird nesting site of Northern Rough Winged Swallows. The nest sight is in the bank on the railroad right of way, not far west of the current road crossing and the plan looks like some of the existing bank would be removed.

66-3

66-4

I am opposed to all of the variances and entitlements requested by the developer of this project. The project needs to conform to the county general plan, codes and ordinances. I am opposed to the zoning text amendment that is especially designed for this one developer, and that obviously would open the door to any hilltop building at whatever height a developer wants. This is a very bad precedent to set. The current county goals in the general plan are well thought out and clear on the issue of ridgeline building. The height limit of 36 feet is a reasonable height that does not dominate the ridge. There should be no exceptions made to the height restrictions for this project. There is not a justifiable reason for the 75foot (plus rooftop mechanical devices) building. Gravity filtration can be accomplished in other ways and also is not a requirement for a winery anyway. This is purely a developer preference and definitely not a necessity. I do object to the significant negative impact this building would have on the visual character of our area. This is avoidable by not allowing a building of this height. This project is not consistent with the Placer County General Plan or the Horseshoe Bar/Penryn Community Plan. It would be an unwelcome permanent change to this otherwise rural neighborhood

66-5

I am opposed to the Conditional Use Permit to allow an "auxiliary" restaurant as well as an increase in the number of attendees from 50 to 75. I am unsure of how the Winery and Brewery ordinance is involved in approving a commercial restaurant in an area that is not zoned for that purpose. Figure 3.7 – Restaurant operation schedule is rather alarming in the hours of operation and the number of events possible there. This is on a scale of a commercial restaurant and event center venue and this area is not zoned for either of these things. This is not compatible with a rural residential area.

66-6

This project does not appear to be compatible with the requirements of the Williamson Act. The commercial nature of the restaurant and the proposed living quarters there are inconsistent with the act. The developer seems to want all the benefits of the Williamson Act, but be exempt from the requirements of the Act.



66-7 Since the developer chose to do significant land altering grading on almost all of the acreage prior to the DEIR field studies, the worthiness of the biological, cultural resources and drainage are in serious question.

66-8 I do not feel that the issue of water usage and overdraft of the water table has been adequately addressed. The very numbers of visitors and number of events, the restaurant and the water required for the wine production would be a very significant draw on the aquifer. This is the water source currently being used by the residents around the project area. Due to the general decrease in rainfall and increase in drought conditions, the ground water levels will change. There will also be considerable

66-9 agricultural pesticide runoff that could well get into the ground water.

66-10 Noise is another issue that is not adequately covered by the DEIR. Outside event noise from a hilltop location will travel quite a considerable distance. Add amplified sound and now there is considerable noise affecting much of the area. Another source of noise will be during harvest. Some vineyards have

66-11 switched to harvesting some varieties of grapes at night. There is no mention of this possibility in the DEIR and would cause significant noise and light issues at an undesirable time for the residents of the area.

66-12 All of the issues I have outlined above leave me with no other choice of alternatives than the #1, of a no build option. Until the developer can present an acceptable proposal that respects the visual qualities of the ruralness of the area, conforms to all existing general plan goals and requirements and ordinances, this project as presented needs to be denied.

Thank you for the opportunity to respond to the DEIR.

Sincerely,

Gayle Russell

7325 English Colony Way

Penryn, CA 95663



LETTER 66: GAYLE RUSSELL

Response to Comment 66-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 66-2

Please see Response to Comment 21-4 as it relates to the project access being located off Taylor Road instead of Callison Road. Please see Response to Comment 50-5 as it relates to pedestrian and bicycle use.

Response to Comment 66-3

Potential impacts to nesting birds and raptors are assessed within Chapter 7, Biological Resources, of the Draft EIR. As noted therein, implementation of Mitigation Measure 7-3, which would require a preconstruction nesting bird survey be conducted by a qualified biologist on the project site and within a 500-foot radius of proposed construction areas if vegetation removal and grading activities must occur during the nesting season, would ensure impacts to nesting birds and raptors would be less than significant.

Response to Comment 66-4

Please see Master Response 3 – Octagon Building and Gravity Processing and Master Response 5 – ZTA. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 66-5

Please see Master Response 4 – Accessory Restaurant. With regard to the approval of a CUP and the hours of operation for the proposed project, the County, as the lead agency, has the ability to approve the project, deny it, or approve it with conditions. As the lead agency the County is required to consider the information in the Draft EIR along with any other available information in deciding whether to approve the application.

Response to Comment 66-6

Please see Master Response 2 – Williamson Act.

Response to Comment 66-7

According to the CEQA Guidelines Section 15125(a), an EIR must include a description of the physical environmental conditions in the vicinity of the project at the time the environmental analysis commences (e.g., for an EIR, the Guidelines describe this as publication of the Notice of Preparation [NOP]). Therefore, the baseline environmental conditions of the project site include past site disturbance, which was allowed within the project site at the time that grading activities occurred. As a result, the discussions and analyses in the Draft EIR regarding biological resources, cultural resources, and drainage are adequate.

Response to Comment 66-8

Please see Response to Comment 59-8.



Response to Comment 66-9

Please see Response to Comment 57-5.

Response to Comment 66-10

Please see Response to Comment 59-10.

Response to Comment 66-11

Please see Response to Comment 59-10.

Response to Comment 66-12

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 67

Placer County Environmental Coordination Services

From: a n a <sandovalanairis@gmail.com>
Sent: Thursday, December 15, 2022 8:07 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

67-1

As someone who happens to like wine, it's refreshing to see this type of development, versus housing developments and box stores. The renderings we were shown are gorgeous and represent not only a premier destination for wine enthusiasts, but also more visitors to our area generating spending at other local wineries and businesses. This winery will bring people to Penryn who may have never visited before – helping to put all our local history, agriculture, and arts on the map. This is the kind of growth I like to see. I'm in support of this project coming to life and look forward to making it a regular stop on my outings with family and friends. I would love to have a winery closer to home since I live in Citrus Heights I wouldn't have to go all the way to Napa Valley. I support approval of Project 8 Winery as proposed.

Citrus Heights Resident.

Sent from my iPhone



LETTER 67: ANAIRIS SANDOVAL

Response to Comment 67-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 68

Placer County Environmental Coordination Services

From: Anairis Sandoval <tortalinasemail@gmail.com>
Sent: Thursday, December 15, 2022 8:08 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

68-1

As someone who happens to like wine, it's refreshing to see this type of development, versus housing developments and box stores. The renderings we were shown are gorgeous and represent not only a premier destination for wine enthusiasts, but also more visitors to our area generating spending at other local wineries and businesses. This winery will bring people to Penryn who may have never visited before – helping to put all our local history, agriculture, and arts on the map. This is the kind of growth I like to see. I'm in support of this project coming to life and look forward to making it a regular stop on my outings with family and friends. I support approval of Project 8 Winery as proposed.

Sacramento Resident

Sent from my iPhone



LETTER 68: ANAIRIS SANDOVAL

Response to Comment 68-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 69

Placer County Environmental Coordination Services

From: justinjsimarro@gmail.com
Sent: Thursday, December 8, 2022 2:54 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

69-1

I am writing regarding the Project 8 Winery. I am writing to express my support for the project because our community needs more agriculture, agritourism, and the right economic development. I support the Project 8 as proposed.

I am a resident of Penryn at 1500 Orange Hill Ln. My property would have a view of the restaurant. I fully support this project and would like to see Placer County approve this project. We thank Mike Fornier for what he has already done to our neighborhood. My property has acquired more water rights from the PCWA due to his work on the canal. We are happy this project is in the works.

Best regards,

Justin Simarro

Sent from my iPhone



LETTER 69: JUSTIN SIMARRO

Response to Comment 69-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 70

Placer County Environmental Coordination Services

From: Business <drsorensondc@gmail.com>
Sent: Tuesday, December 27, 2022 6:45 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

70-1

I am writing to express my support for Project 8 Winery because our community needs more agriculture, agritourism, and the right economic development. I support approval of Project 8 as proposed.

This project would be incredible for our wonder Placer county! I work and live here and would love more and more fun options!

Nick Sorenson
4914 Moonshadow ct Rocklin CA, 95677

Sent from my iPhone



LETTER 70: NICK SORENSON

Response to Comment 70-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 71

Placer County Environmental Coordination Services

From: sue stack <suestackthelumberjack@gmail.com>
Sent: Saturday, November 26, 2022 6:59 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] proposed CUP for Project 8

71-1

This email is in response to the portion of the DEIR that mentions Project 8 applying for a CUP to increase attendance at agricultural events from 50 to 75. This means 25 people X 208 events per year, = 5,200 additional people or possibly 10,400 additional trips (to the winery and home from the winery) per year, just for this one project. I am opposed because of the magnitude of the impact.

This is not my only comment about the DEIR. I am emailing this comment by itself because of the way the CUP proposal was camouflaged inside the DEIR.

signed,
Sue Stack
POB 254
Newcastle, CA 95658



LETTER 71: SUE STACK

Response to Comment 71-1

With regard to the approval of a CUP for the proposed project, the County, as the lead agency, has the ability to approve the project, deny it, or approve it with conditions. As the lead agency the County is required to consider the information in the Draft EIR along with any other available information in deciding whether to approve the application. Impacts associated with traffic generated by the proposed project are discussed in Chapter 16, Transportation, of the Draft EIR.



Letter 72

Placer County Environmental Coordination Services

From: sue stack <suestackthelumberjack@gmail.com>
Sent: Saturday, November 26, 2022 7:08 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] proposed amendment to ordinance

72-1

This comment is in response to the following language taken from the Project 8 DEIR

"Pursuant to Section 17.44.010 and Section 17.10.010 of the Placer County Code, the maximum allowable building height for the project site is 36 feet. Therefore, the proposed project would require a Zoning Text Amendment adding the following language to the Placer County Winery and Farm Brewery Ordinance, Section 17.56.330(E), Development and Operational Standards: Height Limit Exceptions. Notwithstanding the Site Development Standards for the applicable zone or Section 17.54.020 (Height limits and exceptions), a structure for a winery, tasting room, or accessory use-restaurant under this section may exceed the prescribed height limit for the applicable zone if the additional height is authorized through a conditional use permit (CUP) process that includes an analysis of visual impacts including photo simulations. "

I am opposed to the proposed change to the text, and I think it is unfair to the residents of Placer County to hide this change within this one particular EIR.

I also have other comments regarding the DEIR for Project 8 and they will be emailed separately.

Signed,
Sue Stack
POB 254
Newcastle, CA 95658



LETTER 72: SUE STACK

Response to Comment 72-1

Please see Master Response 5 - ZTA.



Letter 73

Placer County Environmental Coordination Services

From: sue stack <suestackthelumberjack@gmail.com>
Sent: Friday, December 2, 2022 8:35 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] comments about Project 8 DEIR, State Clearinghouse number 202201088

- 73-1 I am submitting the following comments in response to the "Project 8" DEIR. I live in Newcastle within approximately 2 miles of the site, and I lived in Penryn as a youngster; in fact, my grandmother was born in Penryn and her grandparents are buried in the Newcastle cemetery, near the project site.
- 73-2 **Aesthetics and Tree Mitigation**
The proposed project and its complex aesthetic impact can be seen as a conflict in aesthetics. I imagine there are people somewhere who believe their lives would be made incrementally more beautiful with the addition of a particular wine, and they would enjoy observing the view from the proposed tower restaurant. On the other hand, local people face potentially no longer having a beautiful view from their front porch and permanent loss of their rural feeling. I agree that the project would have a very significant negative aesthetic impact. I do not think the project should be permitted. When people in a rural area like Penryn are negatively impacted by loss of beauty and loss of trees and woodlands, I don't think any amount of off-site "mitigation" is meaningful. If the County overrides aesthetic impacts so that some private party can make a profit, it is an insult to the community.
- 73-3 **Alternatives Analysis**
It is not clear to me why the reduced height alternative couldn't also include a "reduced number of tables" so that there is only one 36-ft tall building and thus less footprint on the trees and the hillside. To my mind there is no reason why the applicant should insist on the restaurant at all, and yet a winery without a restaurant was not evaluated in the alternatives analysis. I understand that having a gimmick to attract business is a good strategy for a winery, but the project proponent's choice for a business investment shouldn't be allowed to degrade the quality of life for everybody in this area.
Sunday is by far the most serene day for me living in Newcastle. I would tend to like the idea of a reduced operation alternative that specified that there would be no visitors on Sundays.
- 73-4 **Project description**
I want to raise a red flag about some of the wording used in the project description. If a CEQA document is meant to INFORM, not INFLUENCE, what is the meaning of the term "high-end?" I suspect the author wanted to convey quality, affluence, status. If the more accurate term is "expensive," I think it sheds more light on the project objectives. Similarly, to label the restaurant "reservation only" might be an attempt to understate its size/impact. Who can predict how many people will drive to it and be turned away, thus creating air and traffic impacts but not contributing to meeting 'objectives,' or in another scenario, visitors dropping in and being granted a reservation for "20 minutes from now."
- 73-5 Another example of what I find to be subjective and questionable wording in the project description is "unique and energy efficient gravity flow processing." If a pump, which is being avoided, could be run on site-generated solar power and yet the chosen technology relies on internal combustion vehicles to haul the grapes from offsite and elevate them to the top of a hill before lifting them to the top of a 75-foot tower, how is this energy efficient?
- 73-6 Within the project description I hoped to find a complete description of the proposed project, but I wasn't able to find meaning in "associated facilities." The project description and its exhibits is confusing with respect to the large parking lot in the northeast portion. What does it mean about the analysis being done elsewhere? Is this portion of the project being analyzed in another county? Where is 'elsewhere'?
- 73-7 Please clarify: is beer a "locally farmed product" (In a MAC meeting the proponent said local beer would be featured, in addition to wine.)



- 73-8 During COVID-19 restrictions, many restaurants moved their dining outdoors. What is to prevent Project 8 patrons from picnicking and making noise on the extensive terrace areas?
- 73-9 The accessory restaurant is described as a "vital component" of the project. The project proponent apparently feels that the county must defer to them in judging the need for this vital "gimmick." It is the applicant's choice to make an eyesore such a crucial part of the business model. While Placer County might have a policy to encourage agricultural activities, it doesn't necessarily have to accept restaurant plans that have a permanent negative impact on the community.
- 73-10 The word "occasionally" is used in the project description portion and elsewhere in the DEIR. This word is vague, I suspect deliberately. You or I might go wine tasting "occasionally" but probably the number of times per year that we do so is far less than the number of times per year Project 8 will host events.
- 73-11 **Land Use and Planning**
I disagree with the document's finding of "less than significant" and I don't think the threshold was clearly explained. My understanding is that a portion of the site zoned "Farm" will be significantly excavated, built on, and paved. If it goes ahead, and after a period of time the winery goes bankrupt, the land will have been permanently changed and probably made unfit for farming. In addition, the restaurant and the winery seem completely incompatible with the residential and "hobby farm" zoning; to me this seems "Significant."
- 73-12 **Transportation**
I believe the transportation analysis does not convey very much useful information and underestimates the impact of the project.
As a local resident, I have seen how much traffic has increased on local roadways as the City of Lincoln has expanded. My belief is that a large number of affluent retired people use the roads for a variety of purposes, including driving for fun, maybe even to gawk at bizarre sights. The volume of traffic coming from the Lincoln area on English Colony Road should be discussed, because surely the winery operator will want to lure these wine enthusiasts to the proposed location in rural Penryn.
- 73-13 I believe this section is incorrect about the posted speed limit on Taylor Road east of Loomis. It is 45, not 50. The intersection of Old State Highway and Taylor is not listed. As a resident of Old State Highway, I can tell you that usually, especially when westbound traffic on I80 is "slow," vehicles exit from 80 and go west on Old State Highway to Taylor and then continue west, they do not make the hard right to connect with 193 and Taylor Road through the tunnels underneath the railroad.
- 73-14 I don't understand why Sunday transportation analysis was not provided.
- 73-15 The subjects of noise, VMT, and public safety all require some analysis of motorcycle club excursions, often on Sundays. When these motorcycles, which have been modified to be very loud, go past a residence there is a very significant impact.
- 73-16 The discussion of VMT was very confusing. The following was copied from page 16-19. (I don't know what it means): "With respect to trips associated with the proposed events, the Transportation Impact Analysis notes that the calculation of such trips includes a derivation of weighted average as a redline to the assumptions contained in the WFB Zoning Amendment EIR."
- 73-17 **Air Quality and Greenhouse Gas**
Since air quality in the project area is already "nonattainment" and would be made incrementally worse both by construction and operation, I disagree with the decision to not consider vehicle emissions as part of this section.
- 73-18 **Public Services**
The Sheriff department does not enforce traffic laws. I could not find helpful information about the ability of California Highway Patrol to respond to traffic problems related to the proposed project. The current condition of Taylor Road is that it is used by speeders and reckless drivers who often cross the double yellow line to pass other vehicles, and I have also witnessed someone passing on the right (in the bicycle lane), but the CHP is understaffed and deals primarily with Interstate 80.
- 73-19 **Statutory/especially Cumulative Impacts**



73-19 cont.

I do not believe the discussion of public services impacts or cumulative impacts is sufficiently detailed regarding traffic law enforcement, vehicle accidents, and conflict between vehicles and bicycles/pedestrians. The California Highway Patrol, in my opinion, provides insufficient service already to Taylor Road. What thought has been given to the problem of drunk driving? Taylor Road is one of the few local roads that actually has a bike lane. Few people walk on Taylor Road, but I do, and I can tell you that if you have vehicles, bikes, and pedestrians trying to use it simultaneously it feels dangerous. Factor in winery visitors who are "lost" or otherwise impaired, and the situation will be worse. If a car does hit a tree, bike, or pedestrian, the Penryn or Newcastle fire protection district would have to respond. What sort of coordination has been done with the fire districts?

73-20

In conclusion: I am opposed to the project for multiple reasons. I don't have the ability to evaluate all the documents included in the DEIR but I hope decision-makers will consider my comments fairly.

Signed,

Sue Stack

9220 Old State Highway, POB 254, Newcastle



LETTER 73: SUE STACK

Response to Comment 73-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 73-2

As discussed in the Draft EIR, and noted by the commenter, significant and unavoidable impacts would occur related to aesthetics. Specifically, the proposed project would result in significant and unavoidable impacts related to substantially degrading the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflicting with applicable zoning and other regulations governing scenic quality, and long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of Placer County. According to CEQA Guidelines Section 15093, if the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." As such, the County would be required to adopt a Statement of Overriding Considerations to address the aforementioned significant and unavoidable impact.

Response to Comment 73-3

Please see Master Response 1 related to the project alternatives.

Response to Comment 73-4

The commenter is expressing an opinion regarding the use of the word high-end to describe the proposed project. The environmental review process provides an impartial evaluation of the environmental impacts should the Project be implemented, and the use of the word high-end in the project description does not affect the environmental analysis included within the Draft EIR.

Moreover, much of this comment pertains to speculative scenarios in which visitors of the proposed project drop in without a reservation to the proposed restaurant. CEQA does not require the analysis of speculative impacts. As stated in CEQA Guidelines Section 15384, "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence." Impacts related to Air Quality are addressed in Chapter 6, Air Quality and Greenhouse Gas Emissions, and impacts related to traffic are addressed in Chapter 16, Transportation, of the Draft EIR.

Response to Comment 73-5

The ability for a solar-operated pump filtration system to run efficiently on-site is speculative. As discussed above, CEQA does not require the analysis of speculative impacts. Chapter 9, Energy, of the Draft EIR includes an analysis of the proposed project's energy use during operations. As discussed therein, the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project operations. Thus, the impact was determined to be less than significant.



Response to Comment 73-6

The term “associated facilities” was used on page 3-5 of the Draft EIR in reference to the proposed project components, which were described in the sections following the reference. Associated facilities refer to the on-site facilities proposed to facilitate operations of the proposed project such as the gate house, utility pad, and parking areas on-site, which are all described in detail in the project description and evaluated throughout the Draft EIR.

Response to Comment 73-7

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 73-8

As stated on page 14-37, and shown in Figure 14-7, of the Draft EIR, the potential noise effects from use of the outdoor terraces adjacent to the octagon building and processing/warehouse building were evaluated in the Draft EIR and found to be less-than-significant (Draft EIR, pg. 14-54).

Response to Comment 73-9

The comment does not specifically address the adequacy of the Draft EIR. Nonetheless, the commenter’s concerns have been noted for the record and forwarded to the decision makers for their consideration. The County, as the lead agency, has the ability to approve the project, deny it, or approve it with conditions. As the lead agency the County is required to consider the information in the Draft EIR along with any other available information in deciding whether to approve the application. Impacts associated with aesthetics are discussed in Chapter 4, Aesthetics, of the Draft EIR. In addition, please see Master Response 3 – Octagon Building and Gravity Processing.

Response to Comment 73-10

The word occasionally is used to express the infrequent or irregular intervals at which operational activities would occur. With regard to the occasional special events referenced on page 3-12, further detail of the frequency of the events is provided on page 3-13, which states the following:

Special Events, as defined by the Placer County Winery and Farm Brewery Ordinance, include greater than 50 people at one time, excluding staff and tasting room patrons and not defined as an Agricultural Promotional Event pursuant to Section 17.56.330(D)(4)(a). Pursuant to Table 3 of the Winery and Farm Brewery Ordinance, Special Events are allowed by right, but limited to a maximum of 12 per year. A maximum of 200 people at one time are allowed at Special Events. The proposed project would comply with the requirements included in Table 3 of the Winery and Farm Brewery Ordinance.

The term “occasionally” is also used in reference to the occurrence of amplified music/speech in the outdoor terrace areas of the project. This use of the term is appropriate as not all events will include amplified music and/or speech, nor does the Winery and Farm Brewery Ordinance require restriction of such activities during events. As stated on page 14-37, and shown in Figure 14-7, of the Draft EIR, the potential noise effects from use of the outdoor terraces adjacent to the octagon building and processing/warehouse building were evaluated in the Draft EIR and found to be less-than-significant (Draft EIR, pg. 14-54).



Response to Comment 73-11

As discussed on page 13-7 of the Draft EIR, consistent with Appendix G of the CEQA Guidelines, and Placer County's Environmental Checklist, a significant impact would occur if the proposed project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect or result in the development of incompatible uses and/or the creation of land use conflicts. All impacts related to such were determined to be less than significant. In addition, this comment pertains to speculative scenarios in which the proposed winery goes bankrupt and the land is determined to be unfit for farming. CEQA does not require the analysis of speculative impacts. Further discussion of impacts to farmland are included in Chapter 5, Agricultural Resources, of the Draft EIR.

Response to Comment 73-12

The Draft EIR transportation Impact Analysis identified the Lincoln area as one origin for guest trips. Draft EIR Figure 16-3 indicated that 18 daily trips would be added to Callison Road, west of the project access, as a result of the project.

Response to Comment 73-13

The Draft EIR indicates that the speed limit on Taylor Road is 50 mph east of the Town of Loomis limits and 40 mph through Newcastle. This is incorrect, as the speed limit is 40 mph inside of the Loomis Town limits, 45 mph from Loomis to the Portuguese Hall in Newcastle and 35 mph from that point east through Newcastle. This correction does not affect the Draft EIR TIA nor the supporting LTA, and page 16-2 of the Draft EIR has been revised accordingly, as noted below.

Taylor Road is generally a two-lane road. In the project vicinity, Taylor Road has one travel lane in each direction and separated turn lanes at most major intersections. On-street parking is prohibited in the general area of the project site in Placer County. The posted speed limit on Taylor Road is ~~50 miles per hour (mph) in the project vicinity east of the Town of Loomis and declines to 35 mph through Newcastle.~~ 40 mph inside of the Loomis Town limits, 45 mph from Loomis to the Portuguese Hall in Newcastle, and 35 mph from that point east through Newcastle. Weekday daily traffic counts conducted in 2022 for the Transportation Impact Analysis indicate that Taylor Road carries 5,324 vehicles per day in the area from English Colony Way to Callison Road and 4,655 vehicles per day from Callison Road to Newcastle. Taylor Road links the project area to other streets of regional importance by way of the intersections discussed below.

The Draft EIR transportation analysis considers traffic operations on the area circulation system under "normal" conditions. Intersection and roadway LOS analysis is not required pursuant to CEQA Guidelines Section 15064.3(a) because congestion and intersection operations no longer constitute a transportation impact under CEQA. Placer County staff will separately review LOS for the project's consistency with General Plan policies based on the LTA performed for the project by KD Anderson & Associates, which assessed the Old State Highway/Taylor Road intersection. This intersection is discussed in Section 16 (p. 16.5) of the EIR and is identified as Intersection 5 in the figures/tables/diagrams. It is recognized that visitors may choose alternative routes under some circumstances. Additional analysis is not required. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Response to Comment 73-14

Sunday background traffic conditions were not assessed because background traffic volumes are typically lower on Sundays than on Saturdays. The project description suggests no change to operating assumptions between Saturday and Sunday, and the Project 8 Winery's Sunday trip generation would be similar to or less than that occurring on Saturdays. Thus, the VMT analysis which applies Saturday trip generation assumptions to Sunday presents a "worst case" condition, and specific Sunday analysis was not required.

Response to Comment 73-15

The comment expresses a general opinion that motorcycle club excursions need to be addressed, but does not provide substantial evidence of the likelihood that motorcycle club excursions would frequent the proposed project. Analysis of speculative impacts is not required pursuant to CEQA (Section 15145).

Response to Comment 73-16

The text in question refers to Table 5 of the Transportation Impact Analysis (TIA), which was included as Table 16-7 within the Draft EIR. The table identifies the annual weighted average daily and peak hour trip generation associated with the events anticipated at the Project 8 Winery. Preliminary versions of Table 5/Table 16-7 included within the TIA/Draft EIR had also included similar information from the Winery and Farm Brewery ZTA EIR in redline form, for comparison purposes. The redline information was removed from the final TIA, and, for consistency, that text has been deleted from page 16-19 of the Draft EIR, as shown below.

~~*With respect to trips associated with the proposed events, the Transportation Impact Analysis notes that the calculation of such trips includes a derivation of weighted average as a redline to the assumptions contained in the WFB Zoning Amendment EIR. As detailed in Table 16-7, the Transportation Impact Analysis determined that the overall weighted average trips from primary events associated with project operation (i.e., regular agricultural promo events, rolling agricultural promo events, and special events), in combination with the average rate of secondary regular agricultural events, would result in 140 average daily trips on both weekdays and Saturdays, with the PM peak hour on weekdays and the afternoon peak hour on Saturdays each resulting in 40 trips.*~~

The above minor changes are for clarification purposes and do not affect the adequacy of the analysis contained in the Draft EIR.

Response to Comment 73-17

Vehicle emissions were considered in the modeling conducted as part of the analysis included in Chapter 6, Air Quality and Greenhouse Gas Emissions, of the Draft EIR. As discussed on page 6-33, KD Anderson & Associates provided project-specific trip generation rates and VMT, which were applied to the project modeling. In addition, as presented in Table 6-11 of the Draft EIR, the proposed project was determined to result in 282.64 metric tons of CO₂ equivalents (MTCO₂e) from mobile sources. Therefore, the discussions and analyses in Chapter 6, Air Quality and Greenhouse Gas Emissions, of the Draft EIR are adequate.



Response to Comment 73-18

The Draft EIR did not identify traffic problems from the proposed project's operations that would require an analysis of the California Highway Patrol's staffing. For example, please see Responses to Comments 27-5, demonstrating the limited potential for additional collisions to occur from project traffic. Further, agency staffing needs is not a CEQA issue. The approach to analyzing a project's impacts on law enforcement services, pursuant to CEQA, is often misunderstood. Industry practice has often focused on any type of demand upon a law enforcement agency (or for fire, a fire department) that may be generated by a project, such as an increased need for staffing, or the need for new equipment. These are important considerations, but they are not CEQA considerations per se. This important point can be seen by a careful reading of the language in Appendix G of the CEQA Guidelines (Section XV. Public Services). The language focuses on whether a project's increase in demand is such that a law enforcement provider would need to build new or expand existing governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives. The reason for this focus is that building new facilities, or expanding existing facilities, requires construction activities and disturbance of the physical environment, which is the focus of CEQA.

According to CEQA Guidelines Section 15002(g), a significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. "Environment" means the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance (PRC Section 21060.5).

The courts have affirmed this understanding. In the case *City of Hayward v. Board of Trustees of the California State University*, the First District Court of Appeal affirmed that the focus of CEQA analysis should be limited to physical environmental impacts related to a project.² The court held that, "The need for additional fire protection services is not an *environmental* impact that CEQA requires a Project Proponent to mitigate."

Response to Comment 73-19

Please see Response to Comment 73-18. It is also noted that this comment involves a certain amount of speculation concerning driving drunk and accidents. CEQA does not require the analysis of speculative impacts. As stated in CEQA Guidelines Section 15384, "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."

As discussed on page 15-20 of the Draft EIR, a will-serve letter has been provided to the County, confirming that the PFPD and NFPD would provide fire protection services to the project. In addition, Placer Hills Fire Protection District, through a mutual aid agreement with PFPD and NFPD, would assist in providing fire protection services to the project site, if needed.

Response to Comment 73-20

The comment does not address the adequacy of the Draft EIR. The commenter's opposition to the proposed project has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

² First District Court of Appeal. *City of Hayward v. Board of Trustees of the California State University*. (November 30, 2015) 242 Cal.App.4th 833.



Letter 74

Placer County Environmental Coordination Services

From: Jerry and Claudia Starkey <jerclaudstarkey@gmail.com>
Sent: Monday, December 12, 2022 11:28 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Project 8 Winery Proposal

Dear Ladies and Gentlemen of the Placer County Development Resource Agency,

74-1

I am writing today as a 48 year resident of Penryn, in Placer County. The winery proposal whose property abuts the end of our street -- Allen Lane -- is a problem that my husband and I have watched and wrestled with since its announcement. Although we are grateful that all that acreage hasn't fallen to more housing "development," many aspects of the proposed winery project are more than a little troubling. I will concentrate on five of our major concerns.

74-2

Traffic. Dramatically increased traffic on a small, winding, country road is burdensome and dangerous. Callison Road has tight curves and blind hills; it is so narrow that a center line cannot be legally painted on it, for most of its length. Callison is a country road which leads to people's homes and small farm properties. It cannot support (1) the kind of truck and worker traffic that wine production would necessitate, or support (2) visitors to special events at the winery or constant restaurant traffic. Callison is not a thoroughfare. Weekend cyclists already increase the danger, for both cars and bicycles.

74-3

The Entrance. On Callison? A stone's throw from a busy railroad crossing? This is absolutely preposterous. The winery acreage has many access roads, with two much more appropriate entryways on or very near Taylor Road. Callison is tiny. It is far from Taylor Road. The entrance for workers and visitors should be



74-3 cont.

on a major street, and that is on the winery's frontage of Taylor Road.

74-4

Groundwater Depletion. We know that the winery has managed to acquire an amazing number of Miners' Inches of water from the PCWA, but for sure they will not be using "ditch" water in either wine production or all their anticipated Restaurant and Special Event gatherings. Dishes will not be washed in ditch water. Drinking glasses will not be filled with ditch water. Most of our homes here in Penryn operate on well water. The aquifer out here is not some nice, flat, underground puddle like it is in California's Central Valley. Our aquifer is not mapped: it flows like an underground river, finding its way around and under massive boulders and sifting through decomposing granite. Disruption of the water wells of residents is serious, and the location of possible disruption cannot easily be predicted. Winery wells should not endanger our water supply.

74-5

Exceeding Height Limits for Building. The preposterously high building the winery project is requesting is completely non-compliant, both with the Placer County General Plan and with our Community Plan. These plans have been hashed out with extraordinary community involvement; countless hours have gone into negotiating these regulations. The regulations are in place to keep our community the way the residents want it to be ... and the regulations are not there so that every "outside" petitioner can question them and/or overturn them with promises of community improvement. Penryn is not pining to be a destination for itinerant wine aficionados. Penryn is our home. Our living room, our bedroom.

74-6

Building on Hilltop. This is clearly contrary to the Placer County Ridgetop Protection regulations. As with the height limits, these are not rules that are "made to be broken." These are rules which



74-6 cont.

define how the people who live here *wish to continue to live*. Ridgetop building is specifically prohibited. How is that not clear? The monumental tower is absurd and it is prohibited by our County.

Thank you for considering this abbreviated list of our very real concerns regarding the Project 8 winery.

Claudia and Jerry Starkey
7175 Allen Lane
Penryn



LETTER 74: CLAUDIA AND JERRY STARKEY

Response to Comment 74-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 74-2

Please see Response to Comment 60-7.

Response to Comment 74-3

Please see Response to Comment 21-4.

Response to Comment 74-4

Please see Response to Comment 21-1.

Response to Comment 74-5

Please see Master Response 3 – Octagon Building and Gravity Processing and Master Response 5 - ZTA.

Response to Comment 74-6

Please see Responses to Comments 9-33 and 41-3. The commenter's concerns have been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 75

Placer County Environmental Coordination Services

From: Mikey <hilltopredneck@sbcglobal.net>
Sent: Thursday, December 15, 2022 4:13 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Penryn

75-1

Leave us alone, we do not need a high dollar winery. Penryn will have more drunks driving back roads. Penryn will not see any benefits except right next to the proposed business. All taxes will go to placer county and not Penryn. This is not wanted by the people who have lived here longer than most. Stop trying to enlarge Penryn, we don't need a winery, we don't need apartments either. Leave us a small community and alone.

Sincerely,
Michael Sutton

Sent from Spy Mail on AT&T



LETTER 75: MICHAEL SUTTON

Response to Comment 75-1

The comment does not address the adequacy of the Draft EIR. It is also noted that this comment involves a certain amount of speculation concerning driving drunk. CEQA does not require the analysis of speculative impacts. As stated in CEQA Guidelines Section 15384, “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.” Nevertheless, the County appreciate the commenter’s concerns, which have been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 76

Placer County Environmental Coordination Services

From: Leanna Sweeters <leanna.sweeters@gmail.com>
Sent: Monday, November 14, 2022 2:18 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Project 8 Winery

Good Afternoon Shirlee,

76-1

I am writing in support of the Project 8 Winery proposal. I believe this winery would be an asset to our community as I know the focus is not only on sustainability for the world at large, but the mindfulness of the impact on the community here locally. From the gravity fed facility to the reuse of wine bottles, I support approval of this project.

Thank you for your time,
Leanna Sweeters
Loomis Resident

Sent from my iPhone



LETTER 76: LEANNA SWEETERS

Response to Comment 76-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 77

Placer County Environmental Coordination Services

From: Joe Valencia <valencia.m.joseph@gmail.com>
Sent: Wednesday, December 14, 2022 7:31 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Penryn resident, I support local Project 8 Winery

To Shirlee Herrington / Placer County Board of Supervisors,

77-1

As a local resident, I love living in this community for all the reasons you'd imagine – open natural spaces, low density development, quiet, etc. That said, I am in favor of growth that stays within the boundaries of what we appreciate in this community. I also believe right sized growth is essential to our community and its economic health. Bringing a business like the Project 8 Winery to the area will create local revenue while maintaining the agricultural history and offering desirable destinations is a plus. The renderings we were shown are gorgeous, the tasting room seems like it will be a unique experience with the panoramic view of Placer County that isn't available anywhere else. I really hope this project gets built as proposed and I'm looking forward to visiting once it is completed. This business will not only be a premier destination for wine enthusiasts, but also bring more visitors to our area generating spending at other local wineries and businesses. This winery will bring people to Penryn who may have never visited before – helping to put all our local history, agriculture, and arts on the map. This is the kind of growth I like to see versus housing developments and box stores.

I am in favor and support the approval of the Project 8 Winery as proposed and look forward to having it right here in Penryn where my family and I live.

Joseph Valencia
1920 Taylor Rd
Penryn CA 95663



LETTER 77: JOSEPH VALENCIA

Response to Comment 77-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 78

Placer County Environmental Coordination Services

From: Paula Valencia <paulavalencia2@gmail.com>
Sent: Wednesday, December 14, 2022 8:02 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] In support of Project 8 Winery, Penryn resident

Attention: Shirlee Herrington/Placer County Board of Supervisors

Dear Mrs. Herrington,

First of all, thank you so much for your time. I'm sure you are getting a lot of emails so I appreciate your time.

I am a local resident, living in Penryn. Our children go to school in Loomis. We love this community. We love supporting businesses in Loomis/Penryn/Newcastle. We love staying in Placer county for our entertainment, food, shopping, etc. This town is filled with nature, good people and a deep sense of what a community really is.

We have reviewed the renderings that were shown and it looks beautiful and very unique.

I am in favor and support the approval of the Project 8 Winery. We can't wait to visit it and support a local business!

Thank you again for your time.

Sincerely,

Paula Valencia
1920 Taylor rd.
Penryn, CA
95663

78-1



LETTER 78: PAULA VALENCIA

Response to Comment 78-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 79

Placer County Environmental Coordination Services

From: Lulu Vasquez <luluvw06@icloud.com>
Sent: Saturday, December 10, 2022 5:23 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

79-1

I live in Placer County and work for BEM. I am fortunate enough to work in the same community that I live in and think the Project 8 Winery would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

Sent from my iPhone



LETTER 79: LULU VASQUEZ

Response to Comment 79-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 80

Placer County Environmental Coordination Services

From: Lulu Vasquez <luluvw06@icloud.com>
Sent: Saturday, December 10, 2022 5:24 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

80-1

I work in Placer County for BEM. I am excited about the acres of vines, the water conservation using ponds, and the plans for a beautiful tasting room with a view of the foothills and valley! All the projects we work on are high quality so I know this winery will be something special. I am proud to be associated with this project and can't wait to bring my friends and family to visit once it's done. I support approval of Project 8 Winery as proposed.

Sent from my iPhone



LETTER 80: LULU VASQUEZ

Response to Comment 80-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 81

Placer County Environmental Coordination Services

From: Lulu Vasquez <luluvw06@icloud.com>
Sent: Saturday, December 10, 2022 5:24 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

81-1

I am writing regarding the Project 8 Winery. I am writing to express my support for the project because our community needs more agriculture, agritourism, and the right economic development. I support the Project 8 as proposed.

Sent from my iPhone



LETTER 81: LULU VASQUEZ

Response to Comment 81-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 82

Placer County Environmental Coordination Services

From: Lulu Vasquez <luluvw06@icloud.com>
Sent: Saturday, December 10, 2022 5:24 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

82-1 [I work in Placer County for BEM and feel very fortunate to be able to contribute to the Project 8 Winery because I think it would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

Sent from my iPhone



LETTER 82: LULU VASQUEZ

Response to Comment 82-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 83

Shirlee Herrington

From: vaughan@quiknet.com
Sent: Tuesday, December 27, 2022 5:58 PM
To: Shirlee Herrington; jit chy@placer.ca.gov; Jennifer Byous; Christopher Schmidt
Cc: Vaughan; General Woodward
Subject: [EXTERNAL] Comments on Project 8 Winery DEIR - PLN21-00198

To whom it may concern,

83-1

I have reviewed the DEIR documents, the DEIR is fundamentally flawed since alternatives 1 and 2 are seeking entitlements that create conflicts with established zoning ordinances. You cannot approve a project that violates zoning laws and therefore the only feasible identified alternative is the no-build.

83-2

The proposed alternative is relying on passage of a Zoning Text Amendment that has not been crafted and is highly speculative. It is attempting to circumvent the variance process and grant a one of a kind use. It is seeks to grant wineries special privileges across zoning districts where wineries are an allowed land .

83-3

Both the proposed alternative and reduced height alternatives are in conflict with the General Plan as well as the Winery Brewery ordinance since they are requesting extended hours of operation and increased number of attendees not anticipated in either environmental analysis. Additionally, both are requesting a land use not allowed in residential and farm zoned districts; commercial restaurant lunch and dinner hours.

83-4

This is prohibited in the General Plan and cannot be granted through the Winery Brewery Ordinance since that would be an internal conflict. The Planning Director is required to find the more restrictive measure the effective measure for private agreements as per county code.

It would appear that this is a commercial project attempting to profit from a scenic vista with the added benefit of Williamson Act tax rates. The DEIR should be withdrawn and re-circulated with feasible alternatives which are compliant with established land use policies.

Respectfully,

Scott Vaughan
Concerned Homeowner and Taxpayer



LETTER 83: SCOTT VAUGHN

Response to Comment 83-1

CEQA does not require that alternatives be limited to what would be compliant with the jurisdiction's plans and ordinances. Like a proposed project, alternatives can require discretionary approvals from lead agencies. CEQA establishes certain requirements for alternatives, such as the need to avoid or substantially lessen any of the proposed project's environmental impacts, but consistency with adopted plans and ordinance is not among the specified requirements.

Response to Comment 83-2

Please see Response to Comment 83-1 and Master Response 5 - ZTA.

Response to Comment 83-3

The proposed operational parameters identified by the commenter, including maximum number of attendees at one time during agricultural promotional events, the accessory restaurant and its proposed hours of operations, are allowable under the County Winery and Farm Brewery Ordinance, subject to County discretionary review and approval of a CUP. Thus, these operational parameters are not in conflict with the General Plan and the Winery and Farm Brewery Ordinance.

The commenter incorrectly states that the "proposed alternative" and the "reduced height alternatives" are requesting a land use not allowed in residential and farm zoned districts. Please refer to Impact 5-2 of the Draft EIR, starting on page 5-19, for a discussion of the project's consistency with existing zoning for agricultural use. This discussion also applies to the reduced height alternative.

Response to Comment 83-4

Please see Master Response 1 – Project Alternatives, Master Response 2 - Williamson Act Contract, and Master Response 5 - ZTA. The commenter's concerns are noted for the record and have been forwarded to the decision-makers for their consideration.



Letter 84

Placer County Environmental Coordination Services

From: Tony Vitalie <tvitalie70@gmail.com>
Sent: Monday, December 19, 2022 10:29 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Project 8 Winery

My name is Tony Vitalie. My wife Mary and I have lived in Penryn for over 10 years. My daughter just graduated from Penryn elementary school and is now a freshman at Del Oro. Our 29 year old son works in Penryn for a small business and our oldest son is a retired military veteran who now lives in Loomis. We take great pride in our community as well as our home, which lies in the shadow of the proposed winery and restaurant and just a few hundred feet from the new vineyards. In fact, I can see the temporary building from my porch and even from my living room couch.

I'm a retired Firefighter with 30 years of firefighting experience in 3 California fire jurisdictions. I believe that the greatest threat to our community is and has always been, fire. We've seen it play out over and over again throughout our state. Our little town has been incredibly lucky thus far.

84-1

Project 8 will keep nearly all of it's 170+ acres as agricultural land, bring much less traffic than housing developments would, will look absolutely beautiful, and has already reduced the fire hazard for not only the 170+ acres the total project encompasses, but the entire town and surrounding region. Any large reduction in fire hazard or improvement in fire protection and water supply benefits everything and everyone in the County... not just Penryn. Take the very recent Caldor Fire. A fire that started in Grizzly Flats and ended up burning over 220,000 acres and destroying and threatening communities as far away as South Lake Tahoe. Project 8 not only reduces the threat of a fire starting and spreading locally, it provides a substantial fire break, defensible space and water supplies for any fires that threaten our community regardless of where or how they originate.

Project 8 has already implemented an amazing fire protection system with large multiple and easily accessible water supplies for firefighting crews as well as private water delivery systems around it's perimeter and significantly reduced the fire hazard throughout all 170+ acres. The future revenue generated from Project 8 will provide much needed funds to our poorly funded but incredible local Fire Department at what I imagine will be much higher tax revenues than any other agricultural business or even a development project. It's an across the board win, win. Tax revenue, an aesthetically beautiful project we can all be proud of and improved fire safety for all.

No matter what reason anyone might have for opposing such an amazing project as Project 8 they should consider what else could be done with 170+ acres in Penryn. I personally can not think of a better overall project to have right here in our community and just a few hundred feet from my property. We should all be embracing Project 8 and welcoming it with enthusiasm and pride. I not only personally approve of the project in it's entirety as well as it's aesthetic, I am looking forward to seeing it up and running as quickly as possible. As we are entering very uncertain economic times it would be fiscally irresponsible to delay this project in any way.

It's hard to imagine why anyone would oppose such an amazing business and opportunity for our community. When I consider what else might be proposed for this land I can arrive at only one conclusion. Anyone who opposes this project simply opposes change... and change is inevitable. Why not welcome and support the best possible change for the future of our community.

Thank you for taking the time to consider my input on Project 8.

Sincerely,
Tony Vitalie
7381 Allen Lane
Penryn
916 410 3870



LETTER 84: TONY VITALIE

Response to Comment 84-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 85

Placer County Environmental Coordination Services

From: Ron Volle <ronvolle@aol.com>
Sent: Wednesday, December 28, 2022 2:02 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Project 8 winery request for approval

Placer County Resource Agency,

85-1

I'm a long time Penryn resident and I object to the Project 8 winery request for a 75 high tower with a rotating restaurant, their variance request to exceed the maximum capacity of 50 visitors/customers and their false explanation that they need a 75 ft. high tower for gravity grape compression (??) and for Sacramento valley views, plus a luxury home on a property in the Williamson Act. Can I and all my neighbors in Penryn build a 75 ft. high residential unit on our properties so we can have Sacramento valley views?

The project is so obviously inconsistent with the Horseshoe Bar/ Penryn Community plan that I worked on with Placer County planners and the Placer County General Plan. The planned 75 ft. structure with a rotating restaurant is out of scale and inappropriate with the surrounding uses and will violate the rural aesthetics. No other winery in our area or any that I have every visited have REQUIRED a 75 ft. high structure at the highest point of the hillside for wine making. Why should we believe this applicant NEEDS such a structure to make wine. This visual eyesore would hover over Penryn like a UFO.

85-2

Why would anyone pick this location to truck in grapes to make wine and a tourist attraction there? The roadway in front of the property, Taylor Rd. is an old single lane high speed road without street lighting, shoulders, sidewalks and is only accessible by pulling traffic thru the downtown of Newcastle or Penryn. It is not a location for a claimed " world class winery attraction for Placer County". IT is a rural road with rural homes. A small winery similar to what we find on Mt. Vernon & the wine trail may be appropriate there, not this huge project.

85-3

I don't believe the County can grant a Use permit for a project that is incompatible with the local area and the area Community and General plan.

Ron Volle, Broker
7700 Penryn Estates Dr.
Penryn, Ca. 95663
(916) 652-7007 O
(916) 335-3050 C
ronvolle@aol.com



LETTER 85: RON VOLLE

Response to Comment 85-1

Please see Master Response 2 – Williamson Act, Master Response 3 – Octagon Building and Gravity Processing, and Master Response 5 - ZTA.

Response to Comment 85-2

The comment does not directly address the adequacy of the Draft EIR. It is noted, however, that not all grapes will be trucked to the site. The project applicant owns existing vineyards that are located adjacent to the 18-acre project site. In addition, the total acreage will also continue to increase as additional areas are made ready for planting in the coming seasons.

Regarding Taylor Road, as stated on Page 16-2 of the Draft EIR: Taylor Road is generally a two-lane road. In the project vicinity, Taylor Road has one travel lane in each direction and separated turn lanes at most major intersections". It should also be noted that the Draft EIR requires (Mitigation Measure 16-3) the applicant to install a left-turn lane at the Taylor Road/Callison Road intersection to facilitate safe movements at the intersection.

The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 85-3

The ability to make the requisite CUP findings for the proposed project is a policy consideration within the purview of the Placer County decision-makers and is outside the scope of the Draft EIR. Staff's analysis of the CUP findings has been provided in the staff report to the decisionmakers.



Letter 86

Placer County Planning Commission December 15, 2022 Comments for the Record Project 8 Ellie Waller

PURPOSE OF DRAFT EIR PUBLIC MEETING: As part of the County's environmental review process, a public hearing on the Project 8 Winery Project Draft Environmental Impact Report (DEIR) is held during public review period, which is 45 days in this instance, to encourage public comment and community participation. The California Environmental Quality Act (CEQA) Guidelines Section 15087 (i), Public Review of Draft Environmental Impact Report, states: "Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged...as an element of the CEQA process." The 45-day public review period for this project ends on December 28, 2022.

86-1 I am familiar with this area. I have visited the general vicinity of the site.

PROJECT DESCRIPTION: The Project 8 Winery is a proposal to develop a full-production winery, including wine production facilities, a tasting room, an underground wine cave network, an accessory restaurant with seating for up to 32 patrons, and other associated facilities, on a 17.96-acre portion (see Figure 1) of the 44.14-acre project site located in Penryn in the Horseshoe Bar/Penryn Community Plan (HBPCP) and Placer County General Plan (PCGP) areas. The 44.14-acre project site as well as surrounding properties have been planted with vineyards. It is important to note that "crop production" associated with the existing vineyards within the 44.14-acre parcel area is an existing use allowed by-right under the property's current zoning. As a result, the analysis included in the DEIR is not required to evaluate the effects of the existing vineyard's crop production and harvesting operations.

86-2 My initial concerns are about Zoning Text Amendments that may segue into additional height approvals above the Tahoe Basin Area Plan proposed or currently codified ordinances. And the criteria that a proposed height amendment using a Conditional Use Permit can be exceeded. Will any of the proposed changes i.e., height, special events, etc. be allowed county-wide or exclude Tahoe?

Requested entitlements include:

1. Zoning Text Amendment (ZTA) adding height limit exceptions to the Placer County Winery and Farm Brewery Ordinance, Section 17.56.330 as follows:

Height Limit Exceptions. Notwithstanding the Site Development Standards for the applicable zone or Section 17.54.020 (Height limits and exceptions), a structure for a winery, tasting room, or accessory use-restaurant under this section **may exceed the prescribed height limit for the applicable zone if the additional height is authorized through a conditional use permit (CUP) process that includes an analysis of visual impacts including photo simulations.**



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2. Conditional Use Permit (CUP) for the operation of a Large Winery on 40+ acres with operation of an Accessory Use – Restaurant, and an increase from 50 to 75 maximum attendees at one time for Agricultural Promotional Events, **and to allow the octagon building to reach a height of 75 feet from the finished grade (plus rooftop mechanical equipment that will be screened from view)**

86-3

This language is very similar to allowing proposed appurtenances in the case of the Tahoe Basin Area Plan (TBAP) : appurtenances have been explained by staff as: chimneys, flues, roof top bar, etc. The current maximum height TBAP is 56 feet with a request up to 61 and 71 feet with conditions. The current maximum allowed for this project site is 36 and a request to 75 is more than double. The scenic viewshed of the area will forever be changed. What type of project will next be in line for a height exception based on this requested approval? And again, does this exclude Tahoe?

Definition: An Accessory or adjunct that is attached and incidental to something that has greater importance or value. **As applied to real property, an object attached to or a right to be used with land as an incidental benefit but which is necessary to the complete use and enjoyment of the property.**

86-4

What is an incidental benefit? So, if the height increase is not granted then the project must be redesigned to fit into the current zoning height restriction of 36 ft. Is that a problem?

“but which is necessary to the complete use and enjoyment of the property” Necessary: Unavoidably determined by prior conditions or circumstances; inevitable. There are no prior conditions or circumstances and should not be considered inevitable.

“complete use and enjoyment of the property” I don’t really understand this statement. If the requests for height, the restaurant etc. are not granted what does the project stand to lose except additional revenue.

Requested entitlements include:

1. Zoning Text Amendment (ZTA) **adding height limit exceptions to the Placer County** Winery and Farm Brewery Ordinance, Section 17.56.330 as follows: **Height Limit Exceptions. Notwithstanding the Site Development Standards for the applicable zone or Section 17.54.020 (Height limits and exceptions), a structure for a winery, tasting room, or accessory use-restaurant under this section may exceed the prescribed height limit for the applicable zone if the additional height is authorized through a conditional use permit (CUP) process that includes an analysis of visual impacts including photo simulations.**
2. **Conditional Use Permit (CUP)** for the operation of a Large Winery on 40+ acres with operation of an Accessory Use – Restaurant, and an increase from 50 to 75 maximum attendees at one time for Agricultural Promotional Events, **and to allow the**



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octagon building to reach a height of 75 feet from the finished grade (plus rooftop mechanical equipment that will be screened from view)

86-5

Requested entitlements include: "adding height limit exceptions" to the Placer County code. This is an ominous statement! The Tahoe Basin Area Plan is trying to do it a little differently by conditioning height allowance by requirements be met to grant the additional height but expecting the same result: ADDITIONAL HEIGHT.

Project components are described below.

Octagon Building

The octagon building would total 29,250 square feet (sf) and would consist of a sub-level as well as four above-ground levels, reaching a height of 75 feet from the finished grade (plus rooftop mechanical equipment that will be screened from view). The building would sit atop the hill located in the northern portion of the project site in order to allow for gravity filtration down to the sub-level, as well as to provide views overlooking the existing vineyards below and of the surrounding region.

The fourth above-ground level would be comprised of a tasting room and accessory restaurant. A portion of level four would be located on a turntable, which would slowly rotate 360 degrees every 45 minutes.

Additionally, a private tasting room to be called the "550 Room", totaling 550 sf, would be located on level five.

The Zoning Text Amendment would allow the octagon building to be built at a height of 75 feet from the finished grade (plus rooftop mechanical equipment). The rooftop mechanical equipment would be screened from view

The surrounding region: The immediate area scenic vista will forever be changed. Focus on the view is prevalent and seems to be driving many components of this project. The surrounding trees get dwarfed by the proposed building. Very prominent building.

86-6



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PROJECT OPERATIONS

The principal proposed land use would be the operation of a winery that would focus on the agricultural production of high-quality wines by integrating advanced technologies. The winery's on-site business model would focus on attracting groups to learn about both the agricultural journey of the region and of the winery, primarily in the form of small agricultural promotional events. **Additional special events would occasionally be held, as further discussed below.** It is noted that, consistent with Section 17.56.330(B) of the Winery and Farm Brewery Ordinance, tasting is allowed concurrent with on-site events.

Agricultural Promotional Events and Special Events

Agricultural Promotional Events are proposed as part of project operations in accordance with the Placer County Winery and Farm Brewery Ordinance, Section 17.56.330. **In general, these events would consist of professional events and/or gatherings that support the promotion of wine being produced on-site and at other wine-making facilities in Placer County, as well as the promotion of pairing wine with food prepared with a focus on locally-sourced ingredients.** Agricultural Promotional Events could occur any day of the week from 7:00 AM to 10:00 PM.

Pursuant to Section 17.56.330(D)(4)(a), Agricultural Promotional Events are not limited in number. **The project applicant has indicated that up to approximately 208 Agricultural Promotional Events could take place on-site annually**

Special Events, as defined by the Placer County Winery and Farm Brewery Ordinance, **include greater than 50 people at one time**, excluding staff and tasting room patrons and not defined as an Agricultural Promotional Event pursuant to Section 17.56.330(D)(4)(a). Per Table 3 of Section 17.56.330 (B) of the ordinance, **Special Events are allowed by right, but limited to a maximum of 12 per year. A maximum of 200 people at one time are allowed at Special Events.** The proposed project would comply with the requirements included in Table 3 of the Winery and Farm Brewery Ordinance.

86-7 [Reducing the size of the project would not preclude any of the above-mentioned events.

Accessory Use – Restaurant

The proposed project would require approval of a CUP to operate a reservation-only **Accessory Use – Restaurant**, as defined by and allowed pursuant to the Placer County Winery and Farm Brewery Ordinance. Though subordinate to the primary services offered to guests, and while small as compared to the overall operation, **the applicant has deemed the accessory restaurant as a vital component of the winery's business model.**

86-8 [My opinion, Lots of revenue generated by the winery without the vital restaurant component if CUP is denied. Just sayin' 208 promotional events up to 12 Special events.



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Significant and Unavoidable Environmental Impacts

According to the CEQA Guidelines Section 15126.2(b), an EIR must include a description of impacts identified as significant and unavoidable, should the proposed action be implemented. When the determination is made that either mitigation is not feasible or only partial mitigation is feasible, such that the impact is not reduced to a less-than-significant level, such impacts would be considered significant and unavoidable. The final determination of the significance of impacts and the feasibility of mitigation measures would be made by the County Board of Supervisors as part of the County's certification of the Final EIR. The following resource topics were determined to be significant and unavoidable even with mitigation measures implemented

86-9 [Reducing the height of the project is feasible. I'm all about the scenic in Tahoe and now in the Western portion of Placer County.

Aesthetics (DEIR Chapter 4)

The Aesthetics chapter of the EIR describes existing aesthetic resources for the project area and the region and evaluates potential aesthetic impacts of the project. According to CEQA, the concept of aesthetic resources refers to scenic vistas, scenic resources (such as trees, rock outcroppings, and historic buildings within a State Scenic Highway), the existing visual character or quality of the project area, and light and glare impacts.

The project is located in an area where existing development in the immediate vicinity is primarily rural in nature, the DEIR visual analysis considers the project area to be non-urbanized. The proposed project would develop a full production winery, including wine production facilities, a tasting room, an underground wine cave system, an accessory restaurant, and other associated facilities. Viewer types in the vicinity that have views of the project site include the following:

- Motorists along Callison Road and travelers on the commuter rail line would have existing views of the project site while driving past the site, particularly of the northern hilltop portion of the site. Views of the site from Taylor Road are nearly entirely obscured by existing intervening topography and vegetation.

86-10 [The DEIR VISUAL analysis considers this area non-urbanized. The very nature of the project will change that designation. How much vegetation will be removed for buildings, roads, etc. which may not provide screening anymore? Was this part of the visual analysis? How was light and glare analyzed for 5th the restaurant on 5th and not sure about the private tasting room either?

- Pedestrians and bicyclists in the area include nearby residents and visitors that use the public roadways to walk or bike to their destination. Such pedestrians have views of the project site from Callison Road. In general, views experienced by pedestrians and bicyclists are similar to views experienced by motorists. However, because sidewalks are currently not provided along the roadway, the amount of pedestrian traffic along the roadway is relatively limited. Similarly, the roadway does not include dedicated bike lanes. Are sidewalks and bike lanes a requirement of the project? Viewshed changed.

86-11 [



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- 86-12 [• Residents of the existing rural residences to the north, east, and west of the project site have limited views of the site. In addition, views are partially blocked by existing vegetation associated with the residences and oak woodlands. How much vegetation will be removed for buildings, roads, etc. which may not provide screening anymore?
- 86-13 [Travelers along nearby roadways, as well as the nearby residences surrounding the project site, would be considered sensitive visual receptors. However, it is important to distinguish between public and private views. Private views are views seen from privately-owned land and are typically viewed by individual viewers, including views from private residences. Public views are views that are experienced by the collective public. In the case of the proposed project, public views would consist primarily of views from Callison Road and the commuter rail line in the project vicinity. The DEIR visual analysis considered key public viewpoints that would most clearly display the proposed project's potential visual effects. Segments of Callison Road and the commuter rail lines within the project vicinity are characterized as key public viewpoints. My opinion, private views are just important as public views and analysis should reflect both equally.

- 86-14 [The DEIR visual analysis for the project included the proposed octagon building, which would consist of a sub-level, as well as four above-ground levels reaching a height of 75 feet from the finished grade (plus rooftop mechanical equipment that would be screened from view). The proposed building would sit atop the hill located in the northern portion of the project site. The exterior of the building would include a living façade comprised of an exoskeletal structure covered with plant life to blend in with the surrounding environment. The surrounding region: The key viewpoints will forever change the area. Focus on the view is prevalent and seems to be driving many components of this project.

- 86-15 [Jennifer Byous 11/28/2022, 3:33:00 PM
Wine/Brew do not have to comply with landscape design guidelines. This project likely does, but it is not required. This is highlighted in a text box.

- 86-16 [Per the project's draft landscaping plans, the project would include the planting of 84 new trees, including 11 new trees at the main entry, 36 trees at the tasting room terrace, and 37 new trees at the entrance to the octagon building and parking lot. New shrubs and groundcover plantings would also be included throughout the project site. NEW trees to be planted will not be mature for many years.



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Figure 7 – Views from Callison Road Post Project (Nighttime)

86-17 [Dark skies another issue that is ignored in Tahoe. Downward pointing lights still emit significant light.



Figure 8 – Views from Callison Road/Ridgeview Lane Existing Verse Post Project

The DEIR concluded that the proposed project would result in changes in the public views from Callison Road/Ridgeview Lane, the southerly commuter rail line, and the Callison

86-18 ↓ Substantial scenic change in general and then add lighting up to 10pm for events.



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Road/Main Entry viewpoint. Substantial degradation would occur to the public views of Callison Road/Main Entry and the commuter rail line, due primarily to the proposed octagon building, which would extend above the existing tree canopy on the hillside and silhouette against the sky.

Therefore, the proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings, and a significant impact would occur.

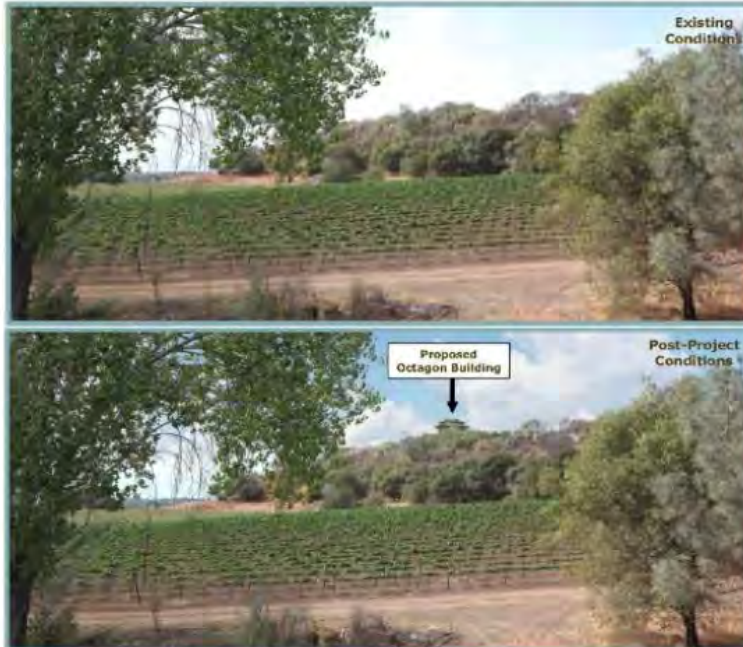


Figure 9 – Views from Commuter Rail Line Existing Verse Post Project

Impact 4-2: Substantially Degrade Existing Visual Character

In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

Implementation of mitigation would help to further screen public views of the project site, but would not sufficiently reduce the impact to a less-than-significant level, as development of the proposed project would still substantially degrade the existing visual character or quality of public views of the site and its surroundings. Therefore, even with implementation of the following mitigation measure, the impact would remain *significant and unavoidable*.

Substantial degradation would occur to the public views....octagon building, which would extend above the existing tree canopy on the hillside and silhouette against the sky. Therefore, the proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings, and a significant impact would occur. Night time lighting up to 10pm for events a real impact. Reducing the height will lessen the impact.



86-18 cont.

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Impact 4-4: Long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of Placer County. Future development within the county would result in changes to the existing land use environment through conversion of currently vacant land to developed uses that would result in changes in visual character. The southern portion of the project site is located within the approximately 16,620-acre Horseshoe Bar/Penryn Community Plan (HBPCP) area, which encompasses the majority of the surrounding area to the south and west of the project site. In addition, the approximately 1,928-acre Bickford Ranch Specific Plan (BRSP) area is located northwest of the project site. **Development of planned land uses within the HBPCP and BRSP areas, as well as the project site, would change the existing visual character of those specific locations from vacant or minimally developed land to more intensively developed areas, or in the case of the proposed project, a winery.**

Cumulative buildout in the geographic area would result in a substantial change in visual character of the project region and, thus, a significant cumulative impact would occur. Given that the project site is predominantly undeveloped and affords public views from Callison Road and the commuter rail line of **rural landscape**, comprised of rolling grassland and blue oak woodlands, **the existing visual character of the project site would be significantly altered.** Therefore, the project's incremental contribution to the significant impact would be cumulatively considerable, and a significant and unavoidable impact would occur.

Reducing the height will lessen the visual impacts. Requesting more than double height increase (36 ft to 75ft) is a BIG ASK.

86-18 cont.

86-19

My opinion, A hybrid alternative is missing Reduced Height (all structures), reduced restaurant operations. Maybe this project is just too big and needs to be completely redesigned.

86-20

Maybe the (75-foot tall) agricultural structure that would be developed on-site for gravity filtration process isn't justifiable. Is there an alternative process that can be considered? The split building under the Alternative would not be tall enough to create the necessary 70 pounds per square inch (psi) of pressure required for the wine to be filtered.

86-21

The Reduced Height Alternative would develop a full-production winery, including wine production facilities, a tasting room, an underground wine cave network, an accessory restaurant, and other associated facilities. However, under the Reduced Height Alternative, the octagon building would be split into two shorter buildings, each built to a height of 36 feet, which is the maximum allowable height

Decrease the size of the restaurant the Conditional Use goes away,



LETTER 86: ELLIE WALLER

Response to Comment 86-1

The comment does not address the adequacy of the Draft EIR and is noted for the record.

Response to Comment 86-2

The comment does not address the adequacy of the Draft EIR and is noted for the record. Please see Master Response 5 - ZTA.

Response to Comment 86-3

The comment does not address the adequacy of the Draft EIR and is noted for the record. Please see Master Response 3 - Octagon Building and Gravity Processing, and Master Response 5 - ZTA.

Response to Comment 86-4

The comment does not address the adequacy of the Draft EIR and is noted for the record. Please see Master Response 3 - Octagon Building and Gravity Processing, and Master Response 5 - ZTA.

Response to Comment 86-5

The comment does not address the adequacy of the Draft EIR and is noted for the record. Please see Master Response 5 - ZTA.

Response to Comment 86-6

The comment is noted for the record and has been forwarded to the decision-makers for their consideration. Impacts related to degrading the existing visual character or quality of public views of the site and its surroundings are discussed in Chapter 4, Aesthetics, of the Draft EIR. As noted under Impact 4-2, the Draft EIR included Mitigation Measure 4-2, which would require submittal of a final landscaping plan to help further screen public views of the project site. However, the Draft EIR concluded that a significant and unavoidable impact would occur as development of the proposed octagon would still substantially degrade the existing visual character or quality of public views of the site and its surroundings. According to CEQA Guidelines Section 15093, if the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." As such, the County would be required to adopt a Statement of Overriding Considerations to address the aforementioned significant and unavoidable impact.

Response to Comment 86-7

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. It is noted that a Reduced Height Alternative was evaluated in the Draft EIR. Please see Master Response 1 – Project Alternatives.

Response to Comment 86-8

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Response to Comment 86-9

Please see Response to Comment 86-7.

Response to Comment 86-10

As discussed on page 4-16 of the Draft EIR, given that the existing development in the immediate vicinity of the site is primarily rural in nature, the analysis within Chapter 4 considered the project area to be non-urbanized. Therefore, Impact 4-2 of the Draft EIR includes an analysis of the potential for the proposed project to substantially degrade the existing visual character or quality of public views of the site and its surroundings. Photo simulations were prepared by 19six Architects and show existing versus post project conditions of the project site from multiple vantage points, as shown in Figure 4-6 through Figure 4-9 of the Draft EIR, including changes to the visual character of the surrounding area due to the octagon building and other site improvements, including landscaping. In addition, the Draft EIR included Mitigation Measure 4-2, which would require submittal of a final landscaping plan to help further screen public views of the project site.

Regarding impacts related to light and glare, please see Response to Comment 10-7.

Response to Comment 86-11

As discussed on page 16-27 of the Draft EIR, based on the rural location of the project site, the proposed project is unlikely to generate appreciable pedestrian or bicycle activity, and overall is estimated to generate a maximum of one daily pedestrian and one daily bicycle trip. As such, the proposed project does not include the development of sidewalks or bicycle lanes along the roadways in the project vicinity.

Response to Comment 86-12

As discussed in Chapter 7, Biological Resources, of the Draft EIR, 4.2 acres of blue oak woodland and interior live oak woodland, as well as 1.7 acres of annual brome grassland, are anticipated to be directly impacted by the proposed project. In addition, as noted on page 7-50 of Chapter 7 of the Draft EIR:

Of the 331 protected trees present within the project site, a total of 215 protected trees that have a combined DBH of 3,136 inches would be impacted by the project. The remaining 116 protected trees would not be impacted by the project. Of the 215 protected trees to be impacted, 165 have major or extreme structural and/or health problems. The remaining 50 protected trees are in fair or good condition and total 668 inches DBH. Of the 50 protected trees, four are greater than 24 inches in diameter and are considered "significant trees" to be removed. The significant trees to be removed include tree 6963, a 26-inch DBH interior live oak, tree 9354, a 31-inch DBH blue oak, tree 6964, a 27-inch DBH California black oak, and tree 5218, a 24-inch blue oak.

It is important to note that Mitigation Measure 4-2 of the Draft EIR requires submittal of a final landscaping plan. Among the performance standards in the mitigation is the following:

- Retention of existing oak woodlands on the slope in front of the octagon building for screening purposes. If any of this screening vegetation is damaged during construction, replacement landscaping including native, or native-appearing and drought-tolerant vegetation; shall be planted to the satisfaction of the Placer County Community Development Resource Agency.



Therefore, while oak woodland vegetation will be removed during construction, the Draft EIR requires retention of screening vegetation, that if damaged, must be replaced to the satisfaction of the County.

Nevertheless, as noted in Response to Comment 86-6, the project's aesthetic impact has been deemed significant and unavoidable.

Response to Comment 86-13

The County appreciates the commenter's concerns regarding private views, which are noted for the record and have been provided to the decision-makers for their consideration. Notwithstanding, CEQA (Public Resources Code, Section 21000 et seq.) case law has established that only public views, not private views, are protected under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488] the court determined that "we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: '[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.'" Such a conclusion is consistent with the thresholds of significance established in Appendix G of the CEQA Guidelines. As such, the discussions and analyses in Chapter 4, Aesthetics, of the Draft EIR regarding public views are adequate.

Response to Comment 86-14

Please see Response to Comment 86-6.

Response to Comment 86-15

The comment does not directly address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 86-16

The commenter is correct in that landscaping could take multiple years to mature. However, screening from mature vegetation was not used as evidence to conclude a less-than-significant impact. Rather, the Draft EIR concluded that the proposed project would result in a significant and unavoidable impact related to substantially degrading the existing visual character or quality of public views of the site and its surroundings.

Response to Comment 86-17

Please see Response to Comment 10-7.

Response to Comment 86-18

The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. It is noted that a Reduced Height Alternative was evaluated in the Draft EIR. Please see Master Response 1 – Project Alternatives. Please also see Master Response 5 – ZTA.

Response to Comment 86-19

Please see Master Response 1 - Project Alternatives.



Response to Comment 86-20

The comment does not directly address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. The Reduced Height Alternative includes an allowable unoccupied agricultural structure to achieve the necessary height for gravity filtration.

Response to Comment 86-21

The comment does not directly address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. Please see Master Response 1 - Project Alternatives.



Letter 87

Placer County Environmental Coordination Services

From: 916 Fishing <ibw110902@gmail.com>
Sent: Thursday, December 8, 2022 3:40 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

87-1

I work in Placer County for BEM and feel very fortunate to be able to contribute to the Project 8 Winery because I think it would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

From,
Isaiah Walton
6642 Pacheco way, Citrus Heights, CA, 95610

Sent from my iPhone



LETTER 87: ISAIAH WALTON

Response to Comment 87-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 88

Shirlee Herrington

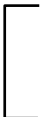
Subject: FW: [EXTERNAL] Fwd: Winery 8

From: Leslie Warren <lesliewarren52@gmail.com>
Sent: Monday, December 19, 2022 2:01 PM
To: Jim Holmes <JHolmes@placer.ca.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>
Cc: Christopher Schmidt <CRSchmid@placer.ca.gov>
Subject: [EXTERNAL] Fwd: Winery 8

Hi Jim and Cindy,

Happy Xmas to you.

88-1



For this project, would you please ask that the developer erect a post or facsimile tower of a height equivalent to that proposed for the Winery 8 project?
That pole or facsimile tower will give Supervisors and the public a better grasp/understanding of what's proposed and how the view shed will be affected by a tower of 75 feet in height.

88-2



Also, the facsimile tower or pole will allow staff to better assess the scope and range of light pollution and noise effects on the surrounding countryside.

88-3



Will the EIR assess the likelihood of migratory and resident bird and raptor collisions with the tower and impacts of light from the tower on foraging activities of nocturnal birds, insects and bats?

88-4



The tower is, in essence, a giant billboard for Winery 8. In addition to a determination of conformity w the Winery and Brewery Ordinance, Night Sky Ordinance and etc, is the tower conforming for the 'Sign' Ordinance?

Thank you for your attention to these issues.

Leslie Warren

Sent from my iphone



LETTER 88: LESLIE WARREN

Response to Comment 88-1

The comment does not address the adequacy of the Draft EIR. Photo simulations were prepared by 19six Architects and show existing versus post project conditions of the project site from multiple vantage points, as shown in Figure 4-6 through Figure 4-9 of the Draft EIR, including changes to the visual character of the surrounding area due to the octagon building. Nevertheless, the comment is noted for the record and has been forwarded to the decision-makers for their consideration.

Response to Comment 88-2

Please see Response to Comment 10-7 regarding light and Response to Comment 27-6 regarding how the noise modeling accounted for on-site topography.

Response to Comment 88-3

Please see Response to Comment 53-1.

Response to Comment 88-4

The comment does not address the adequacy of the Draft EIR and is noted for the record. Nonetheless, it should be noted that according to Section 17.04.030 of the Placer County Code, a sign is defined as any visual device or representation designed or used for communicating a message, or identifying or attracting attention to a premise, product, service, person, organization, business or event, not including such devices visible only from within a building. Figure 17.04.030-8 of the Placer County Code presents various types of signs. The proposed octagon building does not meet the County's definition of a sign, and therefore, does not need to comply with the requirements of the County's Sign Ordinance.



Letter 89

Placer County Environmental Coordination Services

Subject: Support for Project 8 Winery in Penryn

-----Original Message-----

From: Randy Watanabe <randy.watanabe@icloud.com>

Sent: Wednesday, December 7, 2022 6:31 PM

To: Placer County Environmental Coordination Services <CDRAECS@placer.ca.gov>

Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

I am writing regarding the Project 8 Winery. I am writing to express my support for the project because our community needs more agriculture, agritourism, and the right economic development. I support the Project 8 as proposed.

I work in Placer County for BEM. I am excited about the acres of vines, the water conservation using ponds, and the plans for a beautiful tasting room with a view of the foothills and valley! All the projects we work on are high quality so I know this winery will be something special. I am proud to be associated with this project and can't wait to bring my friends and family to visit once it's done. I support approval of Project 8 Winery as proposed.

89-1

I work in Placer County for BEM and feel very fortunate to be able to contribute to the Project 8 Winery because I think it would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

I live in Placer County and work for BEM. I am fortunate enough to work in the same community that I live in and think the Project 8 Winery would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

Sent from my iPhone



LETTER 89: RANDY WATANABE

Response to Comment 89-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 90

Placer County Environmental Coordination Services

From: mwest7744@att.net
Sent: Tuesday, December 27, 2022 10:38 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] project 8 winery

90-1

hello my name is mark westberg, I live on allen ln in penryn ,I do not want a ridge top tower restaurant built on hillside next to my home, which I have lived at for 41 years. the noise an light invasion would be something that would ruin my life style. I hope the review committee will consider this for the people that live in the area.

thank you

mark westberg



LETTER 90: MARK WESTBERG

Response to Comment 90-1

Please see Response to Comment 58-2 regarding light and noise impacts. The comment is noted for the record and has been forwarded to the decision-makers for their consideration.



Letter 91

Placer County Environmental Coordination Services

From: G. Windgasse <windgasse@hotmail.com>
Sent: Wednesday, December 14, 2022 8:59 AM
To: Placer County Environmental Coordination Services
Cc: Patty Neifer
Subject: [EXTERNAL] Preliminary comments for Draft EIR Project 8

To Placer County BoS
Please include these preliminary comments in the info package for the 12/15/2022 BOS meeting.
Thank you

91-1

- what is the actual height of the "mechanical equipment" and screen on the roof? The county should spell this out, and also ensure that this does not increase over time (is it a 2.5 ft AC unit or a 10 ft elevator top?).

91-2

- What is the viewshed from the top of the structure (including mechanical equipment/screen)? This is the area that will be visually impacted. How many people live there/travel through there (Rt 80)? The county should provide a map of the viewshed.
- Arsenic (Chapter 11 Hazards and hazardous materials):

91-3

High concentrations of arsenic were found in the subsoil of the site: 32.5 mg/kg of arsenic were found in a location that is "likely representative of natural occurring arsenic concentrations present at deeper depths beneath the Site" (page 346 of Appendix L – Phase I Investigation, "Shallow Soil Sampling Report" dated July 25, 2022). The DTSC Screening Level for arsenic in residential soils is 0.11 mg/kg, and 0.36 mg/kg for industrial/commercial soil, based on cancer risks (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/04/HHRA-Note-3-2019-04.pdf>). USEPA designates arsenic as a Class A carcinogen: "An increased lung cancer mortality was observed in multiple human populations exposed primarily through inhalation. Also, increased mortality from multiple internal organ cancers (liver, kidney, lung, and bladder) and an increased incidence of skin cancer were observed in populations consuming drinking water high in inorganic arsenic." (https://iris.epa.gov/ChemicalLanding/&substance_nmbr=278). This concentration of Arsenic in subsoil is almost 300 times higher than the DTSC Screening Level for arsenic in residential soils and 90 times higher than the DTSC Screening Level for industrial/commercial soils.

The amount of soil proposed to be excavated is enormous: "Approximately 190,000 cubic yards of fill, 165,000 cubic yards of cut, and 25,000 cubic yards of excavation, including the wine caves, would occur, creating a balance on site." All of the excavated soil will be placed on the site as fill and become part of the surface soil. This fill soil is high in arsenic and could expose visitors, workers, and possibly neighbors to arsenic through dust inhalation or skin contact. According to the USEPA, arsenic is a Class A human carcinogen. It is unclear how run-off and ground water will be affected by the arsenic in the fill. In my opinion this soil constitute a public health concern.

I will follow up with a more detailed comment letter.
Thank you

Gabriele Windgasse, DrPH



LETTER 91: GABRIELE WINDGASSE

Response to Comment 91-1

Please see Response to Comment 51-4.

Response to Comment 91-2

Please see Response to Comment 10-5.

Response to Comment 91-3

The soil sample referenced in this comment with a detected arsenic concentration of 32.5 mg/kg is designated as sample B14. This level of detected concentration of arsenic in sample exceeds the DTSC Guidance background concentration for arsenic of 12 mg/kg however, sample B14 was located in a cut area where approximately 20 feet of soil had been removed from the grade of the former orchard; therefore, the detected concentration of arsenic in B14 is likely representative of natural occurring arsenic concentrations present at deeper depths beneath the site and not indicative of shallow soil impacts from former orchard operations. The cut area where sample B14 was collected will be capped with a concrete foundation as part of development activities, which will make exposure pathways to the arsenic detected in sample B14 incomplete.

An additional sample (1B14) was also collected to the northeast of B14 and the cut area in order to obtain a representative sample of shallow soils present during the former orchard operations in this area of the site. Sample 1B14 did not contain arsenic at a concentration above the laboratory reporting limit (RL). Therefore, based on the soil sample analytical results, there does not appear to be significant arsenic in shallow soil impacts from the former orchard operations at the site.

Additional measures to prevent any potential offsite contamination due to onsite conditions will include implementation of, and adherence to, soil best management practices, as required, throughout the site improvement and construction phases of the project as well as preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP).



Letter 92

Comments on the Draft Environmental Impact Report (EIR) for the proposed Project 8 Winery in Penryn (PLN21-00198)

To:

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

cdraecs@placer.ca.gov

cc: Jennifer Byous, Jim Holmes, Suzanne Jones, Michael Spelis, Beverly Roberts, Patty Neiffer

From:

Gabriele Windgasse, DrPH, MS
3570 N Lakeshore Blvd
Loomis, CA95650

windgasse@hotmail.com

Date: December 27, 2022

Dear Placer County Development Resource Agency,

92-1

I have great concerns about the environmental impacts and the precedent this project is setting for developments in all of Placer County. The project would create a predominant landmark that imposes on the landscape and natural skyline. This project would significantly impact the common good of open space, vistas, and the natural beauty of the area, concepts that are protected in Placer County. Specifically, the project shows a disregard for the constraints of ridgeline development and building heights, which are expressed in numerous county and local regulations, policies, goals, and objectives.

92-2

In addition, the high arsenic concentrations in the proposed fill material and the ground vibration for neighboring residents present significant impacts and potential public health concerns. Other concerns have not been completely addressed in this draft. Their full discussion may change the assessment of significant impacts: the total building height including the "technical equipment and screen"; the viewshed/visual impact from the top of octagon structure; the inclusion of all construction equipment and possible blasting in the noise and vibration analysis; the maximum number of parking spaces required; inclusion of Placer County as the "relevant geographic area;" and analysis of other project alternatives.

92-3

Based on my review, I recommend not approving a CUP for an increased number of restaurant guests to 75; a ZTA to add a height limit exceptions to the Placer County Winery and Farm Brewery Ordinance; and a subsequent CUP for the proposed height.

In my opinion, a beautiful state-of-art winery with an excellent accessory restaurant, event space, and great views can be accomplished on this site if the project is made compatible with the rural character of the area and adheres to the existing guidance and regulations.



Below are my detailed comments.

Chapter 1 Introduction

- 92-4 1 Indicate the overall height of the octagon building.
Nowhere does the Draft EIR state the overall height of the building: 75 ft plus the "mechanical equipment and screen." Specify the height of the mechanical equipment/screen and base the analysis of aesthetics/visual impact on this value. Ensure that this overall height cannot increase over time.
- 92-5 2 Indicate the maximum number of parking spaces that will be permitted.
If special events occur with 200 people at a given time (plus staff and patrons) - how will the minimum number of parking spaces (67) suffice?
- 92-6 3 Provide more information on "other events".
"Special events do not include industry-wide events, the normal patronage of a tasting room, and private gatherings of the owner where the general public does not attend." Can these other events be held with more than the usual 50 or 75 people at one time, can they be held with 200 people? How many of these other events can be held per year?
- 92-7 4 Achieving balanced development
If the design is adapted to the existing ridgeline and height restrictions, and in agreement with local and county-wide regulations, this project will support the local agricultural industry and generate positive economic impacts, ensuring a balanced development of Placer County.
- 92-8 5 Precedent
If the project is approved as proposed, it would set a precedent for future developments in all of Placer County. We will see additional commercial developments of ridgelines, which have been protected in Placer County.

Chapter 4 Aesthetics

- 92-9 1 Consider in the Final EIR how this project may look 20 or 50 years from now.
If the restaurant stopped revolving and the then-owner is either unable or unwilling to invest sufficiently in the required upkeep, the building may deteriorate into an eyesore, a very visible ruin on a hilltop.
- 92-10 2 Viewshed from the top of the octagon
Include a discussion of the viewshed from the top of the octagon structure (including the mechanical equipment and screen) and add more "public viewpoints." From which areas is this project visible? How many people live/work in the viewshed? Which public areas are affected (Rt 80 corridor, etc)?
- 92-11 3 Not conforming to PCGP, HBPCP
The project does not conform to numerous policies of the PC General Plan (pages 10-12 of Section 4 Aesthetics), and the Horseshoe Bar/Penryn Community Plan (pages 12- 14). These policies specifically require limiting the visual impact of buildings, protecting ridgelines and hillsides, and adhering to the scale and character of the area.



Chapter 11 Hazards and hazardous materials

- 92-12
- 1 Significant impact from high arsenic concentration in the subsoil
High concentrations of arsenic were found in the subsoil of the site: 32.5 mg/kg of arsenic were found in a location that is “likely representative of natural occurring arsenic concentrations present at deeper depths beneath the Site” (page 346 of Appendix L – Phase I Investigation, “Shallow Soil Sampling Report” dated July 25, 2022). This concentration of Arsenic in subsoil is almost 300 times higher than the DTSC Screening Level for arsenic in residential soils, and 90 times higher than the DTSC Screening Level for industrial/commercial soils.
The DTSC Screening Level for arsenic in residential soils is 0.11 mg/kg, and 0.36 mg/kg for industrial/commercial soil, based on cancer risks (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/04/HHRA-Note-3-2019-04.pdf>). USEPA designates arsenic as a Class A carcinogen: “An increased lung cancer mortality was observed in multiple human populations exposed primarily through inhalation. Also, increased mortality from multiple internal organ cancers (liver, kidney, lung, and bladder) and an increased incidence of skin cancer were observed in populations consuming drinking water high in inorganic arsenic.” (https://iris.epa.gov/ChemicalLanding/&substance_nmbr=278).
The amount of soil proposed to be excavated is enormous: “Approximately 190,000 cubic yards of fill, 165,000 cubic yards of cut, and 25,000 cubic yards of excavation, including the wine caves, would occur, creating a balance on site.” All of the excavated subsoil will be placed on the site as fill and become part of the surface soil. This fill soil is high in arsenic and could expose visitors, workers, and possibly neighbors to arsenic through dust inhalation or skin contact, during the excavation and the operational phases of the project. This could constitute a health risk for visitors, workers, and neighbors.
- 92-13
- 2 Arsenic in groundwater and run-off
Include an analysis of how run-off and groundwater could be affected by the arsenic in the fill material.

Chapter 13 Landuse and Planning

- 92-14
- 1 Not conforming to PCGP and HBPCP
I disagree with the statement on page 9 that “the project would be generally consistent with the applicable policies outlined in the General Plan and the HBPCP.” As outlined above and below, the project violates numerous policies in the PCGP and the HBPCP. The project will not “further the objectives and policies of the general plan and not obstruct their attainment” and therefore its impact is significant on land use and planning.
- 92-15
- 2 Cumulative impacts are significant.
Table 13-1 lists two significant impacts: on page 15 “Therefore, the EIR determined that a significant and unavoidable impact would occur related to views of the hillside where the octagon building is proposed to be located.” and on page 16 “the project would be considered to substantially degrade the existing visual character or quality of public views of the site and its surroundings. Therefore, impacts related to such were determined to be



- 92-15 cont. *significant and unavoidable.*
 However, the cumulative impact analysis on page 13 concludes “As shown in Table 13-1 of this chapter, the proposed project would be generally consistent with relevant policies in the Placer County General Plan and the HBPCP.” Chapter 13 of the final EIR should clearly state the significant cumulative impacts of the project.
- 92-16 3 Sections where the proposed project is in conflict with current regulations or guidance:
- Section 1.K.4 of the PCGP Land use element. “a. Limit cuts and fills; b. limit grading to the smallest practical area of land.” The project requires enormous volumes of cuts and fill.
 - Section 1.O.3: “all new development be designed to be compatible with the scale and character of the area. Structures, especially those outside of village, urban, and commercial centers, should be designed and located so that: a. They do not silhouette against the sky above ridgelines or hilltops; b. Roof lines and vertical architectural features blend with and do not detract from the natural background or ridge outline; c. They fit the natural terrain...”
 - HBPCP, Policy t: “Buildings shall be of a size and scale conducive to maintaining the rural atmosphere of the Plan area. The architectural scale of nonresidential buildings, as differentiated from size, shall be more similar to that of residential buildings than that of monumental buildings. Non-residential buildings shall generally be of small or moderate size.” The project does not fit this description.
 - Policy 15: “To the maximum extent possible, all structures, including residences, should complement and blend in with the natural setting of the planning area, and to this end the following principles shall be incorporated into the project design: a. The visual impact of the structure shall be mitigated either through reduction of building bulk, increased setbacks, or introduced hillside structures shall be designed to step down the natural hillside in order to achieve a low building profile and minimize grading....c. Largely bare slopes and sparsely wooded ridges visible from large portions of the planning area should be kept free of structures to the maximum extent possible. d. If development does take place on highly visible barren slopes or ridges, it must be unobtrusive and designed to maintain the character of the natural setting.” The project does not fit this description.
 - Policy 2: “The natural resources and features of a site proposed for development shall be the predominant planning factor that determines the scope and magnitude of the development. Conservation of the natural landscape, including minimizing disturbance to natural terrain and vegetation, shall be an overriding consideration in the design of any land development project.” The project does not fit this description.

Chapter 14 – Noise/Vibration

- 92-21 This chapter is incomplete and needs to be revised.
- 1 Vibration could cause a significant impact on the nearest residents.
 Per Table 46 of Appendix O, the “vibratory roller” alone would contribute 0.014 inch/sec vibration at the nearest residence. This is higher than the stated CalTrans threshold of



- 92-21 cont. 0.012 inch/sec (Table 6). If other vibration-causing equipment is used simultaneously, the threshold would be exceeded even further, creating a significant vibration impact for the nearest residents.
 See Appendix O - page 22: "A significant impact would be identified if project construction activities or proposed on-site operations would expose noise-sensitive receptors to excessive groundborne vibration levels. Specifically, an impact would be identified if groundborne vibration levels due to these sources would exceed the Caltrans vibration impact criteria." (Tables 5 and 6)
- 92-22 2 The noise and vibration analysis should include all expected equipment and processes. Table 14-15 lists the "Estimated Heavy Equipment by Project Construction Phase," which is used for the noise analysis. Whereas Table 14-46 "Vibration Source Amplitudes for On-Site Construction Equipment," lists equipment used for the vibration analysis, including jackhammer, hoe ram, Caisson drilling, and others. This equipment is not included in Table 14-15 and the noise analysis. Other chapters of the Draft EIR list air compressors and generators. The noise and vibration analyses need to be revised to include the impacts of all proposed equipment.
- 92-23 3 Blasting during construction should be included in the noise and vibration analysis. Appendix H – Geotechnical Engineering, pages 11 – 12, state: "Blasting cannot be precluded for wine cave development. ... Blasting to achieve utility line grades, especially in planned deep cut areas cannot be precluded."
- Chapter 19: Effects - not significant**
- 92-24 1 Residence in Octagon building
 Note that the project includes a residence in the Octagon building. Section 19.7 reads "The project site does not currently contain any existing residential structures." – this statement should be corrected.
- Chapter 20: Statutorily required sections**
- 92-25 1 The cumulative impacts that the Draft EIR considers are incomplete. This project affects not only the HBPCP and BRSP areas but all of Placer County. Approving this ridgeline development of a 75+ ft highly visible structure sets a precedent for all of Placer County and will encourage similar developments. These cumulative future impacts would substantially and significantly change how Placer County looks. The Final EIR should include an evaluation of this aspect.
 Section 20.3 states: "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time".
- 2 The Final EIR should use all of Placer County as the "relevant geographic area," and include a discussion of past, present, and potential for future ridgeline developments. Per Section 20.4



92-25 cont.

- "The primary and secondary impacts of development could generally commit future generations to similar uses (e.g., a highway provides access to a previously remote area);"
- "...the proposed project would be considered to substantially degrade the existing visual character or quality of public views of the site and its surroundings,"

Chapter 21: Alternatives Analysis

This chapter is incomplete.

92-26

1 The Draft EIR does not fully investigate the Reduced Height Alternative. Where would the 75 + ft high ag tower be located? What is the viewshed from the top of this structure? Include an impact analysis of this tower in the Final EIR.

92-27

2 Please consider other alternatives.

For example: reducing the scale of the operation, relocating the octagon building away from the hilltop, and reducing the height of the building to 36 ft. A small portion of the octagon could extend to 124 ft below ground surface, resulting in a 160 ft vertical drop for winery purposes. With the decreased scale of the operation, a second building would not be necessary. The disturbed area and impacted woodland canopy would be similar to the original plan, but the aesthetic and traffic impacts would be reduced.

Thank you for your consideration.

Please let me know if you have any questions.

Sincerely



Gabriele Windgasse, DrPH, MS
3570 N Lakeshore Blvd
Loomis, CA 95650
c 916 316 3726
windgasse@hotmail.com



LETTER 92: GABRIELE WINDGASSE

Response to Comment 92-1

The comment provides a summary of concerns which are discussed in more detail in the following sections of the comment letter. As such, please see the Responses to Comments below.

Response to Comment 92-2

The comment provides a summary of concerns which are discussed in more detail in the following sections of the comment letter. As such, please see the Responses to Comments below.

Response to Comment 92-3

The comment does not directly address the adequacy of the Draft EIR, but recommends not approving “a CUP for an increased number of restaurant guests to 75; a ZTA to add a height limit exceptions to the Placer County Winery and Farm Brewery Ordinance; and a subsequent CUP for the proposed height”. The commenter’s recommendations are noted for the record and have been forwarded to the decision-makers for their consideration. As a matter of clarification, however, it is noted that the applicant is not requesting to increase the number of restaurant guests to 75. Regarding customer capacity of the accessory restaurant, this would be limited by the physical configuration of the dedicated dining area which occupies a portion of the tasting room floor level. This dedicated dining area is the only location proposed for made-to-order dining service. It has been specifically designed to accommodate a maximum of 32 seated guests (reservation only) and incorporates physical separation between itself and the rest of the tasting room floor.

Regarding the commenter’s reference to the rural character of the area, it is noted that in *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA’s overriding and primary goal is to protect the physical environment. CEQA defines a “significant effect on the environment” as “substantial, or potentially substantial, adverse changes in physical conditions” (PRC section 21100. subd. [d]).

Nevertheless, the comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 92-4

Please see Response to Comment 51-4.

Response to Comment 92-5

The comment does not address the adequacy of the Draft EIR. Parking is not a consideration under CEQA. Notwithstanding, it is noted that the overall project site would include approximately 120 dedicated parking spaces.

Response to Comment 92-6

As discussed on page 3-13 of the Draft EIR:



Special Events, as defined by the Placer County Winery and Farm Brewery Ordinance, include greater than 50 people at one time, excluding staff and tasting room patrons and not defined as an Agricultural Promotional Event pursuant to Section 17.56.330(D)(4)(a). Pursuant to Table 3 of the Winery and Farm Brewery Ordinance, Special Events are allowed by right, but limited to a maximum of 12 per year. A maximum of 200 people at one time are allowed at Special Events. The proposed project would comply with the requirements included in Table 3 of the Winery and Farm Brewery Ordinance.

Response to Comment 92-7

The comment does not address the adequacy of the Draft EIR and has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 92-8

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. Please also see Master Response 5 – ZTA.

Response to Comment 92-9

This comment pertains to speculative scenarios in which the project applicant allows for the proposed octagon building to deteriorate over a 20-to-50-year period. CEQA does not require the analysis of speculative impacts. As stated in CEQA Guidelines Section 15384, “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.”

Response to Comment 92-10

Please see Response to Comment 10-5.

Response to Comment 92-11

Please see Response to Comment 9-33.

Response to Comment 92-12

Please see Response to Comment 91-3.

Response to Comment 92-13

Please see Response to Comment 91-3. In addition, Response to Comment 2-8 provides a summary of the requirements that would be implemented to ensure that the proposed project would not create or contribute runoff water which would include substantial additional sources of polluted runoff or otherwise substantially degrade surface water quality.

Response to Comment 92-14

Please see Response to Comment 9-33.

Response to Comment 92-15

As discussed on page 13-13 of the Draft EIR, a cumulative analysis of land use is not included because land use plans or policies and zoning generally do not combine to result in cumulative impacts. The determination of significance for impacts related to such issues is whether the project would cause a significant environmental impact due to a conflict with any land use plan,



policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Such a conflict is site-specific, and, thus, is only addressed on a project-by-project basis.

Nonetheless, Chapter 20, Statutorily Required Sections, provides a summary of the significant and unavoidable impacts that would occur due to the proposed project, including any cumulative impacts. As discussed on page 20-8 of the Draft EIR, a significant and unavoidable impact would occur related to long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of Placer County. According to CEQA Guidelines Section 15093, if the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." As such, the County would be required to adopt a Statement of Overriding Considerations to address the aforementioned significant and unavoidable impact.

Response to Comment 92-16

As discussed in Chapter 3, Project Description, of the proposed project, the proposed project would require 190,000 cubic yards of fill. However, 165,000 cubic yards of cut and 25,000 cubic yards of excavation, including the wine caves, would occur, creating a balance on site. In addition, a discussion of the proposed project's consistency with General Plan Policy 1.K.4 is included on page 13-14 of the Draft EIR.

Response to Comment 92-17

The commenter states that the proposed project conflicts with General Plan Policy 1.O.3, but provides no specifics or evidence to support this statement. A discussion of the proposed project's consistency with General Plan Policy 1.O.3 is included on page 13-16 of the Draft EIR. Please also see Response to Comment 9-33.

Response to Comment 92-18

The commenter states that the proposed project does not fit the description of HBPCP Policy T but provides no specifics or evidence to support this statement. A discussion of the proposed project's consistency with HBPCP Policy T is included on page 13-26 of the Draft EIR. Please also see Response to Comment 9-33.

Because the comment provides the opinion/observation of the commenter, without substantiation, this is acknowledged for the record, and further response is not provided. Nonetheless, all comments, whether substantiated by facts or simply reflecting the position of the commenter, have been considered by the County throughout the decision-making process.

Response to Comment 92-19

The commenter states that the proposed project does not fit the description of HBPCP Policy 15 but provides no specifics or evidence to support this statement. A discussion of the proposed project's consistency with HBPCP Policy 15 is included on page 13-28 of the Draft EIR. Please also see Response to Comment 9-33.

Because the comment provides the opinion/observation of the commenter, without substantiation, this is acknowledged for the record, and further response is not provided. Nonetheless, all comments, whether substantiated by facts or simply reflecting the position of the commenter, have been considered by the County throughout the decision-making process.



Response to Comment 92-20

The commenter states that the proposed project does not fit the description of HBPCP Policy 2 but provides no specifics or evidence to support this statement. A discussion of the proposed project's consistency with HBPCP Policy 2 is included on page 13-30 of the Draft EIR.

Because the comment provides the opinion/observation of the commenter, without substantiation, this is acknowledged for the record, and further response is not provided. Nonetheless, all comments, whether substantiated by facts or simply reflecting the position of the commenter, have been considered by the County throughout the decision-making process.

Response to Comment 92-21

Caltrans considers a vibration level of 0.012 inch/sec from a continuous/frequent intermittent vibration source, such as a vibratory roller, barely/slightly perceptible to a human. As indicated in Chapter 14, Noise, of the Draft EIR, the vibration level from an on-site vibratory roller at the nearest residence located 150 feet away is predicted to be 0.014 inch/sec, (two-thousandths greater than a barely perceptible human response), which is well below the threshold at which damage would occur to nearby structures and, as indicated above, would be barely perceptible. Considering a worst-case vibratory roller vibration level of 0.014 inch/sec and adding other equipment at that same distance (which have imperceptible predicted levels) would not substantially increase vibration at the receptor. Because the vibration generation of other equipment is considerably lower than that of a vibratory roller, adverse cumulative vibration effects would not result from concurrent operation of additional construction equipment.

Response to Comment 92-22

Based on the nature of construction activities, quantifying the noise and vibration from every specific piece of equipment that could potentially be used during construction phases is difficult. Thus, a common approach to quantify noise and vibration levels associated with construction activities is to rely on lists of equipment commonly used during construction activities.

The equipment lists and associated reference noise/vibration levels contained in the Draft EIR's construction noise and vibration impact discussions are extracted from tables contained in the 2018 Federal Transit Administration (FTA) Noise and Vibration Impact Assessment Manual. It should be noted that the equipment contained in the FTA Manual's tables for construction equipment noise and vibration do not contain reference levels for all of the same equipment types. Rather, the tables contain data for equipment types commonly associated with higher noise or vibration levels. It should further be noted that noise and vibration associated with a specific type of equipment is not necessarily mutually exclusive. For example, a vibratory roller is generally known to be associated with elevated vibration levels, and not necessarily associated with high noise level exposure. Further, many pieces of construction equipment produce similar noise and/or vibration levels. More specifically, one piece of equipment could be representative of noise/vibration level exposure associated with a few types of equipment.

The construction equipment contained in Chapter 14, Noise, of the Draft EIR are generally representative of equipment that would be utilized by the project. In addition, the analyses and results contained in the impact discussions are believed to be generally representative of the expected noise and vibration exposure at nearby residential receptors. Thus, the discussions and analyses within the Draft EIR are adequate.



Response to Comment 92-23

Magorian Mine Services (see Appendix 3 to this Final EIR) performed a field review of the proposed wine cave site near the end of the exploratory core drilling for the wine cave geotechnical report. Based on core drilling observations, Mr. Magorian concluded that:

- 100 percent of the wine cave should be able to be excavated with mechanical methods;
- the cave geology will allow tunnel excavation in large headings to stand and allow daily ground support to be applied without complications; and
- natural fractures appear to be far enough apart not to complicate temporary or final support.

As noted by Mr. Magorian in Appendix 3, over the past 25 years Magorian Mine Services has excavated wine caves and tunnels entirely with mechanical methods through dramatically variable geology, consisting of hard to soft, fractured to un-fractured rock, without the need to blast. In the unlikely event that blasting is necessary, it would likely only occur in a small percentage of the cave excavation, following all state and local regulations.

Response to Comment 92-24

The sentence referenced in the comment is referring to the existing on-site conditions to determine whether the proposed project would displace a substantial amount of existing housing or people and would not necessitate the construction of replacement housing elsewhere. The project site does not currently contain any existing residences. As such, the discussion included on page 19-4 of the Draft EIR is adequate.

Response to Comment 92-25

As discussed on page 20-4 of the Draft EIR, the reasons for using HBPCP and Bickford Ranch Specific Plan (BRSP) as the cumulative setting are: 1) the project site is partially within the HBPCP wherein the majority of planned land uses surrounding the site are located; and 2) the BRSP is currently under construction (Phase 1) and located northwest of the project site. With regard to cumulative impacts associated with the octagon building, Impact 4-4 of the Draft EIR includes a detailed evaluation of whether the proposed project would result in long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the HBPCP and BRSP areas. In addition, please see Master Response 5 - ZTA.

Response to Comment 92-26

Please see Master Response 1 Project Alternatives and Response to Comment 10-5.

Response to Comment 92-27

Please see Master Response 1 - Project Alternatives.



Letter 93

Placer County Environmental Coordination Services

From: Rob Wolf <rob@wolfhomesre.com>
Sent: Thursday, December 15, 2022 10:36 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] In Support for the Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

I am writing regarding the Project 8 Winery. I am a former Lincoln Planning Commission, Former Design Review Committee Member for the Verdera HOA, Former Long Time Lincoln Chamber Board Member. I am a current Homeowner just around the corner from the proposed project at 1500 Orange Hill Lane in Penryn, I own a small business that's primary function is in dealing with Residential Resale and working with New Home Builders, my commercial office space is located at 3877 Shawn Way in Loomis CA 95650 and I am a current member of the Loomis Chamber.

I am writing to express my support for the project because our community needs more destination spots, smart growth plans that tie into the existing community resources, agriculture development that we founded our community on such that the Blue Goose Produce Building and High Hand Nursery and Ranch represent, agritourism, and the right economic development projects. This hits all those marks.

My belief is that with an entrance on Taylor Road another at the corner of Callison and Taylor and then further down at the main entrance down Callison having three entry and exit points will absolutely ensure the project can mitigate traffic. While other community members may see traffic as an issue I am confident that the Applicant and County Staff and Elected Officials will work together to minimize traffic through ongoing traffic studies, the EIR proposed and ongoing lines of communication. With my past experience my belief is that even at the worst times would most likely occur on weekends during non-commute hours and when hosting special events. Way, Loomis, CA 95650

I support the Project 8 as proposed. Let's get a great project moving forward.

Sincerely,

Rob Wolf
HomeOwner @ 1500 Orange Hill Rd, Penryn, CA 95663

Small Business Owner @ 3877 Shawn Way, Loomis, CA 95650

Team Leader- Wolf & Associates
www.RobWolfandAssociates.com
Direct 916 316 7400

93-1



LETTER 93: ROB WOLF

Response to Comment 93-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 94

Placer County Environmental Coordination Services

From: hotchari24@gmail.com
Sent: Thursday, December 15, 2022 8:05 PM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

94-1

As a local resident, I know Project 8 Winery will have supporters and opponents. I love living in this community for all the reasons you'd imagine – open natural spaces, low density development, quiet, etc. That said, I am in favor of growth that stays within the boundaries of what we appreciate in this community. Bringing businesses to the area that will create local revenue while maintaining the agricultural history and offering desirable destinations is a plus. I am in favor of the Project 8 Winery and look forward to having it right here in Penryn. I support 100% approval of the project as proposed.

Penryn Resident

Sent from my iPhone



LETTER 94: UNKNOWN COMMENTER

Response to Comment 94-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 95

Shirlee Herrington

From: hollyjesq@aol.com
Sent: Wednesday, December 28, 2022 6:43 PM
To: Shirlee Herrington; Judi Tichy; JBous@placer.ca.gov; Christopher Schmidt; gbca@granitebay.com; defendgb@gmail.com
Subject: [EXTERNAL] Comments on Project 8 Winery DEIR - PLN21-00198

95-1 [It is respectfully submitted that that the following comments be included in the record on the Draft Environmental Impact Report ("DEIR") for the Project 8 Winery, as well as the forwarded comments as detailed below. Allow me to state at the outset that it is my belief that a property owner should be able to utilize their property, such as to develop or not, but that such use and plans must comply with existing law absent detailed and allowed exceptions.

95-2 [The Project 8 Winery is requesting a building height of 75 feet, when the allowable height per code is 36 feet. A 75-foot rotating lighted tower is requested on this project, to operate a part-time commercial restaurant with lunch and dinner reservation seating hours. The maximum allowed attendance has been requested to be increased to 75 (from 50), and the hours of operation has been requested to be changed from 7 a.m. to 10 p.m. (instead of 10 a.m. to 10 p.m.) What is being requested substantially deviates from what is authorized under the code and creates self-induced variances and nonconforming uses. Placer County Code requires written findings to support the project, such as if it is of an accessory restaurant supporting agricultural events. The DEIR is missing information and data to support this project as proposed

95-3 [and is in need of analysis of the cumulative effects of the project, including, but not limited to, increased traffic and significant affect to rural vistas of other neighboring and nearby properties that will be negatively impacted by this project.

95-4 [At a minimum, the DEIR needs to be amended to address the concerns. No project, whether a winery or otherwise, should be entitled to have a building over double in height than allowed by code, lit up, rotating, with a 50% increase in attendees and allowed use to early morning hours and for what justification?

Thank you in advance for your time and consideration.

Holly Johnson

From: Defend Granite Bay - A Community Association <defendgb@gmail.com>
Date: December 26, 2022 at 1:13:30 PM EST
To: Shirlee Herrington <SHerring@placer.ca.gov>, Judi Tichy <jtichy@placer.ca.gov>, Jennifer Byous <JByous@placer.ca.gov>
Cc: Christopher Schmidt <CRSchmid@placer.ca.gov>, Judy Isaman <protecturalplacer@gmail.com>, GBCA <gbca@granitebay.com>, Alliance For Environmental Leadership <allianceforenviroleadership@gmail.com>
Subject: Final Comments on Project 8 Winery DEIR - PLN21-00198

DEFEND GRANITE BAY

95-5 [In addition to the comments previously submitted, please accept the following as part of the administrative record.

The Project 8 Winery DEIR is deficient in the following:



95-5 cont.

1. The project objectives are impermissibly narrow. (see *We Advocate Thorough Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683)
2. The applicant has failed to request the following entitlements:
 - a. Operating a part-time commercial restaurant with lunch and dinner reservation seating hours.
 - i. There is no discussion of how a "reservation-only" restaurant which does not support an agricultural event, winemakers' dinner or other event specifically listed in the Winery Brewery Ordinance is not an expanded non-conforming use.
 1. Pursuant to Placer County Code section 17.02.050 (D), the FEIR should include the Planning Directors required written findings that reservation seating for lunch and dinner is more similar to that of an accessory restaurant supporting agricultural events or a sit-down reservation only restaurant such as the French Laundry in Napa along with required Placer County Code citations.
 - a. **(D) Private Agreements.** *The requirements of this chapter are not intended to interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that was in effect when this chapter became effective. Where this chapter imposes a greater restriction on the development or use of structures or land than a private requirement, the provisions of this chapter shall apply.*
 - ii. The Agricultural Commissioner should provide written findings that a part time, commercial restaurant with lunch and dinner seating not in support of an agricultural event or other events specifically identified in the winery brewery ordinance is not a material breach of the Williamson Act contract.
 - b. Extending hours of operation of 7am to 10pm where 10am to 10pm M-S and 10am to 8pm Sunday is permitted most recently denied to Sehr Winery, Granite Bay.
 - i. The FEIR must include cumulative impacts county wide on noise, traffic, air quality, VMT as it is reasonable that others in the agricultural sectors would also request extended hours of operation.
 - c. Increasing the number of attendees from 50-75
 - i. The FEIR has only analyzed the project specific increase in traffic and must evaluate the increase across all zoning districts in which wineries and agricultural events are permitted to determine cumulative impacts. It is reasonable to conclude the other agricultural property owners would request similar enjoyment of property.



95-5 cont.

3. The visual renderings appear to be taken from a different vantage point in a scale biased toward the 75ft height alternative. This needs to be corrected as the images are misleading.
4. The reduced height alternative and the 75ft height alternative are currently in conflict with the General Plan and the Winery Brewery Ordinance so at this time the only compliant alternative is the No-Build.
 - a. The 75ft alternative is infeasible at this time since it is speculative that it is legally compliant to remove the aesthetic analysis from an EIR and analyze the impacts in a piecemeal fashion through a Conditional Use Permit in a capricious and arbitrary fashion.
 - i. FEIR should include a discussion of why wineries are the only class of agricultural business which should be granted greater enjoyment of property than other agricultural business sectors. It is fairly argued that having a view is a premier feature as evidenced by the applicants request for a rotating restaurant to capitalize on a scenic vista.
 - ii. The FEIR should have a discussion as to how others Ag and entertainment sectors, such as hotels, would be prevented from requesting similar privilege to have the opportunity to capitalize on scenic vistas.
 1. Therefore, a discussion of change in character of the entire County is necessary.
 - b. The reduced height alternative is infeasible at this time since there has been no finding that a part-time commercial restaurant which operates not in support of an agricultural event, promotional event, wedding or winemakers' dinner is consistent with the General Plan, Penryn Community Plan and the Winery Brewery Ordinance.
 - c. The DEIR fails to discuss why the 75ft height is required since there are demonstrated and operational alternatives which utilize caves or hillsides/knolls for the process with the added benefit of reduced and consistent temperatures which reportedly enhancing quality i.e., Palmaz Wineries, Stratus Vineyards, Stoller Family Group, Stoutridge Wineries, Lemelson Vineyards, (<https://www.winemag.com/2019/01/07/gravity-flow-wineries/>) Internationally, Hacienda el Espina, Poliziano, Salceto, Cantine Dei, (<https://www.forbes.com/sites/katiebell/2022/02/08/top-sustainable-wineries-in-tuscany-to-visit-now/?sh=4903f0025ca9>)

Thank you for considering our comments.

The Defend Granite Bay Board and members



PREVIOUSLY SUBMITTED:

Thank you for the opportunity to comment on Project 8 Winery - PLN21-00198

We respectfully request that the EIR is withdrawn and resubmitted for public review with alternatives which are feasible as required under CEQA. The proposed alternatives circumvent 2 self-induced variances, redefine a variance, expand with a non-conforming use, conflict with the Winery/Brewery Ordinance and Section 17.58.140 of the zoning ordinances, and grant wineries special privileges.

1. Self-induced variances
 - a. Height of 75ft where 36 is allowed
 - b. Number of attendees from 50 to 75
2. Redefine a variance
 - a. Incorporates (redefines)an area (height) variance within a use permit
 - i. height is not a use
3. Expand with a non-conforming use
 - a. Requested lunch and dinner hours are substantially conformant with a part-time commercial restaurant.
4. Conflict with the W/B Ordinance
 - a. Increase the approved 50 attendees at any one time to 75
 - b. Permits only an accessory restaurant to host wine tasting events and wine-maker dinners
5. Special Privileges
 - a. Only wineries are granted the opportunity to capitalize on scenic vistas
 - b. Only wineries are granted the right to a different height maximum than other individuals across multiple zoning districts
 - c. Only wineries are permitted to operate commercial restaurants not associated with winemaker events or dinners in residential and farm districts

At minimum, the requested ZTA should be circulated as a separate item since it would set a precedent for any commercial or individual requesting the equal enjoyment of property guaranteed under state and local laws.

Due to significant and unavoidable impacts to rural scenic vistas across and increased traffic counts with 75 attendees across zoning districts where wineries are allowed, the proposed ZTA requires an EIR to ensure that impacts are mitigated to less than significant levels.

If the project does not “pencil-out”, then by law the “buyer shall bear the risk”.

The Defend Granite Bay Board and members

95-5 cont.



95-5 cont.

*The Planning Commission and Board recently mandated removal of a 40ft high horse arena where 36ft is allowed. The findings were that the arena violated height allowances within the zoning district and that it was a light nuisance. A 75ft, lighted, rotating tower is a greater departure from existing height restrictions and of greater aesthetic impact.

*In 2019, the Board of Supervisors rejected the Citizen-Initiated Smart Growth Plan as an alternative to the Sunset Area Plan, in part because Placer County was “not ready for 75ft heights”. What has changed since then?

*Granting of requested entitlements would authorize a land use other than those identified as allowed in the particular zoning district by Articles 17.06 through 17.52, as required by California Government Code Section 65906 and grant special privileges to an individual in a zoning district since:

a. There are **no special circumstances applicable to the property**, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

b. The Variance authorized **does constitute a grant of special privileges** inconsistent with the limitations upon other properties in the vicinity and in the same zone district.

c. The Variance **does authorize a use** that is not otherwise allowed in the zoning district. Commercial Restaurants are not an allowed in either residential or farm districts.

o Lunch and Dinner seating is in conflict with the Winery Brewery Ordinance which allows winemaker/brew master dinners and agricultural promotional events. Approving a Use Permit which allows” 11:00 AM to 2:30 PM for lunch support; 5:30 PM to 10:00 PM for formal dinner support” is in conflict with the requirements of section 17.58.140

o Commercial restaurants are not allowed in either farm or residentially zoned districts granting special privileges to only wineries.

▪ The proposed use is not consistent with all applicable provisions of this chapter and any applicable provisions of other chapters of this code.

▪ proposed use is not 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

d. The granting of the Variance **does**, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.



95-5 cont.

o The proposed variance is materially detrimental to the public welfare as it brings commercial traffic to residential neighborhoods and adds negative resale value.

e. The Variance is not consistent with the Placer County general plan and any applicable community plan or specific plan.

f. The Variance is not the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant, consistent with subsections a. and b., above.

o The requested height of 75ft is double the allowed height of 36ft in the zoning district.



LETTER 95: HOLLY JOHNSON

Response to Comment 95-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 95-2

The comment does not directly address the adequacy of the Draft EIR. Nevertheless, it is noted that, with the exception of the requested height of the octagon structure, the other proposed operational parameters, including maximum number of attendees at one time during agricultural promotional events, the accessory restaurant and its proposed hours of operations, are allowable under the County Winery and Farm Brewery Ordinance, subject to County discretionary review and approval of a CUP. Staff's analysis of the CUP findings has been provided in the staff report to the decisionmakers.

The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. Please see Master Response 3 – Octagon Building and Gravity Processing, Master Response 4 – Accessory Restaurant, and Master Response 5 - ZTA.

Response to Comment 95-3

The comment expresses a general opinion that the Draft EIR is missing information and data “to support this project as proposed” and “is in need of the cumulative effects of the project,” but does not provide specific examples that would allow for a detailed response.

Pursuant to the requirements set forth by CEQA Guidelines Section 15121, the Draft EIR does not serve “to support this project.” Rather, the Draft EIR assesses all potential project impacts that could occur with respect to all environmental issue areas required for analysis under CEQA. As part of such assessment, the Draft EIR evaluates the proposed project's consistency with applicable policies, regulations, and standards established at the federal, State, and local levels and incorporates analyses from the County's expert consultants. Where potential impacts are identified, the Draft EIR sets forth mitigation measures to reduce the severity level of the identified impacts to the extent feasible and discloses the level of impact that would occur subsequent to incorporation of mitigation. As such, the analysis within the Draft EIR is adequate and meets the requirements set forth by the CEQA Guidelines. In its role as the lead agency, Placer County will consider the information in the Draft EIR along with other information that may be presented to the agency in deciding whether to approve the project.

Additionally, the Draft EIR contains an analysis of potential cumulative impacts that could occur as a result of reasonably foreseeable future development in conjunction with the proposed project in every technical chapter. Please see the discussions and analyses regarding potential cumulative impacts in Chapter 4, Aesthetics, and Chapter 16, Transportation, of the Draft EIR.

With respect to views from neighboring properties, the County appreciates the commenter's concerns, which have been noted for the record and forwarded to the decision-makers for their consideration in their deliberations and decision-making regarding certification of the EIR and potential approval of the proposed project. However, with respect to CEQA, it is emphasized that, as stated on page 4-4 of the Draft EIR:



CEQA (Public Resources Code Section 21000 et seq.) case law has established that only public views, not private views, are protected under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488] the court determined that “we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: “[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.” Such a conclusion is consistent with the thresholds of significance established in Appendix G of the CEQA Guidelines.

Based on the above, it is appropriate to focus the aesthetic impact analysis on potential impacts to public views, rather than private views.

Response to Comment 95-4

The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. Please also see Master Response 5 - ZTA.

Response to Comment 95-5

The commenter has included a copy of Defend Granite Bay’s letters. Please see Responses to Comments 3-1 through 3-9 and 5-1 through 5-8.



Letter 96

Placer County Environmental Coordination Services

From: Erin Lindner <eel52@nau.edu>
Sent: Thursday, December 29, 2022 5:22 AM
To: Placer County Environmental Coordination Services
Subject: [EXTERNAL] Support for Project 8 Winery in Penryn

To the Placer County Board of Supervisors,

96-1

I work in Placer County for BEM and feel very fortunate to be able to contribute to the Project 8 Winery because I think it would be a great addition to the area. It brings additional employment opportunities, will maintain our agricultural heritage, and promotes agritourism and economic development. I am writing to express my support for approval of Project 8 as proposed.

Erin
Lincoln, CA



LETTER 96: ERIN LINDNER

Response to Comment 96-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 97

Shirlee Herrington

Subject: FW: [EXTERNAL]

From: Rosemarie La Rocca <rosemarielarocca@comcast.net>
Sent: Wednesday, December 28, 2022 4:53 PM
To: Jennifer Byous <JByous@placer.ca.gov>
Cc: Jim Holmes <JHolmes@placer.ca.gov>; Beverly Roberts <BRoberts@placer.ca.gov>; Robert Weygandt <RWeygandt@placer.ca.gov>; Shanti Landon <SLandon@placer.ca.gov>; Christopher Graham <cgraham@placer.ca.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; drdoug <drdoug@comcast.net>
Subject: [EXTERNAL]

Dear Jennifer:

We believe that the DEIR for Project 8 Winery fails to meet the requirements of the California Environmental Quality Act and that the Project is inconsistent with applicable planning documents. Also, the proposed Project 8 Winery contradicts both the Williamson Act and Placer County's Winery Ordinance. The regulations in all three exist to protect people, constituents like us. Project 8 Winery should not be an exception to the multitude of rules they would break. For these reasons, we believe the proposal should be denied, pending appropriate environmental review, thoughtful and thorough Williamson Act review and Winery Ordinance Review, and a revised Project and DEIR.

Kind regards,
Rosemarie La Rocca and Doug McDougall
916-204-8796 and 530-306-4110

97-1



LETTER 97: ROSEMARIE LA ROCCA

Response to Comment 97-1

The comment expresses a general opinion that the Draft EIR is “fails to meet the requirements of the [CEQA],” but does not provide specific examples that would allow for a detailed response.

Pursuant to the requirements set forth by CEQA Guidelines Section 15121, the Draft EIR does not serve “to support this project.” Rather, the Draft EIR assesses all potential project impacts that could occur with respect to all environmental issue areas required for analysis under CEQA. As part of such assessment, the Draft EIR evaluates the proposed project’s consistency with applicable policies, regulations, and standards established at the federal, State, and local levels and incorporates analyses from the County’s expert consultants. Where potential impacts are identified, the Draft EIR sets forth mitigation measures to reduce the severity level of the identified impacts to the extent feasible and discloses the level of impact that would occur subsequent to incorporation of mitigation. As such, the analysis within the Draft EIR is adequate and meets the requirements set forth by the CEQA Guidelines. In its role as the lead agency, Placer County will consider the information in the Draft EIR along with other information that may be presented to the agency in deciding whether to approve the project.

It is noted that, with the exception of the requested height of the octagon structure, the other proposed operational parameters, including maximum number of attendees at one time during agricultural promotional events, the accessory restaurant and its proposed hours of operations, are allowable under the County Winery and Farm Brewery Ordinance, subject to County discretionary review and approval of a CUP.

Please see Master Response 2 – Williamson Act, and Master Response 5 - ZTA. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 98

Project 8 IER Concerns

HYDROLOGY

98-1 [According to form 4-3 in the Appendix to the Hydrology Memorandum by McKay & Somps, the capacity of the holding ponds is inadequate by approximately ½ to 1 acre, depending upon whether the excess area in one pond could accept the overflow from another. From the maps included in the Memo, it does not appear that it could, without pumping.

98-2 [Form 4-2 is incomplete, largely because form 3-7 and its conclusions are missing from the Memo. (See notes on line 8 of Form 4-2.)

98-3 [The Hydrology Memo only considers the impact of 10- and 100-year events once the project is completed. Adverse impacts on downstream neighbors may already have occurred due to grading and other work. (See letter and photos from Carol Brock; 1/6/22.) The Building Department should verify that the contractor followed the details in the grading permit and the EIR should address hydrology during construction.

AESTHETICS

98-4 [The EIR says, “Views of the site the site from Taylor Road are nearly entirely obscured by existing intervening topography and vegetation.” While this is true the site as it exists, it does not appear to be true of a 75’ tower on top of the site. From Taylor Road near the Calison Road intersection, one can just make out the top of the knoll where the restaurant is to be sited. The PCPD Staff, Raney, and 19six Architects should reevaluate the view impact from Taylor Road with a 75’-plus object (e.g., lift) on the site. Then they should view it again at night with lights on the object. The EIR should not be considered complete or adequate without this assessment.

ALTERNATIVES

98-5 [The alternatives analyzed are not necessarily the most viable, feasible, and protective alternatives. For example, moving the octagon downhill until the top of it would be below the height of the oaks on the top of the knoll would solve a lot of the issues and still allow the owner to meet most of the objectives.

98-6 [The comparison of biological impacts between the proposal and the two shorter buildings scenario appears to make several apparently unwarranted assumptions. First, a comparison of the two site renderings indicating the number of oaks that would need to be removed (Figure 21-2) shows a significant number of oaks that would be removed from relatively undisturbed areas in the two-building scenario, while those same oaks are left in the 75’ single-building scenario. It is understandable to assume that oaks in parking areas would be removed, but the rendering indicates the removal of a significant number of oaks that are neither in the buildings’ footprints nor where parking is indicated. This begs the question of why that assumption was made.

98-7 [It further asserts that a 75’ tower would still have to be built for the gravity-flow filtration. This assumption ignores some other possibilities: using pumps to develop the desired pressure like almost every other vintner does, continuing the dig below one of the two buildings to the desired depth, or offsetting some of the fall so that the wine cave is still at the same depth but not directly below the top of the filtration system.

Elizabeth Stone

December 28, 2022



TRAFFIC

98-8

The one permanent and enforceable mitigation measure recommended is the creation of a left turn lane from Taylor Road to Calison Road. The hazards created for pedestrians along Calison, Sisely, and Clark Tunnel Roads are not adequately addressed.

98-9

Comparison of VMT for six Placer County wineries that do not have a restaurant to this proposal where the planned restaurant is one of the major concerns voiced by many local residents seems inadequate. Additionally, the two wineries in Temecula that have restaurants to which this project is compared, are on a primarily non-residential road, surrounded by open space and other wineries. This comparison again, does not appear to be adequate.



98-10

VMT analysis included an assumption of 50 patrons per day for the winery, separate from the restaurant traffic. The proponent's application includes a request for a variance to allow for 75 patrons per day for special occasions, and enough parking for all of them. Since it is unreasonable to assume that either the owner or his employees would turn away patrons who drive up and find parking on a "regular" day, this analysis appears to be inadequate. The study should assume 75 patrons a day for all days, plus the restaurant traffic.

Elizabeth Stone

December 28, 2022



LETTER 98: ELIZABETH STONE

Response to Comment 98-1

The runoff detention volume needed for the Drainage Management Areas to achieve hydromodification as calculated on Form 4-3, Item 10, is a total of 17,086 cubic feet (cf). The proposed Site Design Measures as calculated on Form 3-4, and shown on Form 4-3, Item 11, equate to a total of 32,184 cf. Hydromodification mitigation is met utilizing Site Design Measures without the supplemental detention volumes included in Item 14. The supplemental detention volume is not necessary for compliance but is shown to demonstrate that more than adequate resources are available onsite for hydromodification mitigation. Should the volumes within the ponds become needed for hydromodification purposes, they are proposed to be hydraulically connected via pipes and are expected to function as a system.

Response to Comment 98-2

Form 3-7 is included as Appendix 4 to this Final EIR to demonstrate that no Flow Through Detention Volume via Flow-Through Planters, Tree Boxes, and/or Media Filters is proposed to be utilized for the project's mitigation measures.

Response to Comment 98-3

This Draft EIR analyzes the impacts of the project as described in the Project Description (Draft EIR, Chapter 3). The proposed project would develop a full production winery, including wine production facilities, a tasting room, an underground wine cave network, an accessory restaurant, and other associated facilities, on 17.96 acres of the 44.14-acre parcel area. The analysis included in the Draft EIR is not required to evaluate the effects of the existing vineyard's crop production and harvesting operations that are not a part of the winery project. Crop production is a use allowed by right under the property's current zoning designations. All grading performed prior to completion of the NOP for the winery project was associated with crop production activity which is monitored and regulated through a separate process and not a part of the project analyzed in the Draft EIR.

The purpose of the Drainage Technical Memo was to analyze the pre- and post- project hydrologic and hydraulic conditions and recommend mitigation measures for Flood Control and Storm Water Quality impacts associated with construction of the project features. An analysis of the 10-year and 100-year storm events is appropriate for this analysis and a standard County requirement.

The impacts caused by the construction of the project features is discussed in Chapter 12, Hydrology and Water Quality, of the Draft EIR. As discussed in Chapter 12, compliance with the State NPDES Construction General Permit and Article 8.28 and 15.48 of the Placer County Code, as required by Mitigation Measures 10-2(a) through 10-2(c) within this Draft EIR, would minimize the potential degradation of stormwater quality and downstream surface water associated with construction of the proposed project.

Response to Comment 98-4

Please see Response to Comment 9-15.

Response to Comment 98-5

Please see Master Response 1 – Project Alternatives.



Response to Comment 98-6

A disadvantage of the Reduced Height Alternative, as analyzed in the Draft EIR, is the increased impact to the existing oak woodlands. This impact is primarily increased due to the substantially larger building footprint (and significant associated grading) required to house the operations in a shorter overall structure situated on the sloped hillside.

An additional cause of this increase is the need to remove many more trees to achieve a comparable (though not equal) view to that which is achieved from the tasting room level at the proposed height.

Lastly, in order to construct the project as proposed, i.e., without impacting more trees than those shown, considerable measures are being taken to avoid said additional impacts. For instance, the precise placements of the octagon building, elevator shaft, caves, and site circulation were selected after an intensive process of geolocating these components onsite and incrementally adjusting each (both alone and collectively) until the optimal layout was achieved relative to tree impacts.

Response to Comment 98-7

The minimization of the use of pumps at Project 8 starts with the sorting line being located directly above the cave to allow for the processed berries to freely drop (by gravity) to the fermentation level below. This process optimization therefore necessitates the alignment of the primary processing area with the cave below. With respect to filtration, using pumps to create the pressure negates the benefit of the increased time/decreased flow as described in Master Response 3 – Octagon Building and Gravity Processing. It also results in reduced complex molecule lengths which imbue wine with enhanced characteristics.

A feasibility study done during the preliminary design phase of Project 8 explored excavating the cave to a depth deeper than currently proposed, which brought to light multiple challenges associated with meeting critical life safety requirements. For example, the cave, as proposed, represents the maximum depth that can be achieved before exceeding the maximum allowable emergency egress path of travel in a sprinklered facility. Increasing the depth as suggested in the subject comment would introduce requirements for a series of multiple additional emergency exits which would render the cave impractical to construct and result in the need for substantial soil off-haul, which would not be required for the proposed project.

Response to Comment 98-8

Please see Responses to Comments 21-3, 41-10, and 60-7.

Response to Comment 98-9

The Draft EIR analysis does not make a significance determination by comparing the VMT estimate of the Project 8 Winery project to the VMT estimates for other wineries. As directed by Placer County Transportation Analysis Guidelines, the significance criterion for this type of use is zero net increase in total regional VMT. As noted in the Draft EIR, because the Project 8 Winery increases total regional VMT, its VMT impact is significant.

The Draft EIR Transportation Impact Analysis does make use of the average daily trip length identified for similar wineries to estimate the Project 8 Winery project's total regional VMT. While no evidence is offered to suggest an alternative average trip length, because the project's VMT



impact is significant and unavoidable under the Draft EIR's assumptions, the impact would remain significant and unavoidable if a longer average trip length was assumed.

The Draft EIR does present additional information regarding the distance to potential trip origins from the Project 8 Winery and from another Placer County winery (Villa Castellano) in Table 16-9. This information was presented to provide additional perspective but is not itself a significance criterion.

Additional analysis is not required to address the Project' 8 Winery VMT impacts.

Response to Comment 98-10

As shown in Draft EIR Table 16-8, the Transportation Impact Analysis assumes that 50 persons would visit the site for tasting, as part of regular operation for 364 days each year. The Project 8 Winery project's total VMT estimate also includes another 75 persons traveling to the site for agricultural promotion events (200 per year) and for rolling promotional events (8 per year) and 200 persons at the site for special events (12 per year). The VMT estimate also includes separate trips for the restaurant occurring 320 days a year.

On an annual basis, the Draft EIR analysis assumes that 37,400 persons visit the site for regular tasting and events. This forecast is equal to an average of 102 persons per day, which exceeds the 75-patron attendance level suggested by the comment.

The comment does not provide substantial evidence to support its contention that guest visitation for tasting on the days when no event occurs would be the same as the number of guests permitted for agricultural promotional events.

Additional analysis is not required.



**PROJECT 8 WINERY PROJECT
DRAFT EIR COMMENT HEARING SUMMARY**

Letter 99

Date: December 15, 2022
Time: 10:00 AM
Location: Placer County Community Development Resource Center
Planning Commission Hearing Room
3091 County Center Drive,
Auburn, CA 95603

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

Public Comments

Commenter 1 (Vic Massenkoff)

- 99-1
 - Commenter states that the proposed winery and vineyard, including fuel modification, are beneficial to the community, and that the proposed project would provide a good fuel break to the north of the project site.
 - Commenter states that the proposed pond would also be a valuable resource for firefighting in the area.
- 99-2
 - Commenter states that the Draft EIR is incorrect, and that the Penryn Fire District would be the first responders for the proposed project.

Commenter 2 (Patty Neifer)

- 99-3
 - Commenter states that the project objectives are too narrow, making the proposed project a foregone conclusion, which violates CEQA requirements.
- 99-4
 - Commenter states that the proposed restaurant and winery are not evaluated in the Draft EIR in the context of the Williamson Act.
- 99-5
 - Commenter expresses dissatisfaction with the noise study performed for the proposed project, stating that ridge topography was not adequately examined.
- 99-6
 - Commenter states that the Draft EIR should include analysis of an alternative that does not include a tower.
- 99-7
 - Commenter expressed concern that the proposed project would disrupt the rural aesthetic of the surrounding area.
 - Commenter states that a height exception through a ZTA is unheard of, and would grant special privileges to wineries.

Commenter 3 (Carol Brock)

- 99-8
 - Commenter expresses the desire to see an estimation of traffic on Callison Road.
 - Commenter estimates that 15,000 to 20,000 cars use Callison Road per year, before implementation of the proposed project, and expresses concerns about increased traffic.
- 99-9
 - Commenter states a preference that site access would be from Taylor Road, not Callison Road.
- 99-10
 - Commenter expresses the concern that trips coming from English Colony were not addressed.
- 99-11
 - Commenter expresses concern that the rural aesthetic of the surrounding area would be disrupted.



Commenter 4 (Andy Bell)

- 99-12
- Commenter expresses support for the proposed project.

Commenter 5 (Michael Duarte)

- 99-13
- Commenter expresses support for the proposed project.

Commenter 6 (Gayle Russell)

- 99-14
- Commenter expresses concern about the ZTA, stating that it seems wrong to accommodate one person's desired development.
 - Commenter expressed the opinion that approval of the ZTA would not be an equitable process.
- 99-15
- Commenter states that the industrial nature of the proposed project would be an interruption in the rural residential area.
- 99-16
- Commenter expresses concern that traffic impacts were not adequately addressed in the Draft EIR.
- 99-17
- Commenter states that the water source for the proposed project is unclear.
 - Commenter asks if irrigation water will be used for grapes, and if a well will be used to supply water to the proposed restaurant.
 - Commenter expresses concerns that groundwater may be impacted.
- 99-18
- Commenter states that Callison Road will be subject to too great an increase in traffic.
- 99-19
- Commenter expresses that site access should be from Taylor Road, not Callison Road.

Commenter 7 (Wayne Nader)

- 99-20
- Commenter states that the proposed ZTA language is too loose, and should include height limitations.
- 99-21
- Commenter expresses concern that although the stated building height is 75 feet, mechanisms could be higher. The commenter states the desire to know the full height of the proposed building.
- 99-22
- Regarding Mitigation Measure on page 4-25 of the Draft EIR, the commenter states that if trees are damaged during construction, the applicant will need to replace them, because the on-site trees are essential to block public views of the project site. The commenter states that there needs to be tight controls on how such trees should be protected to ensure that trees are not lost so that building coverage can be preserved.
- 99-23
- Commenter indicates that there is an inconsistency with the County Code in the third paragraph of page 4-21 of the Draft EIR. The Draft EIR refers to "atop a knoll," which would avoid County Code language regarding structures built upon hills. Commenter states that there is a big difference between a knoll and a hill, and that the wording seems suspicious and convenient.

Commenter 8 (Trey Pitsenberger)

- 99-24
- Commenter states that construction will be occurring at certain intersections that involve the Lincoln Highway, where concrete that was first poured in 1916 is present under the asphalt. Commenter expresses concern that construction activities would cause adverse impacts to the historical resource.
 - Commenter states the desire for the Lincoln Highway Association, of which the commenter is the President, to be involved throughout the process.
 - Commenter states that the historical importance of the project site should be considered.



Commenter 9 (Justin Simarro)

- 99-25
- Commenter expresses support for the proposed project.

Commenter 10 (Joel Windmiller)

- 99-26
- Commenter expresses concerns that the Taylor Road/Sisely Road intersection, a concrete roadway, would be negatively impacted by the proposed project.
 - Commenter states that the existing concrete Lincoln Highway was paved over in 1930, and constitutes a historical resource.
 - Commenter cites Goal C, Policy J of the Placer County General Plan, which encourages the preservation of the circulation history of Placer County.

Commenter 11 (Travis Kageta)

- 99-27
- Commenter expresses support for the proposed project, further stating that the proposed project would provide good opportunities for farm-to-fork.
 - Commenter states the opinion that the Draft EIR was well-written but incomplete.

Commenter 12 (Mark Agan)

- 99-28
- Commenter expresses support for the proposed project.
 - Commenter expresses the opinion that the proposed winery would be aesthetically better than more houses.
 - Commenter believes the proposed turn lane is beneficial.
 - Commenter states that although they understand the height of the proposed tower is a concern, it would still be set back from the road.

Commenter 13 (Glen Osborn)

- 99-29
- Commenter expresses support for the proposed project.

Commenter 14 (Tom Aguilar)

- 99-30
- Commenter expresses support for the proposed project.
 - Commenter states that agri-tourism is beneficial to the community.
 - Commenter states that their ranch can attract up to 200 cars per day without causing traffic issues.

Commenter 15 (Tiffany McKenzie)

- 99-31
- Commenter expresses support for the proposed project on behalf of Visit Placer.

Commenter 16 (Doug McDougall)

- 99-32
- Commenter refers to an existing winery that routinely defies Placer County rules by hosting too many events and generating excessive noise and light pollution.
 - Commenter states that neighbors of the existing winery have lost the right of privacy.
- 99-33
- Commenter expresses the opinion that allowing a CUP for the proposed project to increase the maximum allowable attendees at one time from 50 to 75 is unfair because the Winery Ordinance was developed over multiple years.
 - Commenter expresses the concern that no one will be in charge of ensuring the proposed project would adhere to the limit on attendees.
- 99-34
- Commenter expresses the opinion that the proposed 75-foot height of the proposed tower is unnecessary.



- 99-35 • Commenter states the opinion that County Code Enforcement is understaffed.
- 99-36 • Commenter expresses concerns about noise impacts due to music played at the project site.
- 99-37 • Commenter expresses concerns that the proposed project is not consistent with the character of the surrounding area.

Commenter 17 (Ann Henderickson)

- 99-38 • Commenter expresses the opinion that the proposed project would destroy existing views of the ridge.
- 99-39 • Commenter states the opinion that the ZTA is not necessary.
- 99-40 • Commenter expresses concerns about impacts related to herbicides and pesticides used on grapes grown on the project site.
- 99-41 • Commenter expresses concerns about increased traffic.
- 99-42 • Commenter expresses concern about the price of the proposed restaurant and wine production, questioning if they would serve the local community.
- 99-43 • Commenter expresses concern about the proposed project changing the nature of the existing community.

Commenter 18 (Cherri Spriggs)

- 99-44 • Commenter expresses support for the proposed project.

Commenter 19 (Leslie Bisharat)

- 99-45 • Commenter expresses concerns about the proposed height of the project, stating that it is not valid to ignore an established ordinance.
- 99-45 • Commenter states that the proposed vertical shaft is not needed for gravity filtration, stating that such filtration could be done using the natural slope on which the proposed winery would be built.
- 99-45 • Commenter states the opinion that the proposed gravity filtration, and the associated tower, is a ruse to establish the proposed winery and restaurant.
- 99-46 • Commenter states the opinion that the landscaping simulations are misleading, in that the landscaping shown therein would not be accomplished for a long period of time.

Commenter 20 (Tamara Ekins)

- 99-47 • Commenter expresses support for the proposed project.

Commenter 21 (Doug DiRuscio)

- 99-48 • Commenter expresses concern that the proposed project is not compatible with the character of the area.
- 99-49 • Commenter states that people at the top of the proposed tower would be able to look into neighbor's property, violating privacy.
- 99-50 • Commenter states the opinion that the Reduced Height Alternative is preferable to the proposed project, and would not violate established Winery Ordinances.
- 99-51 • Commenter expresses concern that the proposed project would host more attendees than is allowed under the Winery Ordinance.

Commenter 22 (Joshua Hanosh)

- 99-52 • Commenter expresses support for the proposed project.



Commenter 23 (Tim Onderko)

- 99-53 • Commenter expresses support for the proposed project.

Commenter 24 (Laurie Lewis)

- 99-54 • Commenter expresses concerns that the proposed tower will allow views into neighboring homes, violating privacy.

Commenter 25 (David Saxton)

- 99-55 • Commenter expresses concern about increased traffic.
99-56 • Commenter expressed concern about impacts upon wildlife.
99-57 • Commenter expressed support for the proposed project.

Commenter 26 (Cheryl Berkema)

- 99-58 • Commenter expresses concern that the project applicant is not following proper procedures for amending the Winery Ordinance.
99-59 • Commenter expresses skepticism that the proposed project is characterized as a “state-of-the-art” winery, stating that the project should have net zero water consumption and green building certification.
99-60 • Commenter states that the Draft EIR does not adequately address why a 75-foot tower is necessary.
99-61 • Commenter states that the Draft EIR should include an alternative which includes underground filtration.
99-62 • Commenter states that proper notification of a change to the Winery Ordinance was not adequately advertised to the public.
99-63 • Commenter states that cumulative impacts of the proposed project were not adequately addressed in the Draft EIR.

Commenter 27 (Jane Lisgaith)

- 99-64 • Commenter expresses support for the proposed project.

Commenter 28 (Muriel Davis)

- 99-65 • Commenter states the opinion that the project description is misleading; rather than a winery or vineyard, the proposed project would be a tall destination restaurant.
99-66 • Commenter states that the Draft EIR misrepresents the proposed restaurant as an accessory.
99-67 • Commenter expresses the opinion that the proposed 75-foot height of the tower is unnecessary.
99-68 • Commenter states concerns that noise impacts were not adequately addressed in the Draft EIR.
99-69 • Commenter states that the Draft EIR does not adequately address traffic impacts.
99-70 • Commenter states that the Draft EIR does not adequately address impacts related to violation of a Williamson Act contract.
99-71 • Commenter expresses concern that approval of the ZTA will lead to other projects in the County.
 • Commenter expresses concern that height limitations are not established in the ZTA language.
 • Commenter states the opinion that approval of the ZTA will disrupt the rural environment.



Commenter 29 (Kevin Owens)

- 99-72 • Commenter states the opinion that the project description is misleading, and that the proposed project is more like an event center.
- 99-73 • Commenter expresses concerns that the Draft EIR did not adequately address noise impacts.
○ Commenter expresses concern about pre-dawn noise impacts.
- 99-74 • Commenter expresses concerns about transportation impacts.
- 99-75 • Commenter expresses concern about the use of pesticides on-site that may impact water quality.
- 99-76 • Commenter expresses opposition to the approval of the ZTA.

Commenter 30 (Aaron)

- 99-77 • Commenter expresses concern that approval of the ZTA will lead to changes in the nature of the community in the region.
- 99-78 • Commenter expresses the opinion that the 75-foot height of the proposed tower is unnecessary.

Commenter 31 (Larissa Berry)

- 99-79 • Commenter states that one of the alternatives is predicated on the approval of the ZTA; should the ZTA not be approved, the alternative would not be viable.
• Commenter states the desire for the preparation of a new alternative that would include an underground gravity filtration system.
- 99-80 • Commenter states that the Draft EIR should address a potential conflict with a Williamson Act contract.

Commenter 32 (Donna Delno)

- 99-81 • Commenter expresses the opinion that the Draft EIR does not adequately address noise impacts, stating that sound will be coming from two different areas.
- 99-82 • Commenter states that the proposed 75-foot height of the proposed tower is unnecessary.
- 99-83 • Commenter expresses the concern that the County does not have good code enforcement.
- 99-84 • Commenter expresses disapproval of the proposed ZTA.

Commissioner Comments

Commenter 33 (Commissioner Woodward)

- 99-85 • Commenter expresses the opinion that the alternatives comparison chart is misleading because the difference between some impacts is trivial, while others are extreme.
• Commenter states the desire for revision of the alternatives section to provide more clarity for the reader.

Commenter 34 (Commissioner DeMattei)

- 99-86 • Commenter states concerns about visibility of the proposed project from Taylor Road.
- 99-87 • Commenter expresses concern that screening of the site from public views is dependent on vegetation, which may not be permanent.



Commenter 35 (Chair Herzog)

99-88

- Commenter expresses support for the proposed ZTA, stating that when the Winery Ordinance was established, future changes were anticipated.



LETTER 99: PUBLIC COMMENT HEARING SUMMARY

Response to Comment 99-1

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-2

As discussed on page 18-11 of the Draft EIR, responsibility for wildland fire suppression at the project site is the sole responsibility of the State (i.e., CAL FIRE), given that the project site is located within a State Responsibility Area (SRA). Fire and rescue service for the project site are the responsibility of the PFPD, as well as the NFPD. More specifically, the octagon building would be within the PFPD district, and the processing/warehouse building would be within the NFPD boundaries. Furthermore, as stated on page 15-20 of the Draft EIR, according to the PFPD, due to the location of the development within the project site, the PFPD would be the first to respond to on-site fires. Therefore, the Draft EIR adequately indicates that the PFPD is the first responders for the proposed project.

Response to Comment 99-3

Please see Master Response 1 - Project Alternatives.

Response to Comment 99-4

Please see Master Response 2 - Williamson Act.

Response to Comment 99-5

As discussed on page 39 of the Environmental Noise & Vibration Assessment prepared for the proposed project and included as Appendix O of the Draft EIR, to account for shielding provided by intervening topography, elevation data for the entire project area was input to the noise analysis model. In addition, using aerial imagery and the project site plans, model inputs for both hard surfaces, soft surfaces, and vegetated areas were applied.

Response to Comment 99-6

Please see Master Response 1 - Project Alternatives.

Response to Comment 99-7

Please see Master Response 5 - ZTA. In addition, the commenter expresses concerns regarding the project's effects to the rural aesthetic of the area. In *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA's overriding and primary goal is to protect the physical environment. CEQA defines a "significant effect on the environment" as "substantial, or potentially substantial, adverse changes in physical conditions" (PRC section 21100, subd. [d]).

Response to Comment 99-8

Please see Response to Comment 21-2.



Response to Comment 99-9

Please see Response to Comment 21-4.

Response to Comment 99-10

In the case of traffic operations, specifically intersection and roadway LOS, such an analysis is not required pursuant to CEQA Guidelines Section 15064.3(a) because congestion and intersection operations no longer constitute a transportation impact under CEQA. Placer County staff will separately review LOS for the project's consistency with General Plan policies based on the LTA performed for the project by KD Anderson & Associates, which assessed the Taylor Road/English Colony/Rock Springs Intersection. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-11

Please see Response to Comment 99-7.

Response to Comment 99-12

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-13

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-14

Please see Master Response 5 - ZTA.

Response to Comment 99-15

The project is not industrial in nature. Chapter 13, Land Use and Planning, of the Draft EIR, discusses the project's consistency with the current Residential Agricultural and Farm zoning of the project site. In terms of the project's compatibility with the scale and character of the area, this is ultimately a determination of the Board of Supervisors.

Response to Comment 99-16

The commenter generally alleges that traffic impacts were not adequately addressed in the Draft EIR, but does not provide specific evidence to support this claim. Please refer to Chapter 16, Transportation, of the Draft EIR, which includes a detailed evaluation of the project's potential transportation impacts, pursuant to CEQA.

Response to Comment 99-17

Potable water (e.g., water used for the proposed restaurant) would be provided to the project site by an existing on-site public well (Public Well 20-2), constructed in accordance with State and County requirements. Irrigation water (i.e., water used for grapes) is currently provided on-site by PCWA surface water from the Antelope Canal, which traverses the property. In addition, two existing, non-public wells are located on-site, which produce a total of 90 gpm and could be used to replace the supply from the irrigation canal in the event the canal supply is ever temporarily



interrupted. It should be noted that the agricultural operation for the cultivation of the grape vines is outside of the project area and not analyzed as part of this EIR.

Impacts related to groundwater are addressed in Chapter 12, Hydrology and Water Quality, of the Draft EIR. As discussed under Impact 12-3, the use of Public Well 20-2 for the project operations would not have any adverse effects on the wells of neighboring property owners. As a result, impacts were determined to be less than significant.

Response to Comment 99-18

Please see Response to Comment 20-1.

Response to Comment 99-19

Please see Response to Comment 21-4.

Response to Comment 99-20

Please see Master Response 5 - ZTA.

Response to Comment 99-21

Please see Response to Comment 51-4.

Response to Comment 99-22

Please see Response to Comment 51-5.

Response to Comment 99-23

The use of the word knoll on page 4-21 is not intended to avoid the use of the word hill. The use of the word hill is included in many places throughout the Draft EIR including on page 3-9, which states that the octagon building would, “sit atop the hill located in the northern portion of the project site.” In addition, as discussed on pages 13-14 and 13-15 of the Draft EIR, the proposed project would be consistent with General Plan Policy 1.K.6, which includes several hilltop development standards. As discussed therein, the project site features gently rolling terrain, with a hilltop in the northern portion of the site. The processing/warehouse building would be located at the base of the hillside on which the octagon building would be constructed. Additionally, an approximately 900-sf outdoor, covered utility pad would be built into the hillside, approximately 40 feet south of the Antelope Canal, near the eastern boundary of the project site. Therefore, the proposed project’s consistency with County requirements regarding structures built upon hills has been adequately addressed within the Draft EIR. The use of the word hill in place of the word knoll on page 4-21 of the Draft EIR would not change any of the conclusions included therein.

Further, it is noted that the referenced terminology used in the Draft EIR does not affect the significance conclusion of the Draft EIR regarding aesthetics. The Draft EIR concluded that the proposed octagon building would result in a significant aesthetic impact by substantially degrading the existing visual character or quality of the site and its surroundings, as seen from public views. In an effort to reduce the magnitude of the impact, the Draft EIR includes Mitigation Measure 4-2. The mitigation, among other things, requires additional plantings along the project’s Callison Road frontage, a living façade on floors 2-4 of the octagon building, and structural materials on the upper portion of the octagon building that are representative of the surrounding oak woodland. Nevertheless, the project’s aesthetic impact would remain significant and unavoidable.



Response to Comment 99-24

Potential impacts to historical resources associated with the proposed project are addressed in Chapter 8, Cultural Resources, of the Draft EIR. As part of the analysis included therein, a Cultural Resources Study was prepared by LSA Associates, Inc., and is included as Appendix G to the Draft EIR. Based on a literature review conducted as part of the Cultural Resources Study, portions of Callison Road were identified as being a potential historic resource (P-31-003277). However, as noted in Impact 8-1 of the Draft EIR, portions of Callison Road within the project site are not eligible under the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR) criteria.

Roadway improvements coincident with the original alignment of the Lincoln Highway would only occur at the intersection of Taylor Road and Callison Road. Specifically, the addition of a left-turn lane on eastbound Taylor Road. All construction would occur within the existing right-of-way and primarily south of the intersection. Construction of the new turn lane would entail removal of surface level material, alteration of striping, modification of the existing shoulders, and repaving. Design and construction would be consistent with modern engineering and safety practices. The original conveyance of the Lincoln Highway would remain in place within the historical alignment. The rural bucolic nature of the surrounding area would not be changed. The applicant is committed to working with the Lincoln Highway Association in coordination with Placer County to make any reasonable effort to preserve important historical features or incorporate a historical marker. Doing so would be voluntary and not an effort to mitigate a significant impact pursuant to CEQA given that the proposed project would not have a significant adverse impact to the Lincoln Highway.

Response to Comment 99-25

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-26

Please see Response to Comment 99-24.

Response to Comment 99-27

Comments regarding support of the proposed project do not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

The commenter also states that the Draft EIR is incomplete but provides no specifics or evidence to support this statement. Because the comment provides the opinion/observation of the commenter, without substantiation, this is acknowledged for the record, and further response is not provided. Nonetheless, all comments, whether substantiated by facts or simply reflecting the position of the commenter, have been considered by the County throughout the decision-making process.

Response to Comment 99-28

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Response to Comment 99-29

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-30

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-31

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-32

The comment does not address the adequacy of the Draft EIR but pertains to an existing winery that allegedly regularly violates County codes. The operation of an existing winery has no direct bearing on the operation of the proposed project. Nevertheless, the comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. In addition, potential impacts regarding noise and light pollution generated by the proposed project are addressed in Chapter 14 and Chapter 4 of the Draft EIR, respectively.

Response to Comment 99-33

With regard to the approval of a CUP for the proposed project, the County, as the lead agency, has the ability to approve the project, deny it, or approve it with conditions. As the lead agency, the County is required to consider the information in the Draft EIR along with any other available information in deciding whether to approve the application.

Regarding enforcement concerns, please see Response to Comment 16-17.

Response to Comment 99-34

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. Please also see Master Response 3 - Octagon Building and Gravity Processing.

Response to Comment 99-35

The comment does not address the adequacy of the Draft EIR. Please see Response to Comment 16-17. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-36

Potential impacts regarding noise generated by the proposed project are addressed in Chapter 14 of the Draft EIR. Specifically outdoor amplified music noise impacts are addressed on pages 14-37 through 14-43 of the Draft EIR. As noted therein, the increases in ambient noise levels from project outdoor amplified music would be well below the applied increase significance criterion of 5.0 decibels (dB) and would comply with applicable Placer County General Plan and Placer



County Code noise level standards at the nearest existing residential uses. Therefore, noise exposure from project outdoor amplified music at nearby residences was determined to result in a less-than-significant impact.

Response to Comment 99-37

Please see Response to Comment 99-7.

Response to Comment 99-38

Please see Response to Comment 60-4.

Response to Comment 99-39

Please see Master Response 5 - ZTA.

Response to Comment 99-40

Please see Response to Comment 41-12.

Response to Comment 99-41

The commenter expresses concerns related to traffic impacts but does not provide any specifics allowing for a more detailed response. Please refer to Chapter 16, Transportation, of the Draft EIR, which includes a detailed evaluation of the project's potential transportation impacts, pursuant to CEQA.

Response to Comment 99-42

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-43

Please see Response to Comment 99-7.

Response to Comment 99-44

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-45

Please see Master Response 3 - Octagon Building and Gravity Processing.

Response to Comment 99-46

The commenter is correct in that photo simulations show landscaping at maturity. However, screening from mature vegetation as shown in the photo simulations was not used as evidence to conclude a less-than-significant impact. Rather, the Draft EIR concluded that the proposed project would result in a significant and unavoidable impact related to substantially degrading the existing visual character or quality of public views of the site and its surroundings. Even if photo simulations were prepared showing the progression of landscaping growth, the conclusions included in the Draft EIR would not change.



Response to Comment 99-47

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-48

Please see Response to Comment 99-7.

Response to Comment 99-49

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-50

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-51

The comment is somewhat unclear. If the commenter is referring to the applicant's request to increase the maximum number of attendees at one time at agricultural promotional events from 50 to 75, this is allowable under the Winery and Farm Brewery Ordinance, subject to County review and approval of a CUP. The list of entitlements for the proposed project includes a CUP.

Response to Comment 99-52

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-53

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-54

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-55

The commenter expresses concerns related to traffic impacts but does not provide any specifics allowing for a more detailed response. Please refer to Chapter 16, Transportation, of the Draft EIR, which includes a detailed evaluation of the project's potential transportation impacts, pursuant to CEQA.



Response to Comment 99-56

The commenter expresses concerns related to wildlife impacts but does not provide any specifics allowing for a more detailed response. Potential impacts upon wildlife associated with the proposed project are addressed in Chapter 7, Biological Resources, of the Draft EIR.

Response to Comment 99-57

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-58

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. Please also see Master Response 5 - ZTA.

Response to Comment 99-59

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project. It should also be noted that the proposed project would be required to comply with Title 24 of the California Code of Regulations (CCR), which is known as the California Building Standards Code (CBSC), including the California Green Building Standards Code (Part 11 of Title 24), commonly referred to as CALGreen. The CALGreen Code establishes minimum mandatory standards and voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality.

Response to Comment 99-60

Please see Master Response 3 - Octagon Building and Gravity Processing.

Response to Comment 99-61

Please see Master Response 1 - Project Alternatives.

Response to Comment 99-62

The proposed ZTA will be properly noticed prior to the Planning Commission and Board of Supervisors hearings on the project, which meets the legal requirements for the proposed ZTA.

Response to Comment 99-63

CEQA Guidelines, Section 15130 requires that an EIR discuss the cumulative and long-term effects of the proposed project that would adversely affect the environment. A discussion of cumulative impacts is provided within each of the technical chapters of the Draft EIR, pursuant to CEQA Guidelines Section 15130. The commenter provides no substantial evidence that the Draft EIR's cumulative analysis is inadequate.

Response to Comment 99-64

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.



Response to Comment 99-65

As discussed within Chapter 3, Project Description, of the Draft EIR, the proposed project would develop a full production winery, including wine production facilities, a tasting room, an underground wine cave network, an accessory restaurant, and other associated facilities. As such, the description of the proposed project included within the Draft EIR is adequate.

Response to Comment 99-66

Please see Master Response 4 - Accessory Restaurant.

Response to Comment 99-67

Please see Master Response 3 - Octagon Building and Gravity Processing.

Response to Comment 99-68

The commenter states that noise impacts were not adequately addressed in the Draft EIR, but provides no specifics or evidence to support this statement. Potential impacts regarding noise generated by the proposed project are addressed in Chapter 14 of the Draft EIR.

Response to Comment 99-69

The commenter states that traffic impacts were not adequately addressed in the Draft EIR, but provides no specifics or evidence to support this statement. Potential impacts regarding traffic generated by the proposed project are addressed in Chapter 16 of the Draft EIR.

Response to Comment 99-70

Please see Master Response 2 - Williamson Act.

Response to Comment 99-71

Please see Master Response 5 - ZTA. Regarding the portion of the comment about the rural environment, please see Response to Comment 99-7.

Response to Comment 99-72

Please see Response to Comment 99-65.

Response to Comment 99-73

The project does not propose operations during nighttime hours (i.e., 10:00 PM to 7:00 AM). As such, nighttime (i.e., pre-dawn) noise levels would not exceed daytime noise levels at the project site. Please see Response to Comment 60-10 for further detail.

Response to Comment 99-74

The commenter states that traffic impacts were not adequately addressed in the Draft EIR, but provides no specifics or evidence to support this statement. Potential impacts regarding traffic generated by the proposed project are addressed in Chapter 16 of the Draft EIR.

Response to Comment 99-75

Please see Response to Comment 41-12.



Response to Comment 99-76

Please see Master Response 5 - ZTA. The commenter's opposition to the proposed ZTA is noted for the record and has been forwarded to the decision-makers for their consideration.

Response to Comment 99-77

Please see Master Response 5 – ZTA and Response to Comment 99-7 regarding concerns about changes to the nature of the community.

Response to Comment 99-78

Please see Master Response 3 - Octagon Building and Gravity Processing. The commenter's concern is noted for the record and has been forwarded to the decision-makers for their consideration.

Response to Comment 99-79

Please see Master Response 1 - Project Alternatives.

Response to Comment 99-80

Please see Master Response 2 - Williamson Act.

Response to Comment 99-81

The commenter states that noise is inadequately addressed but does not provide enough detail to allow a more meaningful and specific response. Please see Response to Comment 60-10.

Response to Comment 99-82

The commenter's concern is noted for the record and has been forwarded to the decision-makers for their consideration. Please see Master Response 3 – Octagon Building and Gravity Processing.

Response to Comment 99-83

The comment does not address the adequacy of the Draft EIR. Please see Response to Comment 16-17. The comment has been noted for the record and forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 99-84

The commenter's opposition to the proposed ZTA is noted for the record and has been forwarded to the decision-makers for their consideration. Please see Master Response 5 - ZTA.

Response to Comment 99-85

The comment pertains to Table 21-2, Comparison of Environmental Impacts for Project Alternatives, contained in Chapter 21 of the Draft EIR. The intent of Table 21-2 is to provide a general overview of the findings of the comparative alternatives analysis contained in the preceding 15 pages of Chapter 21. The table is not intended to provide a detailed comparison of each alternative to the proposed project.

Response to Comment 99-86

Please see Response to Comment 9-15.



Response to Comment 99-87

The commenter is correct in that, due to the deciduous nature of screening vegetation, screening may vary based on the time of year. However, the photos included in the Draft EIR of existing conditions were taken during a site visit in October of 2021. Therefore, the conditions shown are presumed not to have vegetation at its fullest, as leaf dropping would have begun to occur. Nonetheless, screening from mature vegetation as shown in the photo simulations was not used as evidence to conclude a less-than-significant impact. Rather, the Draft EIR concluded that the proposed project would result in a significant and unavoidable impact related to substantially degrading the existing visual character or quality of public views of the site and its surroundings. Even if photo simulations were prepared showing the vegetation at different progressions throughout the year, the conclusions included in the Draft EIR would not change.

Response to Comment 99-88

The comment does not address the adequacy of the Draft EIR and is noted for the record.



3. Revisions to the Draft EIR Text

3. REVISIONS TO THE DRAFT EIR TEXT

3.1 INTRODUCTION

The Revisions to the Draft EIR Text chapter presents minor corrections, additions, and revisions made to the Draft EIR initiated by the Lead Agency (Placer County) based on comments received during the public review period by reviewing agencies, the public, and/or consultants.

The changes represent minor clarifications/amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines, Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

3.2 DESCRIPTION OF CHANGES

New text is double underlined and deleted text is ~~struck through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

6 AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Page 6-9 of Chapter 6, Air Quality and Greenhouse Gas Emission, of the Draft EIR is hereby revised as follows:

Local Air Quality Monitoring

Air quality is monitored by CARB at various locations to determine which air quality standards are being violated, and to direct emission reduction efforts, such as developing attainment plans and rules, incentive programs, etc. Within Placer County, the PCAPCD owns and operates a total of four local air quality monitoring sites, and the CARB owns and operates one local air quality monitoring site. The nearest local air quality monitoring station to the project site is the Auburn-Atwood Rd station, which is located approximately six miles northeast of the project site. Table 6-4 presents the number of days that the State and federal AAQS were exceeded for the three-year period from 2018 to 2020. Due to the limited data available from the Auburn-Atwood Rd station, Table 6-4 also includes information from the next closest station: the Roseville-N Sunrise Blvd station.

In addition, page 6-26 of Chapter 6, Air Quality and Greenhouse Gas Emissions, of the Draft EIR is hereby revised as follows:

Regulation 2 – Prohibitions

Regulation 2 is comprised of prohibitory rules that are written to achieve emission reductions from specific source categories. The rules are applicable to existing sources as well as new sources. Examples of prohibitory rules include Visible Emissions (Rule 202), Nuisance (Rule 205), Cutback and Emulsified Asphalt Paving Materials (Rule 217), Architectural Coatings (Rule 218), Wood Burning Appliances (Rule 225), and Fugitive Dust (Rule 228).



It should be noted that in accordance with Rule 225, only U.S. EPA Phase II certified wood burning devices shall be allowed in single-family residences. The emission potential from each residence shall not exceed a cumulative total of 7.5 grams per hour for all devices. Masonry fireplaces shall have either an EPA certified Phase II wood burning device or shall be a U.L. Listed Decorative Gas Appliance. (Based on APCD Rule 225).

The foregoing minor text changes are for clarification purposes and do not affect the adequacy of the environmental analysis contained in the Draft EIR.

10 GEOLOGY AND SOILS

Page 10-20, Mitigation Measure 10-2(c), Chapter 10, Geology and Soils, of the Draft EIR, has been revised, as follows:

10-2(c) *The Improvement Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by ~~a member of the Development Review Committee~~ Placer County. All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the ESD concurs with said recommendation.*

The applicant shall revegetate all disturbed areas. Revegetation, undertaken from April 1 to October 1, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Improvement Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

The applicant shall submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. One year after the County's acceptance of improvements as complete, if there are no erosion or runoff issues to be corrected, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by ~~the Development Review Committee~~ Placer County/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding.



Failure of the ~~Development Review Committee~~ Placer County/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

The foregoing minor text changes are for clarification purposes and do not affect the adequacy of the environmental analysis contained in the Draft EIR.

12 HYDROLOGY AND WATER QUALITY

Page 12-27, Mitigation Measure 12-2(b), Chapter 12, Hydrology and Water Quality, of the Draft EIR, has been revised, as follows:

12-2(b) *The Improvement Plans shall show water quality treatment facilities/Best Management Practices (BMPs) designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Division (ESD)).*

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Division (ESD). BMPs shall be designed in accordance with the ~~East~~ West Placer Storm Water Quality Design Manual for sizing of permanent post-construction Best Management Practices for stormwater quality protection. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

The foregoing minor text change is for clarification purposes and does not affect the adequacy of the environmental analysis contained in the Draft EIR.

16 TRANSPORTATION

Page 16-2 of Chapter 16, Transportation, of the Draft EIR has been revised, as noted below.

Taylor Road is generally a two-lane road. In the project vicinity, Taylor Road has one travel lane in each direction and separated turn lanes at most major intersections. On-street parking is prohibited in the general area of the project site in Placer County. The posted speed limit on Taylor Road is ~~50 miles per hour (mph) in the project vicinity east of the Town of Loomis and declines to 35 mph through Newcastle. 40 mph inside of the Loomis Town limits, 45 mph from Loomis to the Portuguese Hall in Newcastle, and 35 mph from that point east through Newcastle.~~ Weekday daily traffic counts conducted in 2022 for the Transportation Impact Analysis indicate that Taylor Road carries 5,324 vehicles per day in the area from English Colony Way to Callison Road and 4,655 vehicles per day from Callison Road to Newcastle. Taylor Road links the project area to other streets of regional importance by way of the intersections discussed below.

In addition, the following minor clarification is hereby made to page 16-17 of Chapter 16, Transportation, of the Draft EIR:



A freestanding “fine dining” restaurant with 32 seats ~~could~~ is expected to generate 84 weekday and 82 Saturday trips based on ITE rates.

Page 16-19 of Chapter 16, Transportation, of the Draft EIR has been revised, as shown below.

~~With respect to trips associated with the proposed events, the Transportation Impact Analysis notes that the calculation of such trips includes a derivation of weighted average as a redline to the assumptions contained in the WFB Zoning Amendment EIR. As detailed in Table 16-7, the Transportation Impact Analysis determined that the overall weighted average trips from primary events associated with project operation (i.e., regular agricultural promo events, rolling agricultural promo events, and special events), in combination with the average rate of secondary regular agricultural events, would result in 140 average daily trips on both weekdays and Saturdays, with the PM peak hour on weekdays and the afternoon peak hour on Saturdays each resulting in 40 trips.~~

The foregoing revisions are for clarification purposes and do not affect the adequacy of the analysis contained in the Draft EIR, the Draft EIR Transportation Impact Analysis, nor the supporting Local Traffic Operational Analysis. Additional analysis is not required.

Page 16-33 of Chapter 16, Transportation, of the Draft EIR has been revised to establish greater consistency with the LTA, as shown below:

16-3 ~~Prior to the approval of The improvement plans for Phase 2 of the Project shall show the construction of a left-turn lane on Taylor Road at the Callison Road intersection to the satisfaction of the Placer County Department of Public Works. In the event that Improvement Plans for Phase 2 have not been approved or within three years of occupancy of Phase 1, whichever occurs first, separate Improvement Plans shall be submitted and approved by the County for the project applicant shall install a left-turn lane on Taylor Road at the Callison Road intersection to the satisfaction of the Placer County Department of Public Works and construction on the left-turn lane shall be completed within one year of Improvement Plan approval.~~



4. Mitigation Monitoring and Reporting Program

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Project 8 Winery Project (proposed project). The intent of the MMRP is to ensure implementation of the mitigation measures identified within the EIR for the proposed project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

4.2 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR prepared for the proposed project. This MMRP is intended to be used by Placer County staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR.

The EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by Placer County. The table attached to this report identifies the mitigation measures, the monitoring action for each mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively



implementing the mitigation measures contained within the MMRP. The County will be responsible for monitoring compliance.

4.3 MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.



MITIGATION MONITORING AND REPORTING PROGRAM Project 8 Winery Project					
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
4. Aesthetics					
4-2	In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.	<p>4-2 <i>In conjunction with submittal of improvement plans, the project applicant shall submit a Final Landscape Plan. The Final Landscape Plan shall include, but not necessarily be limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Additional plantings along the project's Callison Road frontage, while maintaining sight distance requirements at the project driveways. The plantings shall include a mix of trees and shrubs, the species and size of which shall be determined by the Placer County Community Development Resource Agency;</i> • <i>A living façade on floors 2-4 of the octagon building that includes plants that are native, or native-appearing and drought-tolerant;</i> • <i>Structural materials and colors on the upper portion of the octagon building shall be representative of the surrounding oak woodland vegetation; and</i> • <i>Retention of existing oak woodlands on the slope in front of the octagon building for screening purposes. If any of this screening vegetation is damaged during construction, replacement landscaping including native, or native-appearing and drought-tolerant vegetation; shall be</i> 	Placer County Community Development Resource Agency	In conjunction with submittal of Improvement Plans	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Project 8 Winery Project**

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<p align="center"><i>planted to the satisfaction of the Placer County Community Development Resource Agency.</i></p> <p align="center"><i>The Final Landscape Plan shall be subject to review and approval by Placer County Community Development Resource Agency</i></p>			
4-3	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	<p>4-3 <i>Prior to Improvement Plan approval, the project applicant shall submit a lighting plan for the project to Placer County Planning Services for review and approval, demonstrating that proposed lighting is Dark-Sky compliant as specified by the International Dark-Sky Association. The lighting plan shall include, but not necessarily be limited to, the following provisions:</i></p> <ul style="list-style-type: none"> • <i>Shield or screen lighting fixtures to direct the light downward and prevent light spill on adjacent properties;</i> • <i>Place and shield or screen area lighting needed for construction activities and/or security so as not to disturb adjacent residential areas;</i> • <i>For public lighting, prohibit the use of light fixtures that are of unusually high intensity or brightness (e.g., harsh mercury vapor, low-pressure sodium, or fluorescent bulbs) or that blink or flash; and</i> • <i>Use appropriate building materials (such as low-glare glass, low-glare building glaze or finish, neutral, earth-toned colored paint and roofing</i> 	Placer County Community Development Resource Agency	Prior to the approval of Improvement Plans	



MITIGATION MONITORING AND REPORTING PROGRAM					
Project 8 Winery Project					
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<i>materials), shielded or screened lighting, and appropriate signage to prevent light and glare from adversely affecting adjacent properties.</i>			
4-4	Long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the HBPCP and BRSP areas.	4-4 <i>Implement Mitigation Measure 4-2.</i>	See Mitigation Measure 4-2	See Mitigation Measure 4-2	
4-5	Creation of new sources of light or glare associated with cumulative development of the proposed project in combination with future buildout of the HBPCP and BRSP areas.	4-5 <i>Implement Mitigation Measure 4-3.</i>	See Mitigation Measure 4-3	See Mitigation Measure 4-3	
7. Biological Resources					
7-2	Impacts to special-status wildlife species either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.	7-2 <i>Construction activities, such as vegetation clearing and grading activities, shall be completed between September 1 and February 1, if feasible, to avoid impacts to suitable nesting habitat during the typical nesting season. If vegetation removal and grading activities must occur during the nesting season (February 1 to August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist on the project site and within a 500-foot radius of</i>	Placer County Community Development Resource Agency	Prior to construction activities, if vegetation removal and grading activities occur during the nesting season (February 1 to August 31)	



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		<p><i>proposed construction areas, where access is available, at most, three (3) days prior to the initiation of construction. If a break in construction activity of more than two (2) weeks occurs, then subsequent surveys shall be conducted.</i></p> <p><i>If active raptor nests are found, construction activities shall not take place within 500 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot non-disturbance buffer shall be established. The foregoing non-disturbance buffers may be reduced if a smaller buffer is proposed by the project biologist and approved by Placer County after taking into consideration the natural history of the species of nesting bird, the proposed activity level adjacent to the nest, habituation to existing or ongoing activity, and nest concealment (if visual or acoustic barriers are located between the proposed activity and the nest). A qualified biologist can visit the nest as needed to determine when the young have fledged and are independent of the site, or the nest can be left undisturbed until the end of the nesting season.</i></p> <p><i>A report summarizing the survey(s) shall be provided to the Placer County Community Development Resource Agency within 30 days of the completed survey and is valid for one construction season. If nests are not found, further mitigation shall not be required.</i></p>			



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		<p><i>Should construction activities cause a nesting bird to exhibit any signs of distress (e.g., vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest), then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop the agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged, or as otherwise determined by a qualified biologist in consultation with the County.</i></p> <p><i>Construction activities may only resume within the buffer zone after a follow-up survey by the project biologist has been conducted and a report has been prepared indicating that the nest (or nests) is inactive, and that new nests have not been identified.</i></p>			
7-3	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS, or on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological	<p>7-3(a) <u>PCCP General Condition 1</u>. Prior to Improvement Plan approval, the project shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ); including requirements to develop a project-based Storm Water Pollution Prevention Plan (SWPPP); and applicable NPDES program requirements as implemented by the County. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation.</p> <p><i>The project shall comply with the West Placer Storm Water Quality Design Manual (Design</i></p>	Placer County Community Development Resource Agency Placer Conservation Authority	Prior to the approval of Improvement Plans	



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	interruption, or other means.	<p><i>Manual). The project shall implement the following best management practices (BMPs). This list shall be included on the notes page of the Improvement Plan and Grading Plan and shall be shown on the plans:</i></p> <ol style="list-style-type: none"> <i>1. When possible, vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas. When vehicle parking areas are to be established as a temporary facility, the site shall be recovered to pre-project or ecologically improved conditions within one year of start of groundbreaking to ensure effects are temporary (refer to PCCP Section 6.3.1.4, General Condition 4, Temporary Effects, for the process to demonstrate temporary effects).</i> <i>2. Trash generated by Covered Activities shall be promptly and properly removed from the site.</i> <i>3. Appropriate erosion control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) shall be used on-site to reduce siltation and runoff of contaminants into avoided wetlands, ponds, streams, or riparian vegetation.</i> <ol style="list-style-type: none"> <i>a. Erosion control measures shall be of material that will not entrap wildlife (i.e., no plastic monofilament).</i> 			



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		<p><i>Erosion control blankets shall be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians.</i></p> <p><i>b. Erosion control measures shall be placed between the area of disturbance and any avoided aquatic feature, within an area identified with highly visible markers (e.g., construction and erosion-control fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification shall be properly maintained until construction is completed and the soils have been stabilized.</i></p> <p><i>c. Fiber rolls used for erosion control shall be certified by the California Department of Food and Agriculture or any agency that is a successor or receives delegated authority during the permit term as weed free.</i></p> <p><i>d. Seed mixtures applied for erosion control shall not contain California Invasive Plant Council–designated invasive species (http://www.cal-ipc.org/paf/) but shall be composed of</i></p>			



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		<p><i>native species appropriate for the site or sterile non-native species. If sterile non-native species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive non-natives.</i></p> <p>4. <i>If the runoff from the development will flow within 100 feet of a wetland or pond, vegetated stormwater filtration features, such as rain gardens, grass swales, tree box filters, infiltration basins, or similar low impact development (LID) features to capture and treat flows, shall be installed consistent with local programs and ordinances.</i></p> <p>7-3(b) <i>PCCP Community Condition 2.1. To the maximum extent possible, the proposed project shall not modify any area within a buffer that extends 50 feet outward from the outermost bounds of the riparian vegetation. The improvement or grading plans shall show the location of the riverine/riparian buffer.</i></p>	<p>Placer County Community Development Resource Agency</p> <p>Placer Conservation Authority</p>	<p>Prior to the approval of Improvement or Grading Plans</p>	



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		<p>7-3(c) <i>Because the roadside ditch may be considered jurisdictional under CFGC Section 1600, the only way to determine whether the feature is jurisdictional under CFGC Section 1600 is to submit a Streambed Alteration Agreement Notification (Notification) to CDFW. Submittal of Notification would either result in a letter from CDFW stating a Streambed Alteration Agreement (Agreement) is not required, or issuance of an Agreement.</i></p> <p><i>Prior to commencement of ground disturbing activities, the applicant shall apply for a Section 1600 Lake or Streambed Alteration Agreement from CDFW for any impacts to aquatic features with a bed and/or bank, or riparian habitat associated with a CDFW jurisdictional aquatic resource. The information provided shall include a description of all of the activities associated with the project, not just those closely associated with the drainages and/or riparian vegetation. Impacts for each activity shall be broken down by temporary and permanent, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Information regarding project-specific drainage and hydrology changes resulting from project implementation shall be provided, as well as a description of stormwater treatment methods. Minimization and avoidance measures shall be proposed as appropriate and may include: preconstruction species surveys and reporting, protective</i></p>	<p>Placer County Community Development Resource Agency</p> <p>CDFW</p>	<p>Prior to the commencement of ground disturbing activities</p>	



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		<p><i>fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific stormwater BMPs. Mitigation may include restoration or enhancement of resources on- or off-site, purchase habitat credits from an agency-approved mitigation/conservation bank off-site, working with a local land trust to preserve land, or any other method acceptable to CDFW.</i></p> <p>7-3(d) <i>To address potential impacts to federally or State-protected wetlands, prior to the issuance of grading permits, the project applicant shall complete the following requirement:</i></p> <ul style="list-style-type: none"> <i>The project applicant shall submit the Aquatic Resources Delineation (ARD) to the USACE and RWQCB to determine if the roadside ditch is subject to USACE and/or RWQCB jurisdiction. If the roadside ditch is deemed non-jurisdictional by USACE and RWQCB, no further mitigation shall be required. If, on the other hand, the ditch is subject to USACE and/or RWQCB jurisdiction, then the applicant shall comply with applicable PCCP Conditions related to impacts to aquatic resources, as determined by the Placer Conservation Authority</i> 	<p>Placer County Community Development Resource Agency</p> <p>USACE</p> <p>RWQCB</p> <p>Placer Conservation Authority</p>	<p>Prior to the issuance of grading permits</p>	



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		<p align="center"><i>(PCA) and the Community Development Resource Agency.</i></p> <p>7-3(e) <u>CARP Authorization Conditions:</u> During project construction activities, all work within the project plan area that impacts aquatic resources of Placer County shall be completed according to the plans and documents included in the CARP application, Water Quality Certification, and, if applicable, WDRs. All changes to those plans shall be reported to Placer County. Minor changes may require an amendment to the CARP Authorization, Water Quality Certification, and, if applicable, WDRs. Substantial changes may render the authorization, Water Quality Certification, and, if applicable, WDRs, void, and a new application may be required.</p> <p>A copy of the CARP conditions and Water Quality Certification and WDRs shall be given to individuals responsible for activities on the project site. Site personnel, (employees, contractors, and subcontractors) shall be adequately informed and trained to implement all permit, Water Quality Certification, and WDR conditions and shall have a copy of all permits available on-site at all times for review by site personnel and agencies.</p> <p>Any construction within the stream system shall be implemented in a way to avoid and minimize impacts to vegetation outside the construction area. All preserved wetlands,</p>	<p>Placer County Community Development Resource Agency</p> <p>Placer County Coroner</p> <p>USFWS</p> <p>NMFS</p> <p>CDFW</p>	<p>During project construction activities</p>	



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		<p><i>other aquatic resources of Placer County, and the stream zone shall be protected with bright construction fencing. Temporary fencing shall be removed immediately upon completion of the project.</i></p> <p><i>Before beginning construction, the project applicant must have a valid CARP authorization or waiver notice. In order to obtain a permit, the applicant must pay all mitigation fees or purchase appropriate credits from an agency-approved mitigation bank.</i></p> <p><i>All deviations from plans and documents provided with the application and approved by Placer County Community Development Resource Agency must be reported to Placer County Community Development Resource Agency immediately.</i></p> <p><i>Erosion control measures shall be specified as part of the CARP application, and the application shall not be complete without them. All erosion control specified in the permit application shall be in place and functional before the beginning of the rainy season and shall remain in place until the end of the season. Site supervisors shall be aware of weather forecasts year-round and shall be prepared to establish erosion control on short notice for unusual rain events. Erosion control features shall be inspected and maintained after each rainfall period. Maintenance includes, but is not limited to, removal of</i></p>			



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		<p><i>accumulated silt and the replacement of damaged barriers and other features.</i></p> <p><i>All required setbacks shall be implemented according to PCCP Condition 4 (see PCCP Section 6.1.2).</i></p> <p><i>Work shall not disturb active bird nests until young birds have fledged. To avoid impacts to nesting birds, any disturbance shall occur between September 1 and February 1, prior to the nesting season. Tree removal, earthmoving or other disturbance at other times is at the Placer County Community Development Resource Agency's discretion and shall require surveys by a qualified biologist to determine the absence of nesting birds, prior to the activity.</i></p> <p><i>Cement, concrete, washings, asphalt, paint, coating materials, oil, other petroleum products, and other materials that could be hazardous to aquatic life shall be prevented from reaching streams, lakes, or other water bodies. Such materials shall be placed a minimum of 50 feet away from aquatic environments. All discharges, unintentional or otherwise, shall be reported immediately to the Placer County Community Development Resource Agency, which shall then immediately notify the appropriate State and federal agencies.</i></p> <p><i>During construction, litter or construction</i></p>			



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		<p><i>debris shall not be dumped into water bodies or other aquatic resources; nor shall it be placed in a location where it might be moved by wind or water into aquatic resources. All construction debris shall be removed from the site upon completion of the project.</i></p> <p><i>Only herbicides registered with the California Department of Pesticide Regulation shall be used in streams, ponds, and lakes, and shall be applied in accordance with label instructions. A list of all pesticides that may be used in the project area shall be submitted to the Placer County Community Development Resource Agency before use. The PCCP does not authorize the use of herbicides; herbicide application is not a Covered Activity.</i></p> <p><i>The Placer County Community Development Resource Agency shall be notified immediately if threatened or endangered species that are not Covered Species are discovered during construction activities. The Placer County Community Development Resource Agency shall suspend work and notify the USFWS, NMFS, and the CDFW for guidance.</i></p> <p><i>Wildlife entering the construction site shall be allowed to leave the area unharmed or shall be flushed or herded humanely in a safe direction away from the site.</i></p> <p><i>All pipe sections shall be capped or inspected for wildlife before being placed in a trench.</i></p>			



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		<p><i>Pipes within a trench shall be capped at the end of each day to prevent entry by wildlife, except for those pipes that are being used to divert stream flow.</i></p> <p><i>At the end of each workday, all open trenches shall be provided with a ramp of dirt or wood to allow trapped animals to escape.</i></p> <p><i>If human remains or cultural artifacts are discovered during construction, the applicant shall stop work in the area and notify the Placer County Community Development Resource Agency immediately. Work shall not continue in the area until the County Coroner and a qualified archaeologist have evaluated the remains, conducted a survey, prepared an assessment, and required consultations are completed.</i></p> <p>7-3(f) <i>PCCP Community Condition 1.2. After receiving a PCCP Certificate of Authorization and prior to construction, the project shall retain a qualified professional to temporarily stake non-vernal pool wetlands and their buffer that will be avoided to ensure construction equipment and personnel completely avoid such features. A note to such effect shall be shown on the Improvement Plans or Grading Plans and the location of temporary fencing demonstrated on the plans. Once installed, the applicant shall notify the PCA and the County of the temporary fencing and provide photographs as evidence of the installation.</i></p>	<p>Placer County Community Development Resource Agency</p> <p>Placer Conservation Authority</p>	<p>After receiving a PCCP Certificate of Authorization and prior to construction activities</p>	



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		<i>The fencing shall remain in place for the duration of ground-disturbing activities.</i>			
7-5	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands.	7-5 <i>PCCP General Condition 3. Prior to Improvement Plan approval, the project shall pay a land conversion fee or dedicate land in lieu of a fee or a combination thereof for the permanent conversion of approximately 5.9 acres of natural land cover, including 4.2 acres of oak woodland and 1.7 acres of annual brome grassland. If fees are paid, they shall be those in effect at the time of ground disturbance authorization for each project phase and shall be the per acre fee based on the amount of land disturbance resulting from the activity.</i>	Placer County Community Development Resource Agency	Prior to the approval of Improvement Plans	
7-6	Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan.	7-6(a) <i>PCCP General Condition 5. Prior to initiation of construction activities, all project construction personnel shall participate in a worker environmental training program that will educate workers regarding the Covered Species and their habitats, the need to avoid impacts, State and federal protection, and the legal implications of violating environmental laws and regulations. At a minimum this training may be accomplished through tailgate presentations at the project site and the distribution of informational brochures, with descriptions of sensitive biological resources and regulatory protections, to construction personnel prior to initiation of construction work.</i>	Placer County Community Development Resource Agency	Prior to initiation of construction activities	
		7-6(b) <i>Implement Mitigation Measures 7-3(a), 7-3(b), 7-3(e), 7-3(f), and 7-5.</i>	See Mitigation Measures 7-	See Mitigation Measures 7-3(a), 7-	



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			3(a), 7-3(b), 7-3(e), 7-3(f), and 7-5	3(b), 7-3(e), 7-3(f), and 7-5	
8. Cultural Resources					
8-2	Cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines Section 15064.5.	<p>8-2(a) <i>Prior to initiation of ground-disturbing activities, a qualified archaeologist shall conduct a short awareness training session for all construction workers and supervisory personnel. The course shall explain the importance of, and legal basis for, the protection of significant archaeological resources. Each worker shall also learn the proper procedures to follow in the event cultural resources or human remains/burials are uncovered during construction activities, including work curtailment or redirection and to immediately contact their supervisor and the archaeological monitor. The worker education session shall include visuals of artifacts (prehistoric and historic) that might be found in the project vicinity, and take place on the construction site immediately prior to the start of construction. Documentation of the training (i.e., a sign-in sheet) shall be retained at the site and shall be submitted with applicable reports to the Placer County Community Development Resource Agency.</i></p> <p>8-2(b) <i>If cultural resources are discovered during construction, then all work must halt within a 100-foot radius of the discovery. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologists, as</i></p>	Placer County Community Development Resource Agency	Prior to the initiation of ground-disturbing activities	
			Placer County Community Development Resource Agency	If cultural resources are discovered during construction activities	



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		<p><i>well as a tribal representative from the United Auburn Indian Community will be called to evaluate the significance of the find. Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the National Register of Historic Places/State Register and the tribal representative and County staff have coordinated regarding the find. If a potentially-eligible resource is encountered, then the archaeologist, Placer County, and the United Auburn Indian Community (UAIC) will arrange for either 1) total avoidance of the resource, if possible; 2) test excavations or total data recovery; or 3) other alternative forms of mitigation. The determination shall be formally documented in writing and submitted to the Placer County as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</i></p>	<p>United Auburn Indian Community Tribal Representative</p>		
8-3	Disturb any human remains, including those interred outside of dedicated cemeteries.	<p>8-3 <i>The following language shall be noted on the project improvement plans, subject to review and approval by the Placer County Community Development Resource Agency:</i></p> <p><i>If articulated or disarticulated human remains are encountered on the proposed project site during construction activities, all work within 100 feet of the find must cease, and any necessary steps to ensure the integrity of the immediate area must be taken. The Placer</i></p>	<p>Placer County Community Development Resource Agency Placer County Coroner NAHC</p>	If human remains are encountered during construction activities	



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		<i>County Coroner shall be immediately notified. If the Coroner determines the remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall determine and notify a Most Likely Descendant (MLD). Further actions shall be determined, in part, by the desires of the MLD. The MLD shall be afforded 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendant may request mediation by the NAHC.</i>			
8-4	Have the potential to cause a physical change which would affect unique ethnic cultural values, or restrict existing religious or sacred uses within the potential impact area.	8-4 <i>Implement Mitigation Measure 17-1.</i>	See Mitigation Measure 17-1	See Mitigation Measure 17-1	
10. Geology and Soils					
10-2	Result in substantial soil erosion or the loss of topsoil.	10-2(a) <i>Prior to construction commencing, the applicant shall provide evidence to the ESD of a Waste Discharge Identification (WDID) number generated from the State Regional Water Quality Control Board's Stormwater</i>	Placer County Engineering and Surveying Division	Prior to the initiation of construction activities	



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		<p><i>Multiple Application & Reports Tracking System (SMARTS). This serves as the Regional Water Quality Control Board approval or permit under the National Pollutant Discharge Elimination System (NPDES) construction stormwater quality permit.</i></p> <p>10-2(b) <i>The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual (LDM) that are in effect at the time of submittal) to the Engineering and Surveying Division (ESD) for review and approval of each project phase. The plans shall show all physical improvements as required by the conditions for the project as well as pertinent topographical features both on and offsite. All existing and proposed utilities and easements, onsite and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees and Placer County Fire Department improvement plan review and inspection fees with the 1st Improvement Plan submittal. (NOTE: Prior to plan approval, all applicable recording and reproduction costs shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the</i></p>	<p>Placer County Engineering and Surveying Division</p>	<p>Prior to the approval of Improvement Plans</p>	



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		<p><i>estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans.</i></p> <p><i>Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety.</i></p> <p><i>Any Building Permits associated with this project shall not be issued until, at a minimum, the Improvement Plans are approved by the Engineering and Surveying Division.</i></p> <p><i>Prior to the County's final acceptance of the project's improvements, submit to the Engineering and Surveying Division one copy of the Record Drawings in digital format (on compact disc or other acceptable media) along with one blackline hardcopy (black print on bond paper) and one PDF copy. The digital format is to allow integration with Placer County's Geographic Information System (GIS). The final approved blackline hardcopy Record Drawings will be the official document of record.</i></p> <p>10-2(c) <i>The Improvement Plans shall show all proposed grading, drainage improvements,</i></p>	Placer County Engineering	Prior to the approval of Improvement	



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		<p><i>vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by Placer County. All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the ESD concurs with said recommendation.</i></p> <p><i>The applicant shall revegetate all disturbed areas. Revegetation, undertaken from April 1 to October 1, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Improvement Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.</i></p> <p><i>The applicant shall submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for</i></p>	<p>and Surveying Division</p>	<p>Plans</p>	



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		<p><i>winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. One year after the County's acceptance of improvements as complete, if there are no erosion or runoff issues to be corrected, unused portions of said deposit shall be refunded to the project applicant or authorized agent.</i></p> <p><i>If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by Placer County/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the Placer County/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.</i></p>			
10-3	Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading,	10-3 <i>The Improvement Plan submittal shall include a final geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer for Engineering and Surveying Division (ESD) review and approval. The report shall address and make recommendations on the following:</i>	Placer County Engineering and Surveying Division	Prior to the approval of Improvement Plans and issuance of Building Permits	



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	subsidence, liquefaction, or collapse, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code.	<p>A. Road, pavement, and parking area design; B. Structural foundations, including retaining wall design (if applicable); C. Grading practices; D. Erosion/winterization; E. Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, potential for smectite clays etc.); and F. Slope stability.</p> <p>Once approved by the ESD, two copies of the final report shall be provided to the ESD and one copy to the Building Services Division for its use. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.</p> <p>If the geotechnical engineering report indicates the presence of critically expansive or other soil problems that, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report shall be required prior to issuance of Building Permits. This requirement shall be so noted on the Improvement Plans.</p>			
10-6	Result in significant disruptions, displacements, compaction or overcrowding of the soil,	10-6 Implement Mitigation Measures 10-2(b), 10-2(c), and 10-3.	See Mitigation Measures 10-2(b), 10-2(c), and 10-3	See Mitigation Measures 10-2(b), 10-2(c), and 10-3	



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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
	or substantial change in topography or ground surface relief features.				
12. Hydrology and Water Quality					
12-1	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction.	12-1 <i>Implement Mitigation Measures 10-2(a) through 10-2(c).</i>	See Mitigation Measures 10-2(a) through 10-2(c)	See Mitigation Measures 10-2(a) through 10-2(c)	
12-2	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations.	<p>12-2(a) <i>Implement Mitigation Measures 10-2(a) and 10-2(b).</i></p> <p>12-2(b) <i>The Improvement Plans shall show water quality treatment facilities/Best Management Practices (BMPs) designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Division (ESD)).</i></p> <p><i>Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants,</i></p>	<p>See Mitigation Measures 10-2(a) and 10-2(b)</p> <p>Placer County Engineering and Surveying Division</p>	<p>See Mitigation Measures 10-2(a) and 10-2(b)</p> <p>Prior to the approval of Improvement Plans</p>	



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		<p><i>as approved by the Engineering and Surveying Division (ESD). BMPs shall be designed in accordance with the West Placer Storm Water Quality Design Manual for sizing of permanent post-construction Best Management Practices for stormwater quality protection. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.</i></p> <p><i>All permanent BMPs shall be maintained as required to ensure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. The project owners/permittees shall provide maintenance of these facilities and annually report a certification of completed maintenance to the County DPW Stormwater Coordinator, unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catch basin cleaning program shall be provided to the ESD upon request. Failure to do so will be grounds for discretionary permit revocation. Prior to Improvement Plan approval or Final Subdivision Map recordation, easements shall be created and offered for dedication to the County for maintenance and access to these</i></p>			



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		<p><i>facilities in anticipation of possible County maintenance.</i></p> <p>12-2(c) <i>The Improvement Plans shall include the message details, placement, and locations showing that all storm drain inlets and bio-retention planters within the project area shall be permanently marked/embossed with prohibitive language such as “No Dumping! Flows to Creek.” or other language and/or graphical icons to discourage illegal dumping as approved by the Engineering and Surveying Division (ESD).</i></p> <p><i>ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The property owner is responsible for maintaining the legibility of stamped messages and signs.</i></p>	Placer County Engineering and Surveying Division	Prior to the approval of Improvement Plans	
		<p>12-2(d) <i>This project is located within the permit area covered by Placer County’s Small Municipal Separate Storm Sewer System (MS4) Permit (State Water Resources Control Board National Pollutant Discharge Elimination System [NPDES]). Project-related storm water discharges are subject to all applicable requirements of said permit.</i></p> <p><i>The project shall implement permanent and operational source control measures as applicable. Source control measures shall be</i></p>	Placer County Engineering and Surveying Division	Prior to the approval of Improvement Plans	



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		<p><i>designed for pollutant generating activities or sources consistent with recommendations from the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, or equivalent manual, and shall be shown on the Improvement Plans.</i></p> <p><i>The project is also required to implement Low Impact Development (LID) standards designed to reduce runoff, treat storm water, and provide baseline hydromodification management as outlined in the West Placer Storm Water Quality Design Manual.</i></p> <p>12-2(e) <i>According to the State of California NPDES Phase II MS4 Permit, this project is a Regulated Project that creates and/or replaces 5,000 square feet or more of impervious surface. A final Stormwater Quality Plan (SWQP) shall be submitted, either within the final Drainage Report or as a separate document that identifies how this project will meet the Phase II MS4 permit obligations. Site design measures, source control measures, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the Improvement Plans. In addition, pursuant to the Phase II MS4 permit, projects creating and/or replacing one acre or more of impervious surface are also required to demonstrate hydromodification management of stormwater such that post-project runoff is maintained to equal or below</i></p>	<p>Placer County Engineering and Surveying Division</p>	<p>Prior to the approval of Improvement Plans</p>	



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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>pre-project flow rates for the 2 year, 24-hour storm event, generally by way of infiltration, rooftop and impervious area disconnection, bio-retention, and other LID measures that result in post-project flows that mimic pre-project conditions.</i></p> <p>12-2(f) <i>Prior to final occupancy, the applicant shall provide evidence to Placer County Environmental Health Department of compliance with the SWRCB general Waste Discharge Requirements (WDRs) for wineries with activities related to producing wine or grape juice that generate winery waste and discharge process water for reuse or disposal as applicable.</i></p>	Placer County Environmental Health Department	Prior to final occupancy	
12-4	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater	12-4(a) <i>As part of the Improvement Plan submittal process, the preliminary drainage report provided during environmental review shall be submitted in final format. The final drainage report may require more detail than that provided in the preliminary report, and will be reviewed in concert with the Improvement Plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, and proposed on- and off-site improvements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used</i>	Placer County Engineering and Surveying Division	Prior to the approval of Improvement Plans	



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	<p>drainage systems or provide substantial additional sources of polluted runoff either during construction or in the post-construction condition.</p>	<p><i>during construction, as well as long-term post-construction water quality measures. The final Drainage Report shall be prepared in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Storm Water Management Manual that are in effect at the time of Improvement Plan submittal.</i></p> <p>12-4(b) <i>The Improvement Plan submittal and final Drainage Report shall provide details showing that storm water run-off peak flows shall be reduced to pre-project conditions through the installation of detention facilities. Detention facilities shall be designed in accordance with the requirements of the Placer County Stormwater Management Manual that are in effect at the time of submittal, and to the satisfaction of the Engineering and Surveying Division (ESD) and shall be shown on the Improvement Plans. The ESD may, after review of the project's final Drainage Report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. Maintenance of detention facilities by the property owner shall be required. No detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.</i></p> <p>12-4(c) <i>This project is subject to the one-time payment of drainage improvement and flood control fees pursuant to the "Dry Creek Watershed</i></p>	<p>Placer County Engineering and Surveying Division</p> <p>Placer County Engineering</p>	<p>Prior to the approval of Improvement Plans</p> <p>Prior to the issuance of Building Permits</p>	



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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Interim Drainage Improvement Ordinance” (Ref. Article 15.32, Placer County Code). The current estimated development fee is \$24,246 (\$1,350 per acre for commercial development within the Antelope Creek zone), payable to the Engineering and Surveying Division prior to Building Permit issuance. The fees to be paid shall be based on the fee program in effect at the time that the application is deemed complete.</i></p> <p>12-4(d) <i>This project is subject to payment of annual drainage improvement and flood control fees pursuant to the “Dry Creek Watershed Interim Drainage Improvement Ordinance” (Ref. Chapter 15, Article 15.32, Placer County Code). Prior to Building Permit issuance, the applicant shall cause the subject property to become a participant in the existing Dry Creek Watershed County Service Area for purposes of collecting such annual assessments. The current estimated annual fee is \$5,118.60 (\$285 per acre for commercial development within the Antelope Creek zone).</i></p>	<p>and Surveying Division</p> <p>Placer County Engineering and Surveying Division</p>	<p>Prior to the issuance of Building Permits</p>	
16. Transportation					
16-1	Conflict with a program, plan, ordinance, or policy, except LOS, addressing the circulation system during construction activities.	<p>16-1 <i>Prior to the commencement of construction, a construction signage and traffic control plan shall be provided to the Engineering and Surveying Division for review and approval. The construction signing and traffic control plan shall include (but not be limited to) items such as:</i></p>	Placer County Engineering and Surveying Division	Prior to the initiation of construction activities	



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		<ul style="list-style-type: none"> • <i>Guidance on the number and size of trucks per day entering and leaving the project site;</i> • <i>Identification of arrival/departure times that would minimize traffic impacts;</i> • <i>Approved truck circulation patterns;</i> • <i>Locations of staging areas;</i> • <i>Locations of employee parking and methods to encourage carpooling and use of alternative transportation;</i> • <i>Methods for partial/complete street closures (e.g., timing, signage, location, and duration restrictions);</i> • <i>Criteria for use of flaggers and other traffic controls;</i> • <i>Preservation of safe and convenient passage for bicyclists and pedestrians through/around construction areas;</i> • <i>Monitoring for roadbed damage and timing for completing repairs;</i> • <i>Limitations on construction activity during peak/holiday weekends and special events;</i> • <i>Preservation of emergency vehicle access;</i> • <i>Coordination of construction activities with construction of other projects that occur concurrently in the HBPCP/unincorporated County to minimize potential additive construction traffic disruptions, avoid duplicative efforts (e.g., multiple occurrences if similar signage), and</i> 			



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		<p><i>maximize effectiveness of traffic mitigation measures (e.g., joint employee alternative transportation programs);</i></p> <ul style="list-style-type: none"> • <i>Removing traffic obstructions during emergency evacuation events; and</i> • <i>Providing a point of contact for nearby residents to obtain construction information, have questions answered, and convey complaints.</i> <p><i>The construction signage and traffic control plan shall be developed such that the following minimum set of performance standards is achieved throughout project construction. It is anticipated that additional performance standards would be developed once details of project construction are better known.</i></p> <ul style="list-style-type: none"> • <i>All construction employees shall park in designated lots owned by the project applicant or on private lots otherwise arranged for by the project applicant.</i> • <i>Roadways shall be maintained clear of debris (e.g., rocks) that could otherwise impede travel and impact public safety.</i> 			
16-3	Substantially increase hazards to vehicle safety due to a geometric design feature (e.g., sharp curves or dangerous intersections)	16-3 <i>The Improvement Plans for Phase 2 of the Project shall show the construction of a left-turn lane on Taylor Road at the Callison Road intersection to the satisfaction of the Placer County Department of Public Works. In the event that Improvement Plans for Phase 2 have</i>	Placer County Department of Public Works	Phase 2 Improvement Plans or within three years of occupancy of Phase 1, whichever occurs first	



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	or incompatible uses (e.g., farm equipment).	<i>not been approved within 3 years of occupancy of Phase 1 separate Improvement Plans shall be submitted and approved by the County for the left-turn lane on Taylor Road and construction on the left-turn-lane shall be completed within one year of Improvement Plan approval.</i>			
16-5	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	<p>16-5(a) <i>During project operation, the project applicant shall distribute to employees and guests information regarding the availability of Placer Transit service in the project vicinity. Proof demonstrating compliance with this measure shall be submitted to the Placer County Community Development Resource Agency upon request.</i></p> <p>16-5(b) <i>During project operation, the project applicant shall provide an employee carpool matching service. Proof demonstrating compliance with this measure shall be submitted to the Placer County Community Development Resource Agency upon request.</i></p> <p>16-5(c) <i>Prior to approval of improvement plans for the phase containing the octagon building, the plans shall provide an on-site location for guest bus parking within the dedicated parking area. Final parking lot design shall be to the satisfaction of the Placer County Community Development Resource Agency.</i></p> <p>16-5(d) <i>During project operation, the project applicant shall encourage organizers of special events,</i></p>	<p>Placer County Community Development Resource Agency</p> <p>Placer County Community Development Resource Agency</p> <p>Placer County Community Development Resource Agency</p> <p>Placer County Community Development</p>	<p>During project operation</p> <p>During project operation</p> <p>Prior to the approval of Improvement Plans for the phase containing the octagon building</p> <p>During project operation</p>	



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		<i>or corporate type agricultural promotional events to carpool.</i>	Resource Agency		
17. Tribal Cultural Resources					
17-1	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074.	<p>17-1 <i>The following language shall be noted on project Improvement Plans, subject to review and approval by the Placer County Community Development Resource Agency:</i></p> <p><i>If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered during construction activities, all work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources). Examples of potential cultural materials include midden soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.</i></p> <p><i>A qualified cultural resources specialist and Native American Representative from the traditionally and culturally affiliated Native American Tribe(s) will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities by Tribal representatives of the traditionally and culturally affiliated Native</i></p>	<p>Placer County Community Development Resource Agency</p> <p>Placer County Coroner</p> <p>NAHC</p>	Prior to the approval of Improvement Plans	



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		<p><i>American Tribe, and/or returning objects to a location within the project area where they will not be subject to future impacts. The UAIC does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless specifically requested by the Tribe.</i></p> <p><i>If articulated or disarticulated human remains are discovered during construction activities, the County Coroner and Native American Heritage Commission shall be contacted immediately. Upon determination by the County Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendant(s) who will work with the project proponent to define appropriate treatment and disposition of the burials.</i></p> <p><i>Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist and the Native American Representative will be documented in the project record. Any recommendations made by these experts that are not implemented, must be documented and explained in the project</i></p>			



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		<i>record. Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the Placer County Community Development Resource Agency following coordination with cultural resources experts and tribal representatives as appropriate.</i>			
18. Wildfire					
18-2	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.	<p>18-2 <i>In conjunction with the submittal of and prior to the approval of Improvement Plans, the applicant shall submit a Vegetation Management Plan (VMP) for review and approval by CAL FIRE, PFPD, PCFD, and Placer County Community Development Resource Agency. The VMP shall identify roles, responsibilities, and financial resources to ensure successful implementation. The VMP shall be implemented by the project developer and maintained in perpetuity by the winery owner and may include, but not necessarily be limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Management of Vegetation During Project Construction or Adjacent Construction:</i> <ul style="list-style-type: none"> ○ <i>Prior to construction activities, all vegetated boundaries shall be designated by placing high visibility construction fencing and/or silt fencing. Fencing shall be maintained in good condition until permanent post and cable fencing can be installed.</i> 	<p>Placer County Community Development Resource Agency</p> <p>CAL FIRE</p> <p>Penryn Fire Protection District</p> <p>Placer County Fire Department</p>	In conjunction with the submittal of and prior to the approval of Improvement Plans	



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		<ul style="list-style-type: none"> • <i>Vegetation Maintenance</i> <ul style="list-style-type: none"> ○ <i>Ongoing Fuel Load Management activities shall focus on areas close to structures or on borders, as approved by the County, and include activities to mow or otherwise manage annual grasses, remove dead and/or diseased trees, snags, and debris, limb live trees up to a height of 10 feet above ground where feasible, and remove understory fuels over one foot in height, where feasible. The use of goats shall be the preferred method of reducing vegetation materials; alternative methods, such as plastic string weed trimmers or other County-approved equipment may be acceptable, but shall be limited to the maximum extent feasible. Chipping of material shall be permitted. Chipped material shall be removed from the site unless otherwise approved by the County. Prescribed burning shall be prohibited and herbicide use shall not be allowed within the fuel load reduction area; and</i> 			



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		<ul style="list-style-type: none"> ○ Annual monitoring memos shall be submitted to the County by June 30 of each year. The memos shall include, at a minimum, the following: <ul style="list-style-type: none"> ▪ An assessment of dead vegetative matter (thatch) and management recommendations, if needed; and ▪ An evaluation of general site conditions and recommendations for remedial fuel reduction actions to be included in the annual monitoring memo. 			



Appendix 1

February 8, 2023

Mr. Evan Mackenzie
Mima Capital LLC
4120 Douglas Blvd, #306/175
Granite Bay, California 95746

SUBJECT: Planning Director Determination
Project 8 Winery Conditional Use Permit (PLN21-00198) and
Agricultural Preserve (PLN22-00200) – Determination of
Williamson Act Compatible Use
Assessor's Parcel Number: APN: 031-220-061-000

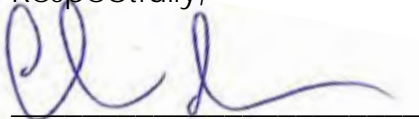
Dear Mr. Mackenzie,

In consultation with the Agricultural Commissioner, I have reviewed the proposed Project 8 Winery's uses for compatibility with the existing Williamson Act Contract (PLN22-00200) for the subject property. The Project 8 Winery proposes to develop a full-production winery, including wine production facilities, a tasting room, an underground wine cave network, an accessory restaurant with seating for up to 32 patrons, and other associated facilities, on a 17.96-acre portion of the 44.14-acre subject property located in Penryn in the Horseshoe Bar/Penryn Community Plan and Placer County General Plan areas. The subject property as well as surrounding properties have been planted with vineyards.

On January 30, 2023, the Planning Division consulted with the Agricultural Commissioner (Attachment A), and determined that the proposed winery, accessory tasting room and accessory restaurant are compatible uses under Williamson Act Contract PLN22-00200 (Attachment B) as these uses are selling products produced on the land, together with accessory facilities and the sale of such products is incidental to the sale of agricultural products produced on the premises. This determination is consistent with other wineries under Williamson Act contracts in the County. Furthermore, the production of crops onsite including wine grapes, the winery, and its associated uses are a compatible use in

accordance with Table 2 – Allowable Compatible Uses in Section 17.64.090 – California Conservation Act “Williamson Act” of the Placer County Code. As such, the operation of the winery including tasting room and accessory uses are directly related to the production, marketing and sales of agricultural products on site and are permissible uses on lands enrolled in the Williamson Act.

Respectfully,



Chris Pahule
Planning Director

Attachments

- A. January 30, 2023, Memorandum from the Josh Huntsinger, Agricultural Commissioner
- B. Williamson Act Contract PLN22-00200

Cc: Josh Huntsinger, Agricultural Commissioner
Project File

TO: Christopher Pahule, Planning Director

FROM: Josh Huntsinger, Agricultural Commissioner

DATE: January 30, 2023

SUBJECT: Project 8 Winery Conditional Use Permit (PLN21-00198) and Agricultural Preserve (PLN22-00200) – Determination of Williamson Act Compatible Use

BACKGROUND: On June 14, 2022, Resolution 2022-122 was adopted to rescind an existing 54-acre Agricultural Preserve (AGP 148) in order to establish two new Agricultural Preserves and Williamson Act Contracts PLN21-00578 and PLN22-00200. Agricultural Preserve PLN22-00200 encompasses 7615 Callison Road in Penryn, one-half mile southwest of Taylor Road/Callison Road intersection. APN: 031-220-061-000, which is the subject of the proposed Project 8 Winery Project.

In accordance with Section 17.64.090 of the Placer County Zoning Ordinance regulating the California Conservation Act “Williamson Act” (Limitations on Land Uses in Agricultural Preserves, Open Space Preserves, or Farmland Security Zones), the planning department shall consult with the agricultural commissioner when making determinations regarding compatible uses. Compatible uses allowed on property subject to a Williamson Act contract are required to be clearly incidental or accessory to the primary use of agricultural commodities.

In addition, the purpose of allowing residential uses on land subject to a Williamson Act contract is to support on-site agricultural operations, and not to provide nonagricultural related rural homesites. The residential uses listed as allowable under a preserve contract shall be limited to one single-family dwelling per preserve contract for the owner/manager of the parcel subject to the contract. Additional housing may be allowed on the parcel subject to the contract only to the extent that the agricultural commissioner and the planning director determine that the nature and scale of the agricultural operations on the site require agricultural labor in addition to the owner/manager.

PROJECT DESCRIPTION: The Project 8 Winery is a proposal to develop a full-production winery, including wine production facilities, a tasting room, an underground wine cave network, an accessory restaurant with seating for up to 32 patrons, and other associated facilities, on a 17.96-acre portion (see Figure 1) of the 44.14-acre project site located in Penryn in the Horseshoe Bar/Penryn Community Plan (HBPCP) and Placer County General Plan (PCGP) areas. The 44.14-acre project site as well as surrounding properties have been planted with more than 50 acres of vineyards.

PROJECT OPERATIONS

The principal proposed land use would be the operation of a winery that would focus on the production of high-quality wines utilizing grapes grown on-site by integrating advanced technologies. The winery's business model would focus on attracting groups to learn about both the agricultural journey of the region and of the winery, primarily in the form of small agricultural promotional events. Additional special events would occasionally be held. Consistent with Section 17.56.330(B) of the Winery and Farm Brewery Ordinance, tasting is allowed concurrent with on-site events.

The proposed project would require approval of a CUP to operate a reservation-only Accessory Use – Restaurant, as defined by and allowed pursuant to the Placer County Winery and Farm Brewery Ordinance. Though subordinate to the primary services offered to guests, and while small as compared to the overall operation, the applicant has deemed the accessory restaurant as a vital component of the winery's business model. The reservation-only accessory restaurant/commercial kitchen is proposed to operate daily from 10:00 AM to 5:00 PM for tasting room support; 11:00 AM to 2:30 PM for lunch support; 5:30 PM to 10:00 PM for formal dinner support; 7:00 AM to 10:00 PM for Agricultural Promotional Event support; and 10:00 AM to 10:00 PM for Special Event support. Made-to-order lunch and dinner service would be limited to a maximum of 32 patrons each, seated in the dedicated 725-sf accessory restaurant area.

ANALYSIS:

Winery development within agricultural zoning districts is allowed to encourage the economic development of the local agricultural industry, provide for the sampling and sales of value-added products, and protect the agricultural character and long-term economic viability of agricultural lands by enhancing the economic viability of grape production in the region. A winery is an agricultural processing facility comprising the building or buildings used to convert fruit juices to wine, and to age, bottle, store, distribute and sell said wine. A winery also includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions. A winery must be bonded through the Federal Alcohol, Tobacco Tax and Trade Bureau and have a current California Alcoholic Beverage Control Type 02-Winegrowers license.

Winery tasting rooms are considered accessory to a winery, typically located on the premises of a winery's production facilities, at which guests may sample the winery's products. A tasting room is allowed in agriculture zone districts if production takes place on site. Accessory use—restaurants are allowed with a conditional use permit for food preparation and service that is related and clearly subordinate to the existing primary use on a property as a winery.

The Project 8 Winery site is zoned F-B-X 20 (APN 031-220-061) and RA-B-100 (APNs 032-124-080 and 032-124-044). Pursuant to Placer County Code Section 17.10.010, the purpose of the Farm 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. In addition, Placer County Code Section 17.44.010 establishes that the purpose of the RA zoning district is to stabilize and protect the rural residential characteristics

of the area to which the zone is applied and to promote and encourage a suitable environment for family life, including agricultural uses.

Land Conservation Agreement PLN22-00200 specifies compatible uses, among which include facilities for the purpose of selling products produced on the land, together with accessory facilities, sales of agricultural products produced off the premises, provided that the sale of such products is incidental and secondary to the sale of agricultural products produced on the premises. The second level of the winery building would also include an approximately 3,500 sf residence that would be used by the owner primarily during harvest times. The residence is anticipated to be a compatible use, as defined in the Land Conservation Agreement PLN22-00200 and Government Code Section 51250(b), given that the residential unit would be related to an agricultural use.

In accordance with Section 17.64.090 of the Placer County Zoning Ordinance regulating the California Conservation Act "Williamson Act" (Limitations on Land Uses in Agricultural Preserves, Open Space Preserves, or Farmland Security Zones), the Planning Division shall consult with the Agricultural Commissioner when making determinations under this section. Table 2 (Allowable Compatible Uses) outlines the land uses that have been defined as compatible with agricultural preserves. A winery and its associated uses are considered an agricultural processing use, which includes the processing of crops after harvest, to prepare them for on-site marketing or processing and packaging elsewhere, including wineries and associated uses. As such, the Project 8 winery, tasting room and accessory use restaurant are compatible in accordance with Table 2.

As discussed above, Placer County Zoning Ordinance Section 17.56.330 (Wineries and Farm Breweries) allows Large Winery Production (20,000+ cases a year), with a tasting room and accessory use restaurant in the Farm zone district with approval of a Conditional Use Permit. As set forth in Section 17.58.100 (Conditional Use Permit), after the item is publicly noticed and after completion of a staff report pursuant to Section 17.58.070, action shall be taken by the planning commission.

Recommendation: I find that the primary use of the subject parcel, as well as surrounding parcels is wine grape production, which is considered an agricultural use. Based on the inclusion of agricultural processing in Table 2 of Section 17.64.090, I recommend that the Planning Director make a determination of compatible use regarding the Project 8 Winery proposal.

RECORDED BY COUNTY OF PLACER

Return to:
Placer County Planning Services Division
Planning Commission Clerk
3091 County Center Drive
Auburn, CA 95603

LAND CONSERVATION AGREEMENT - PLN22-00200

THIS AGREEMENT, made and entered into this 12 day of July, 2022, by and between Mima Capital, LLC. hereinafter called "OWNER" and the COUNTY OF PLACER, hereinafter called "COUNTY".

WITNESSETH:

WHEREAS, OWNER possesses certain real property, located within Placer County, as described and shown in Exhibit "A", attached hereto, which is devoted to the production of agricultural commodities for commercial purposes, and which is located within an Agricultural Preserve previously established; and

WHEREAS, both OWNER and COUNTY desire to limit the use of said property to agricultural purposes in order to discourage premature and unnecessary conversion of such land to urban use, recognizing that such land has substantial public value as open space and that the preservation of such land in agricultural production constitutes an important physical, social, aesthetic, and economic asset to COUNTY, and both parties having determined that the highest and best use of such land, during the life of this contract, is for agricultural purposes.

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein, and the substantial public benefits to be derived therefrom, do agree as follows:

1. Authority: This Agreement is made under authority of the Land Conservation Act of 1965, Government Code Section 51200 et seq. (The Act)
2. Limitation on Land Use: During the term of this Agreement, the above-described land shall only be used for the production of plant and animal products for commercial purposes.

No structures shall be erected upon such land except those directly related to, and compatible with, production of plant and animal products for commercial purposes, and except those residence buildings for such individuals as are engaged in the care, use, operation, or management of said land. Compatible land use shall include, but not be limited to:

- A. Public Utilities: Electric, gas, water, sewer, oil, and communication lines, both overhead and underground.
- B. Communication equipment buildings and distribution substations.

C. Public Utility substations and service yards.

No division of said land shall be made, except in accordance with COUNTY Ordinances as from time to time amended.

3. Eminent Domain: When any permissible action in Eminent Domain, for the condemnation of the fee title of the land under Agreement is filed, or when such land is acquired in lieu of Eminent Domain for a public improvement, by a public agency or person, the following rules shall apply:
 - A. If the taking is of the entire acreage, this Agreement shall be null and void as of the date the action is filed and, thereafter, the contract shall not be binding on any party to it.
 - B. If the taking is of a portion of the entire acreage, this Agreement shall be null-and-void as to the acreage so taken as of the date the action is filed, and, thereafter, the contract shall not be binding on any party to it as to such acreage taken. If, after such taking, the remaining land qualifies for an Agreement under COUNTY'S criteria, this Agreement shall continue as to such remaining acreage; if it does not qualify, then this Agreement to be null-and-void as to such remaining acreage.

As to such taking, OWNER shall be entitled to compensation for such land as he would have received if this Agreement had never been executed. OWNER shall not be subject to any penalty for termination of the Agreement as hereinabove provided.
4. Length of Agreement: This Agreement shall be effective commencing on January 1, 2023, and shall remain in effect for a period of ten (10) years therefrom, except as provided by Paragraph 5 and 6 thereof.
5. Renewal: This Agreement shall be automatically renewed on the first day of January of each year, for a period of ten (10) years from the date of said renewal, unless written notice of Non-Renewal is given by COUNTY within 60 days of the renewal or by OWNER within 90 days of the renewal date. If notice of Non-Renewal is given as provided above, this Agreement shall then expire automatically nine (9) years from January 1st following such notice of Non-Renewal. There is no penalty attached to any notice of Non-Renewal.
6. Cancellation: This Agreement may be canceled by mutual agreement of all parties to this Agreement if:
 - A. COUNTY holds a public hearing on the matter after mailing notice to each and every OWNER of property under contract or agreement within the agricultural preserve in which the agreement property is located, and after publishing notice of such hearing, as specified in Government Code Section 6061; and
 - B. At or before such hearing, less than 51% of the contracted or agreement acreage in such preserve protest such cancellation.

It is the intention of the parties hereto that cancellation will not be requested by OWNER, and will not be approved by COUNTY, except on a clear showing, to the COUNTY'S exclusive judgment and satisfaction that there has occurred a change of circumstances beyond the control of OWNER and his successors in interest, and that such change would clearly promote the public welfare.

The existence of an opportunity for another use of the land shall not be sufficient reason for cancellation. A potential alternative use of the land may be considered only if there is no proximate land, not subject to a Land Conservation Act Contract or Agreement, suitable for the use to which it is proposed the subject land be put. The uneconomic character of the existing agricultural use shall not be sufficient reason for cancellation. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

The cancellation fee shall be 12½% of the full market value of the land, when relieved of the restriction, as found by the Assessor. The determination of unrestricted value may be made the subject of an Equalization Hearing.

If, in the COUNTY'S judgment, there has occurred a change of circumstances, beyond the control of the OWNER or his successors in interest, COUNTY may waive all or part of the penalty, if the Waiver is subject to these findings by the COUNTY:

If the Board of Supervisors finds that it is in the public interest to do so, the Board may waive any payment or any portion of a payment by the landowner, or may extend the time for making the payment or a portion of the payment contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, if all of the following occur:

(1) The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner.

(2) The Board has determined that it is in the best interests of the program to conserve agricultural land use that the payment be either deferred or is not required.

(3) The waiver or extension of time is approved by the Secretary of the Resources Agency. The Secretary shall approve a waiver or extension of time if the secretary finds that the granting of the waiver or extension of time by the Board of Supervisors is consistent with the policies of this chapter and that the Board complied with this article. In evaluating a request for a waiver or extension of time, the Secretary shall review the findings of the Board, the evidence in the record of the Board, and any other evidence the Secretary may receive concerning the cancellation, waiver, or extension of time.

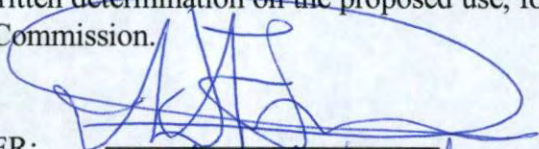
7. Amendment: It is the intention of the parties hereto that this Agreement will not be amended, except on a clear showing, to the COUNTY'S exclusive judgment and satisfaction, that amendment of this Agreement would be consistent with the COUNTY'S administrative rules and The Act, and that any such amendment would clearly promote agricultural and open space uses.

8. Assessor's Report: The COUNTY'S Assessor shall annually, during the continuation of this Agreement, report to the OWNER and to the COUNTY'S Board of Supervisors the equalized, unrestricted assessed value.
9. Payment: OWNER shall not receive any payment from COUNTY in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the within agreement is the substantial public benefit to be derived therefrom, and the advantage which might accrue to OWNER as the result of possible reduction in the assessed value of said property, due to the imposition of the limitations on its use contained herein, as such factors are relevant to appraising and assessing standards under the California Constitution and California Revenue and Taxation Code 402.1, and all amendments thereto, and all other relevant sections therein.
10. Running with Land: This Agreement shall run with the land described above and shall be binding upon the heirs, successors, and assigns of the parties hereto.
11. Constitutionality: If the Land Conservation Act of 1965, contained in Government Code Sections 51200, et. seq., be declared to be unconstitutional by a Final Judgment of a Court of the State of California, or the Federal Government, then this Agreement shall be null-and-void.
12. Transfer of Contract: If OWNER enters into a Contract, pursuant to Government Code Section 51240, on all or any portion of land covered under this Agreement, this Agreement shall then terminate as to such land covered by such Contract. There shall be no cost or penalty to OWNER for the termination of this Agreement as to such contracted lands.
13. Compatible Uses: As used in this Agreement, the term "Compatible Uses" includes, but is not limited to the following:
 - (1) The cultivation of ground, including the preparation of soil, planting or seeding, and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grains, and other stock crops; the raising, feeding, managing and breeding of livestock, poultry, fish, birds, and other animals; greenhouses; the excavation of earth, and the drilling of wells exclusively for agricultural and domestic uses; single family dwellings for persons who labor full-time on such land, together with barns, corrals, and other outbuildings and structures accessory to the foregoing. The sale on the premises of products produced hereon. The operation of private clubs for hunting and fishing. The packing, storing, and processing of products grown on the land, together with accessory buildings and structures required therefor. Commercial raising, feeding, managing, breeding, and sale on the premises of fish.
 - (2) With a valid Land Development Permit issued under the COUNTY Zoning Laws: Stands and other facilities, for the purpose of selling products produced on the land, together with accessory picnic facilities; sales of agricultural products produced off the premises, provided that the sale of such products is incidental and secondary to the sale of agricultural products produced on the premises; non-

commercial airstrips, for the use of aircraft used for agricultural purposes, together with accessory buildings and structures required therefor, feeding lots, oil wells, gas wells, mining, seasonal housing for farm labor.

14. All determinations as to whether a use is a compatible use shall be made by the hearing body with the authority to render a written determination on the proposed use, following a recommendation by the Agricultural Commission.

OWNER: _____


Mgr Member, Mima Capital LLC

OWNER: _____

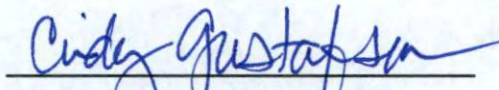
Michel M. Fournier

OWNER: _____

(Attach Acknowledgement
for each signature)

COUNTY OF PLACER

By: _____



Chairman, Board of Supervisors

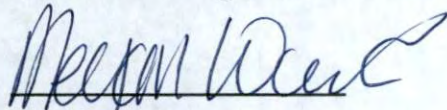
CERTIFICATION

The foregoing Instrument is a correct copy of the original on file in this Office.

DATED: June 22, 2022 ATTEST:

Clerk of the Board of Supervisors of the County of Placer, State of California

By: _____



Clerk of the Board

(Attach EXHIBIT "A")

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Placer

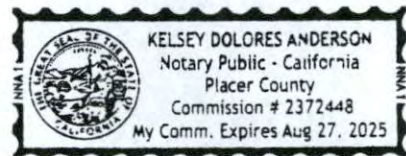
On June 21, 2022 before me, Kelsey Dolores Anderson, Notary Public
(insert name and title of the officer)

personally appeared Lucinda (Cindy) Gustafson,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kelsey Dolores Anderson (Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Placer)

On May 3, 2022 before me, K. Petersen, Notary Public,

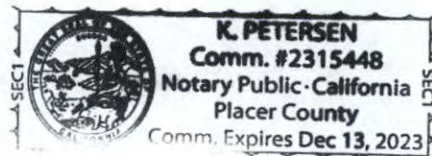
personally appeared, Michel M. Fournier, Mgr Member, Mima Capital LLC.

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Handwritten Signature]
Notary Public Signature



Seal

OPTIONAL INFORMATION

THIS OPTIONAL INFORMATION SECTION IS NOT REQUIRED BY LAW BUT MAY BE BENEFICIAL TO PERSONS RELYING ON THIS NOTARIZED DOCUMENT

Title or Type of Document Land Conservation Agreement - PIN 21-00578

Date of Document _____ Number of Pages _____

Signers(s) Other Than Named Above _____

To order supplies contact the Academy of Notaries Public at www.AcademyofNotariesPublic.com or call (916) 722-1633

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 031-220-061-000 and 032-124-080-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF PLACER, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEING A PORTION OF SECTION 23 AND SECTION 26, TOWNSHIP 12 NORTH, RANGE 7 EAST, M.D.B. & M. AND ALSO BEING ALL PORTIONS OF PARCELS ONE, TWO, AND THREE, AS DESCRIBED IN THE GRANT DEED TO MIMA CAPITAL LLC, RECORDED MAY 30, 2013 AS DOCUMENT NO. 2013-0053153, PLACER COUNTY OFFICIAL RECORDS, LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL ONE, BEING A POINT ON THE SOUTH LINE OF SAID SECTION 23; THENCE ALONG THE MOST SOUTHERLY BOUNDARY OF SAID MIMA PROPERTY, NORTH 88° 29' 30" EAST, 1,311.42 FEET TO A POINT ON THE LINE TO BE DESCRIBED: SAID LINE TO EXTEND NORTH 00° 00' 00" EAST TO THE NORTH BOUNDARY OF SAID MIMA PROPERTY AND SOUTH 00° 00' 00" EAST TO THE SOUTH BOUNDARY OF SAID MIMA PROPERTY.

SAID LAND IS SHOWN AS "RESULTANT PARCEL 1", PURSUANT TO THAT CERTAIN RESOLUTION TO APPROVE A MINOR BOUNDARY LINE ADJUSTMENT (PLN 16-00142), RECORDED ON JULY 8, 2016, INSTRUMENT NO. 2006-0054571, OF OFFICIAL RECORDS.

APN: 031-220-061-000

PARCEL TWO:

THAT PORTION OF THE NORTH HALF OF SECTION 26, TOWNSHIP 12 NORTH, RANGE 7 EAST, M.D.B. & M., ALSO PARCELS B AND C ON PARCEL MAP NUMBER 70508, FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, CALIFORNIA ON JUNE 27, 1973, IN BOOK 4, AT PAGE 30, OF PARCEL MAPS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION AS DESCRIBED IN THE CORRECTION QUITCLAIM DEED TO JOHN FORSBERG LIVING TRUST, DATED JUNE 9, 2000, RECORDED IN DOCUMENT NO. 2008-0094014, OF OFFICIAL RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID MIMA CAPITAL, LLC PARCEL, THENCE ALONG THE NORTH QUARTER CORNER OF SAID SECTION 26; THENCE CONTINUING ALONG SAID NORTH LINE, ALSO BEING THE NORTH LINE OF SAID SECTION 26, NORTH 88° 29' 30" EAST, 621.89 FEET TO THE NORTHEAST CORNER OF SAID MIMA CAPITAL, LLC PARCEL, ALSO BEING THE NORTHWEST CORNER OF THE FORSBERG PARCEL, AS DESCRIBED IN DOCUMENT NO. 2000-0082027; THENCE ALONG THE NORTH LINE OF SAID FORSBERG PARCEL, ALSO BEING THE NORTH LINE OF SECTION 26, NORTH 88° 29' 30" EAST, 153.08 FEET; THENCE LEAVING SAID LINE SOUTH 08° 36' 15" EAST, 828.08 FEET TO THE SOUTHERLY LINE OF SAID FORSBERG PARCEL; THENCE ALONG THE SAID SOUTHERLY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,632.69 FEET, THROUGH A CENTRAL ANGLE OF 10° 03' 16", HAVING A LENGTH OF 286.51 FEET, SUBTENDED BY A CHORD BEARING SOUTH 73° 17' 03" WEST, 286.14 FEET TO THE SOUTHWEST CORNER OF SAID FORSBERG PARCEL; THENCE LEAVING SAID SOUTHERLY LINE, ALONG THE LINE OF SAID FORSBERG PARCEL, NORTH 00° 11' 00" WEST, 554.85 FEET TO THE SOUTHEAST CORNER OF SAID MIMA CAPITAL, LLC PARCEL; THENCE ALONG THE SOUTH LINE OF SAID MIMA CAPITAL LLC, SOUTH 67° 13' 00" WEST, 706.52 FEET TO THE QWEST LINE OF SAID MIMA CAPITAL LLC PARCEL; THENCE ALONG THE SAID WEST LINE, NORTH 00° 00' 00" EAST, 598.98 FEET TO THE POINT OF BEGINNING.

SAID LAND IS SHOWN AS "RESULTANT PARCEL "A", PURSUANT TO THAT CERTAIN RESOLUTION TO

EXHIBIT "A"

Legal Description
(continued)

APPROVE A MINOR BOUNDARY LINE ADJUSTMENT (PLN 18-00500), RECORDED ON MARCH 29, 2019, INSTRUMENT NO. 2019-0019536, AND CORRECTED ON APRIL 18, 2019, INSTRUMENT NO. 2019-0024167, OF OFFICIAL RECORDS.

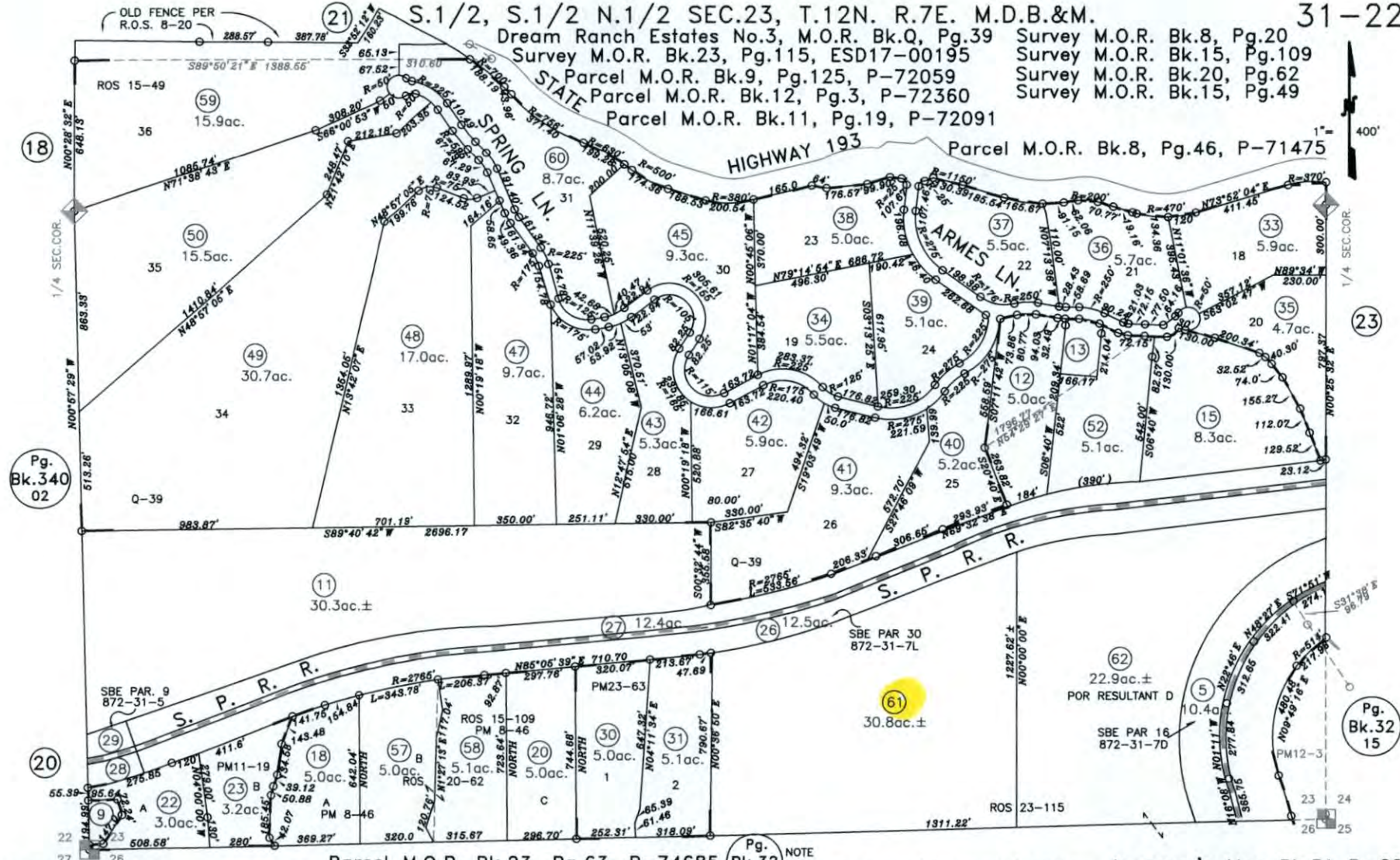
APN: 032-124-080-000 (Formerly APN 032-124-042-000 and Portion 032-124-071-000)

S.1/2, S.1/2 N.1/2 SEC.23, T.12N. R.7E. M.D.B.&M.

Dream Ranch Estates No.3, M.O.R. Bk.Q, Pg.39
 Survey M.O.R. Bk.23, Pg.115, ESD17-00195
 Parcel M.O.R. Bk.9, Pg.125, P-72059
 Parcel M.O.R. Bk.12, Pg.3, P-72360
 Parcel M.O.R. Bk.11, Pg.19, P-72091

Survey M.O.R. Bk.8, Pg.20
 Survey M.O.R. Bk.15, Pg.109
 Survey M.O.R. Bk.20, Pg.62
 Survey M.O.R. Bk.15, Pg.49

Parcel M.O.R. Bk.8, Pg.46, P-71475



Pg. Bk.340 02

Pg. Bk.32 15

Parcel M.O.R. Bk.23, Pg.63, P-74685

Pg. Bk.32 12

NOTE
 This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or establish precedence over local ordinances. Official information concerning size or use of any parcel should be obtained from recorded documents and local governing agencies.

Assessor's Map Bk.31 Pg.22
 County of Placer, Calif.

NOTE
 Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.

08-07-2019
 12-05-2018
 12-29-2015
 06-09-2008
 04-09-2008
 04-21-2005
 BMJ
 Page Redrawn from Base Map Information

NOTE
 All distances on curved lines are chord measurements.

Appendix 2

This content is from the eCFR and is authoritative but unofficial.

Title 27 - Alcohol, Tobacco Products and Firearms
Chapter I - Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury
Subchapter A - Alcohol
Part 24 - Wine
Subpart L - Storage, Treatment and Finishing of Wine

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5121, 5122-5124, 5173, 5206, 5214, 5215, 5351, 5353, 5354, 5356, 5357, 5361, 5362, 5364-5373, 5381-5388, 5391, 5392, 5511, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6301, 6302, 6311, 6651, 6676, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 31 U.S.C. 9301, 9303, 9304, 9306.
Source: T.D. ATF-299, 55 FR 24989, June 19, 1990, unless otherwise noted.

§ 24.248 Processes authorized for the treatment of wine, juice, and distilling material.

The processes listed in this section are approved as being consistent with good commercial practice for use by proprietors in the production, cellar treatment, or finishing of wine, juice, and distilling material, within the general limitations of this section. If, however, the U.S. Food and Drug Administration (FDA) informs TTB that a specified use or limitation of any material listed in this section is inconsistent with the food additive requirements under the Federal Food, Drug, and Cosmetic Act, the appropriate TTB officer may cancel or amend the approval for use of the process in the production, cellar treatment, or finishing of wine, juice, and distilling material.

Processes Authorized for the Treatment of Wine, Juice, and Distilling Material

Processes	Use	Reference or limitation
Cross flow filtration	Various processes and uses. ¹	
Nanofiltration ²	To reduce the level of volatile acidity in wine (used with ion exchange), to reduce the ethyl alcohol content of wine.	Permeable membranes that are selective for molecules not greater than 500 molecular weight with transmembrane pressures of 200 pounds per square inch (psi) and greater. The addition of water other than that originally present prior to processing will render standard wine "other than standard." Use must not alter the vinous character of the wine. May be used in combination with osmotic transport.
Reverse osmosis ²	To reduce the ethyl alcohol content of wine and to remove off flavors in wine.	This process must use permeable membranes which are selective for molecules not greater than 150 molecular weight with transmembrane pressures of 250 psi or less.
Ultrafiltration ²	To remove proteinaceous material from wine; to reduce harsh tannic material from white wine produced from white skinned grapes; to remove pink color from blanc de noir wine; to separate red	Permeable membranes that are selective for molecules greater than 500 and less than 25,000 molecular weight with transmembrane pressures less than 200 psi. Shall not alter vinous character.

Processes	Use	Reference or limitation
	and white juice and wine into low color and high color fractions for blending purposes, to reduce the ethyl alcohol content of wine.	
Electrodialysis	To aid in the removal of tartrates	This process must not alter the vinous character of the wine.
Elimination of sulfur dioxide by physical process	To reduce the sulfur dioxide content of juice	Use of a physical process to remove sulfur dioxide from juice must not alter the basic character of the juice so treated
Ion exchange	Various applications in the treatment of juice or wine:	Anion, cation, and non-ionic resins, except those anionic resins in the mineral acid state, may be used in batch or continuous column processes as total or partial treatment of wine, provided that with regard to juice or finished wine;
		1. Such treatment does not alter the fruit character of the juice or wine.
		2. The treatment does not reduce the color of the juice or wine to less than that normally contained in such juice or wine.
		3. Treatment does not increase inorganic anions in the juice or wine by more than 10 mg/L.
		4. The treatment does not reduce the metallic cation concentration in the juice or wine to less than 300 mg/L.
		5. The treatment does not reduce natural or fixed acid in grape wine below 4 g/L for red table wines, 3 g/L for white table wines, 2.5 g/L for all other grape wines, 4 g/L for wine other than grape wine.
		6. Treatment does not reduce the pH of the juice or wine to less than pH 2.8 nor increase the pH to more than pH 4.5.
		7. The resins used have not imparted to the juice or wine any material or characteristic (incidental to the resin treatment) which may be prohibited under any other section of the regulations in this part. The winemaker may employ conditioning and/or regenerating agents consisting of water, fruit acids common to the wine or juice being treated, and inorganic acids, salts and/or bases provided the conditioned or regenerated resin is rinsed with water until the resin and container are essentially free from unreacted (excess) conditioning or regenerating agents prior to the introduction of the juice or wine. 21 CFR 173.25.

Processes	Use	Reference or limitation
Metal reducing matrix sheet processing	To reduce the level of metals such as copper and iron in wine	(1) The active ingredient, polyvinylimidazol, must not constitute more than 40% by weight of the sheet. (2) Use of the sheet must not significantly alter the color of the wine.
Osmotic transport ²	For alcohol reduction.	(1) Use must not alter the vinous character of the wine. (2) None of the stripping solution may migrate into the wine. (3) May be used in combination with reverse osmosis.
Spinning cone column ²	To reduce the ethyl alcohol content of wine and to remove off flavors in wine.	Use shall not alter vinous character. For standard wine, the same amount of essence must be added back to any lot of wine as was originally removed.
Sulfide reducing matrix sheet processing	To reduce the level of sulfides in wine	(1) The active ingredient, polyvinylimidazol, must not constitute more than 40% by weight of the sheet. (2) Use of the sheet must not significantly alter the color of the wine.
Thermal gradient processing	To separate wine into low alcohol and high alcohol wine fractions	The fractions derived from such processing shall retain vinous character. Such treatment shall not increase the alcohol content of the high alcohol fraction to more than 24 percent by volume. The addition of water other than that originally present in the wine prior to processing will render standard wine "other than standard."
	To separate juice into low Brix and high Brix juice fractions	The low Brix fraction derived from such processing may be used in wine production. The high Brix fraction derived from such processing shall not be diluted with water for use in wine production.
Thin film evaporation under reduced pressure ²	To separate wine into a low alcohol wine fraction and into a higher alcohol distillate.	Use shall not alter vinous character. Water separated with alcohol during processing may be recovered by refluxing in a closed continuous system and returned to the wine. The addition of water other than that originally present in the wine prior to processing, will render standard wine "other than standard" wine.

¹ In cross-flow filtration, the wine is passed across the filter membrane (tangentially) at positive pressure relative to the permeate side. A proportion of the wine which is smaller than the membrane pore size passes through the membrane as permeate or filtrate; everything else is retained on the feed side of the membrane as retentate.

² When used to remove ethyl alcohol (dealcoholization), this process must be done on distilled spirits plant premises. However, reverse osmosis and nanofiltration, under certain limited conditions, may be used on bonded winery premises if ethyl alcohol is only temporarily created within a closed system.

[T.D. ATF-299, 55 FR 24989, June 19, 1990, as amended by T.D. ATF-312, 56 FR 31081, July 9, 1991; T.D. ATF-350, 58 FR 52232, Oct. 7, 1993; T.D. ATF-371, 61 FR 21079, May 9, 1996; T.D. ATF-409, 64 FR 13683, Mar. 22, 1999; T.D. TTB-17, 69 FR 67644, Nov. 19, 2004; T.D. TTB-185, 87 FR 51902, Aug. 24, 2022]

Appendix 3

MAGORIAN MINE SERVICES

BUILDING QUALITY CAVES

January 24, 2023

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

ATTN: Shirlee Herrington

RE: Project 8 Winery Cave/Tunnel Excavation
Response to Comment 92-23

Hello,

I visited the Project 8 site near the end of the exploratory core drilling for the cave project geotechnical report to provide my professional opinion with respect to cave/tunnel excavation & support. While there, we opened every box for all of the holes drilled at the prospective tunnel site. The main thing that stood out during the review was the structural consistency of the geology in every foot of the observed core. At the time, these observations lead me to the following conclusions:

- 1) 100% of the cave should be able to be excavated with mechanical methods.
- 2) The cave geology will allow the tunnel excavation in large headings to stand and allow daily ground support to be applied without complications.
- 3) Natural fractures appear to be far enough apart to not complicate temporary or final support.

For the last 25 years, as a company, we have excavated wine caves & tunnels entirely with mechanical methods through dramatically variable geology, consisting of hard to soft, fractured to un-fractured & about everything in-between, without the need to blast. I do not expect this cave project to be at all difficult to build using mechanical excavation methods & normal support procedures, without the need for blasting.

In the unlikely event blasting should become necessary, it would likely only occur in a small percentage of the cave excavation and of course, blasting would occur meticulously following all associated rules & regulations.

Respectfully,



Don Magorian
Owner, Magorian Mine Services

Appendix 4

Form 3-7 Flow-Through Planters, Tree Box and Media Filters				
¹ DMA ID No. <i>If combining multiple DMAs from Form 3-5, enter a new unique DMA ID No.</i>	CP2	CP3	CP4	
² WQF (ft ³ /s) <i>Item 6 in Form 3-5</i> <i>If combining multiple DMAs from Form 3-5, enter the sum of their respective WQFs.</i>	0.0000	0.0000	0.0000	
³ Surface Loading Rate <i>Maximum 5.0 in/hr</i>	5.0	5.0	5.0	
⁴ Maximum Ponding Depth (ft) <i>BMP Specific, see BMP design details</i>	1.0	1.0	1.0	
⁵ Soil/Media Surface Area (ft ²) <i>Top of BMP</i>	0	0	0	
⁶ Soil/Media Depth (ft)	1.50	1.50	1.50	
⁷ Soil/Media porosity	0.35	0.35	0.35	
⁸ Gravel Depth (ft)	3.50	3.50	3.50	
⁹ Gravel porosity	0.30	0.30	0.30	
¹⁰ Detention Volume (ft ³) <i>Vd = Item 5 * [Item 4 + (Item 6 * Item 7) + (Item 8 * Item 9) + (3 * (Item 3 / 12))]</i>	0.00	0.00	0.00	0.00
¹¹ Manufacturers' specified flow rate for proprietary devices (ft ³ /s) <i>(attach a copy of the product specifications)</i>	0.0000	0.0000	0.0000	
¹² Treated Flow Rate (ft ³ /s) <i>Q_{treated} = 1/43,200*(Item 3 * Item 5) or Item 11</i>	0.0000	0.0000	0.0000	0.0000
¹³ Untreated Flow Rate (ft ³ /s) <i>Q_{untreated} = Item 2 - Item 12</i> <i>If greater than zero, adjust BMP sizing variables and re-compute treated flow</i>	0.0000	0.0000	0.0000	0.0000
¹⁴ Total Treated Flow Rate for Project (ft ³ /s) <i>Q_{total} = Sum of Item 12 for all DMAs</i>	0.00			
¹⁵ Is WQF for each DMA treated on-site?	Yes	X	No	