COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING SERVICES DIVISION

EJ Ivaldi, Deputy Director

HEARING DATE: June 11, 2015
ITEM NO.: 1
TIME: 10:05 AM

TO: Placer County Planning Commission

FROM: Development Review Committee

DATE: June 1, 2015

SUBJECT: **WISE VILLA WINERY COMMUNITY CENTER**
MINOR USE PERMIT MODIFICATION (PLN15-00110)
PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION
SUPERVISORIAL DISTRICT 2 (WEYGANDT)

GENERAL/COMMUNITY PLAN AREA: Placer County General Plan

GENERAL PLAN DESIGNATION: Agriculture/Timberland – 10 acre minimum

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

ASSESSOR PARCEL NUMBERS: 031-310-036-000, 031-310-037-000

STAFF PLANNER: Sherri Conway, Senior Planner

LOCATION: The project site is located at 4100 Wise Road in the Lincoln area.

APPLICANT: Dr. Grover Lee

PROPOSAL:
The applicant is requesting to modify Condition #42 of an approved Minor Use Permit (PMPB 20120092) to allow for the continued use of the Wise Villa Winery Community Center.

CEQA COMPLIANCE:
A Mitigated Negative Declaration (MND) was previously prepared for the Wise Villa Winery Community Center project pursuant to CEQA and adopted on March 12, 2013. Staff reviewed the request for the Minor Use Permit modification in light of CEQA Guidelines Section 15162. Section 15162 requires staff to assess whether anything in the present project request would result in substantial changes with respect to the circumstances under which the project is undertaken which would require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects or new information of substantial importance. In light of the whole record, staff has concluded there are no such circumstances or new information. In addition the proposed modification does not alter the original project description in the MND. Therefore staff has concluded that reliance on the previously

adopted MND is appropriate and in compliance with CEQA. The Planning Commission will be required to make a finding to this effect.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:
Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate public interest groups, citizens and the Rural Lincoln Municipal Advisory Council were sent copies of the public hearing notice. Copies of the project plans and application were transmitted to the Community Development Resource Agency staff and the Departments of Public Works, Environmental Health Services, and the Air Pollution Control District and Facility Services for their review and comment.

BACKGROUND:
On December 20, 2012, the Planning Commission voted unanimously to approve the Wise Villa Winery Community Center Minor Use Permit, Variance, and Conditions of Approval prepared for the project (PMPB 20120092). At that meeting, the Planning Commission amended Condition #42 to read:

> *"This Minor Use Permit is valid for two (2) years and shall expire on March 12, 2015 unless approval of a modification of this permit is granted by the Planning Commission prior to the expiration date."*

On March 12, 2013, the Placer County Board of Supervisors denied the third-party appeal field by Carol Rubin (Save Placer Farmlands), Marilyn Jasper (Sierra Club and Public Interest Coalition), and Mike Giles (Neighborhood Rescue Group), upheld the Planning's approval of the Minor Use Permit, including the amended Condition #42, and adopted the Mitigated Negative Declaration and Mitigation Monitoring Program for the Wise Villa Winery Community Center project.

PROJECT DESCRIPTION:
The applicant is requesting approval of a modification to Condition #42 of the Conditions of Approval for the Wise Villa Winery Community Center. Specifically, the applicant is requesting a Minor Use Permit Modification to remove Condition #42 and to allow the Winery and Event Center to continue operating in compliance with the approved conditions of approval (Attachment A).

SITE CHARACTERISTICS:
The approximately 19.8-acre subject property is currently developed with a 3,590 square foot main winery building, approximately 2,100 square foot tasting room with commercial kitchen, graveled entry driveway, graveled parking areas to accommodate 33 vehicles (including three handicapped parking spaces), and an overflow parking area within the vineyard for an additional 40 vehicles. Approximately 15 acres of vineyards, a single-family dwelling, and an agricultural accessory building cover the majority of the remaining area. Per the applicant's statement, winery production is expected to peak at approximately 5,000 cases per year.

The property is bordered by Wise Road to the north and single-family ranches to the east, west and south. The closest residence to the winery building is located approximately 430 feet to the southeast. The topography of the site consists mainly of rolling hillsides. The parking areas, along with the winery and tasting room buildings, are located downhill from the nearest residence.

EXISTING LAND USE AND ZONING:

Location	Zoning	Land Use Designation	Existing Conditions and Improvements
Project Site	F-B-X-10 (Farm, combining minimum Building Site of 10 acres)	Rural Low Density Residential 0.9-2.3 acre minimum	Winery and Tasting Room, Single-Family Residence
North	F-B-X-10 (Farm, combining minimum Building Site of 10 acres)	Rural Low Density Residential 0.9-2.3 acre minimum	Single-family Residential Ranch parcels
South	F-B-X-10 (Farm, combining minimum Building Site of 10 acres)	Low Density Residential 0.4-0.9 acre minimum	Single-family Residential Ranch parcels
East	F-B-X-10 (Farm, combining minimum Building Site of 10 acres)	Rural Low Density Residential 0.9-2.3 acre minimum	Single-family Residential Ranch parcels
West	F-B-X-10 (Farm, combining minimum Building Site of 10 acres)	Rural Low Density Residential 0.9-2.3 acre minimum	Single-family Residential Ranch parcels

DISCUSSION OF ISSUES:

Consistent with the Planning Commission's modification of Condition #42, staff reviewed the Wise Villa Winery Community Center project for compliance with the Conditions of Approval. In conducting this review, staff determined that all Conditions have been met, all required permits for the project have been issued, the building permit process has been completed, and the applicant has been operating within the parameters of the approved project. In addition, staff consulted with the Placer County Code Enforcement Division of the Building Service Division for information on complaints made in the last two years since the Minor Use Permit was approved. —No complaints were registered other than one regarding an unpermitted "A"-frame sign which was subsequently removed. Finally, Placer County Planning Services staff has no record of complaints regarding the Wise Villa Winery and Community Center.

CONCLUSION:

As mentioned above, staff has reviewed the Wise Villa Winery Community Center and has found that the Winery is operation in full compliance with all Conditions of Approval for the Minor Use Permit.

RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission conclude that the previously adopted Mitigated Negative Declaration remains adequate and complete and relying thereon APPROVE the Minor Use Permit Modification to remove Condition of Approval #42 to allow for the continued use of the Wise Villa Winery Community Center, subject to the findings and conditions of approval contained within and attached to this report:

FINDINGS:

CEQA

The Mitigated Negative Declaration for the Wise Villa Winery Community Center project was adopted on March 12, 2013. The adoption of the Mitigated Negative Declaration and adoption of findings pursuant to CEQA Guidelines Section 15162 is appropriate for the Minor Use Permit Modification request as there is no evidence of substantial changes to the approved project, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance that has been identified. All previous mitigation measures remain applicable to the project.

Minor Use Permit Modification

1. The proposed Minor Use Permit modification is consistent with all applicable provisions of Chapter 17 of the Placer County Zoning Ordinance. The current zoning is Farm, and the Winery Community Center use was permitted as a use in this zone district subject to the approval of a Minor Use Permit, prior to the adoption of the current Agricultural Event Center Ordinance.

2. The proposed Minor Use Permit modification is consistent with all applicable provisions of other chapters of the County Code including road improvement standards, well and septic requirements.

3. The proposed Minor Use Permit modification is consistent with applicable policies and requirements of the Placer County General Plan, including policies 1.H.1, 1.H.2, 7.A.1, 7.A.3, and 7.A.10 related to Agricultural activities. Specifically, 15 acres of the 20 acre site are already developed with vineyards. The on-going use of the Winery, Tasting Room and Community Center will not remove viable agricultural land from production and will be expressly limited to those events which will promote the existing agricultural/winery use. Thus, the proposed project will enable the winery owner to promote interest in viticulture and the wines produced by Wise Villa, which will in turn hope to promote the continued financial viability of this site for agricultural use.

4. The on-going operation of the Wise Villa Winery Community Center use 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, nor will it be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County. The Project will be required to continue to adhere to the Conditions of Approval, which include: limitations on the hours of operation, the number of events allowed per year; a set maximum number of patrons allowed per day; prohibition of outside amplified music and prohibition of off-site parking.

5. The proposed Minor Use Permit modification is consistent with the character of the immediate neighborhood and will not be contrary to its orderly development. The site consists of 15 acres of vineyards and an existing winery and tasting room. Thus the site will remain dominated by the vineyard and winery uses, an agricultural use that is compatible with the character of the surrounding area.

6. The proposed Minor Use Permit modification will not generate a volume of traffic beyond the design capacity of all roads providing access to the parcel.

Respectfully submitted,

Sherri Conway, Senior Planner

ATTACHMENTS:

Attachment A – Recommended Conditions of Approval
Attachment B – Vicinity Map

cc: Applicant
Sarah Gilmore - Engineering and Surveying Department
Laura Rath – Environmental Health Services
E.J. Ivalidi– Deputy Planning Director
Michael Johnson – Community Development Resources Agency Director
Karin Schwab – County Counsel
Subject/chrono files

MODIFIED CONDITIONS OF APPROVAL – MINOR USE PERMIT - "WISE VILLA WINERY COMMUNITY CENTER" (PMPB 20120092)

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. This Permit authorizes the existing Wise Villa Winery, located at 4100 Wise Road in Placer County (Assessor's Parcel Numbers 031-310-036 and 031-310-037) to enable the existing winery and tasting room to function as a "Community Center". This Permit also approves a Variance to the paving requirement in order to allow for a compacted, all-weather surface throughout the overflow/valet parking area in order to facilitate routine vineyard maintenance by large agricultural equipment movement throughout the vineyards.

On June 11, 2015, the Planning Commission took action to approve a Minor Use Permit Modification (PLN15-00110) to delete Condition #42 in order to allow the Wise Villa Winery Community Center to continue operating in compliance with the remaining Conditions of Approval.

2. Hours open to the public for the Community Center shall be 10:00 a.m. to 8:30 p.m., seven days a week, throughout the year. At 8:30 p.m., clean-up by staff will begin and will be allowed until 10 p.m. The events shall be further broken down as follows:

a) Smaller events (up to 50 people) consisting of agricultural, vineyard or wine/food pairing educational events, shall be allowed a maximum of four times per week.
b) Larger events (51-100 people) shall be allowed twice a month.

3. All events held at the site shall have an agricultural or wine/food educational component.

4. The project shall operate per the project description contained within the Initial Study. The community center shall have a maximum of 100 patrons per day. (EHS)

5. During larger events, where the overflow/valet parking area is utilized, parking attendants shall be provided by the owner.

6. If any new lighting is proposed with this project, it shall be of the fully cut-off, fully-shielded reflector design so that the light source is fully screened.

7. The applicant shall be required to provide a total of 73 parking spaces on-site, with three of those spaces allocated as handicapped parking spaces, and 40 of the spaces accommodated within the overflow/valet parking area.

8. The project shall conform to the Placer County Noise Ordinance. In order to minimize noise levels during events, the following conditions shall apply:

a) All events shall end by 8:30 p.m.. All activities, including on-site clean-up activities by staff, shall be completed by 10:00 p.m.

b) Amplified speech and amplified music shall be limited to the interior of the community center building as proposed.

c) Any outdoor music shall be non-amplified and shall be limited to the outdoor area located between the existing winery building and the recently-constructed tasting room/community center. No outdoor amplified music or speech will be allowed at any time.

d) While the main doors of the proposed community center building may open and close over the course of events held within the community center, the southern and eastern doors of the community center building shall remain in the closed position during events. **MM XII.1 (PLN)**

GRADING

9. The following standard note will be required on Grading Plans and will reduce any potential impact from construction noise to less than significant:

Construction noise emanating from any construction activities for which a Grading Permit is required is prohibited on Sundays and Federal Holidays, and shall only occur:

a) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
b) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
c) Saturdays, 8:00 am to 6:00 pm

In addition, temporary signs 4 feet x 4 feet shall be located along the perimeter of the project, as determined by the Development Review Committee, at key intersections depicting the above construction hour limitations. Said signs shall include a toll free public information phone number where surrounding residents can report violations and the developer/builder will respond and resolve noise violations.

10. The following standard condition of approval wording shall be placed on the Grading Permit to ensure that no significant impacts to undiscovered archeological or paleontological resources will occur:

If any archeological resources artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a County-approved professional archeologist shall be retained to evaluate the deposit. The Placer County Planning Division Services and the Department of Museums must also be contacted for review of the archeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Division Services. A note to this effect will be included in the general notes section of the Improvement Plans for the project. Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique sensitive nature of the site.

11. Prior to commencement of operation of the community center, the applicant shall obtain a Grading Permit from ESD for all proposed grading and paving activities (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal). Prepare an exhibit that demonstrates adequate drainage patterns, erosion control, and all proposed grading to the satisfaction of Development Review Committee. The exhibit shall include cross-sections and longitudinal slopes of all proposed drainage swales. **(ESD)**

12. Prior to commencement of operation of the community center, provide the ESD with a letter from the appropriate fire protection district describing conditions under which service will be provided. **(ESD)**

13. Appropriate BMPs (Best Management Practices) for stormwater quality and erosion control shall be installed and maintained as necessary for the protection of the local watersheds. Water quality treatment facilities/Best Management Practices (BMPs) shall be 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 Department (ESD) such as the Stormwater Quality Design Manual for the Sacramento and South Placer Regions.

Construction (temporary) BMPs for the project may include, but are not limited to: Fiber Rolls (SE-5), Straw Bale Barrier (SE-9), Hydroseeding (EC-4), Silt Fence (SE-1), and revegetation techniques.

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 Department (ESD). BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project include, but are not limited to: Vegetated Swales (TC-30).

All BMPs shall be maintained as required to insure 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. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. **MM VI.1, MM IX.2 (ESD)**

14. This project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. Best Management Practices (BMPs) shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004, Board Order 2003-005-DWQ). **MM VI.2 (ESD)**

15. All stormwater runoff shall be diverted around trash storage areas to minimize contact with pollutants. Trash container areas shall be screened or walled to prevent off-site transport of trash by the forces of water or wind. Trash containers shall not be allowed to leak and must remain covered when not in use. **MM IX.3 (ESD)**

ROADS/TRAILS

16. All on-site winery parking and circulation areas shall be improved with a minimum asphaltic concrete or Portland cement surface capable of supporting anticipated vehicle loadings. It is recommended that the pavement structural section be designed in accordance with recommendations of a soils/pavement analysis and should not be less than 2-inch Aggregate Concrete (AC) over 4-inch Class 2 Aggregate Base (AB) or the equivalent. The parking shall be designed in accordance with the requirements of the County Zoning Ordinance (Article 17.54.070 of the Placer County Code).

The valet/overflow parking spaces and circulation areas shall be at a minimum all-weather surfaced and capable of supporting a 40,000-pound fire truck. Minimum recommended surfacing on 90% compacted soil is 6" aggregate base.

17. Onsite traffic control measures shall be implemented that prevent "queuing" onto Wise Road. The Winery gate shall remain open whenever the winery is open to the public. Both gates (winery and residential) shall remain open for the duration of all special events and whenever the overflow / valet parking is in use. **MM XVI.1 (ESD)**

18. On street (Wise Road) parking for events is not permitted. All parking shall be provided on-site. **(ESD)**

19. Prior to commencement of operation of the community center, the project shall improve the public road entrance/driveway onto Wise Road to a Plate R-17, Land Development Manual (LMD) standard, with modifications as shown on the Site Frontage Plan dated August 6, 2012. The improvements shall be to pave the existing gravel taper to the west and to grade the existing bank as much as possible without compromising the existing utility pole. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW and the Engineering and Surveying Department (ESD). An Encroachment Permit shall be obtained by the applicant or authorized agent from ESD. The R-17 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 7.5, but said section shall not be less than 3 inches Asphalt Concrete (AC)/8 inches Class 2 Aggregate Base (AB) unless otherwise approved by the ESD. **(ESD)**

AIR QUALITY

20. Prior to approval of a Grading Permit, on project sites greater than one acre, the applicant shall submit a Construction Emission/Dust Control Plan to the Placer County APCD. To download the form go to *www.placer.ca.gov/apcd* and click on Dust Control Requirements. If the APCD does not respond within twenty (20) days of the plan being accepted as complete, the plan shall be considered approved. The applicant shall provide written evidence, provided by APCD to the County, that the plan has been submitted to APCD. It is the responsibility of the applicant to deliver the approved plan to the County. The applicant shall not break ground prior to receiving APCD approval of the Construction Emission / Dust Control Plan, and delivering that approval to the County.

21. Include the following standard notes on the Grading Permit:
   a) The contractor shall use CARB ultra low diesel fuel for all diesel-powered equipment.

b) In order to control dust, operational watering trucks shall be on site during construction hours. In addition, dry, mechanical sweeping is prohibited. Watering of a construction site shall be carried out in compliance with all pertinent APCD rules.

c) The prime contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall "wet broom" the streets (or use another method to control dust as approved by the individual jurisdiction) if silt, dirt, mud or debris is carried over to adjacent public thoroughfares.

d) The contractor shall apply water or use other method to control dust impacts offsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.

e) During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less.

f) The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) are excessive and dust is impacting adjacent properties.

g) In order to minimize wind driven dust during construction, the prime contractor shall apply methods such as surface stabilization, establishment of a vegetative cover, paving, (or use another method to control dust as approved by the individual jurisdiction).

h) The contractor shall suspend all grading operations when fugitive dust exceeds Placer County APCD Rule 228 (Fugitive Dust) limitations. The prime contractor shall be responsible for having an individual who is CARB-certified to perform Visible Emissions Evaluations (VEE). This individual shall evaluate compliance with Rule 228 on a weekly basis. It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond the property boundary at any time. Lime or other drying agents utilized to dry out wet grading areas shall not exceed Placer County APCD Rule 228 Fugitive Dust limitations. Operators of vehicles and equipment found to exceed opacity limits will be notified by APCD and the equipment must be repaired within 72 hours.

i) Construction equipment exhaust emissions shall not exceed Placer County APCD Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by APCD to cease operations and the equipment must be repaired within 72 hours.

j) A person shall not discharge into the atmosphere volatile organic compounds (VOC's) caused by the use or manufacture of Cutback or Emulsified asphalts for paving, road construction or road maintenance, unless such manufacture or use complies with the provisions of Rule 217.

k) During construction the contractor shall utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.

l) During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment.

m) During construction, no open burning of removed vegetation shall be allowed unless permitted by the PCAPCD. All removed vegetative material shall be either chipped on site or taken to an appropriate recycling site, or if a site is not available, a licensed disposal site.

22. Include the following standard note on all building plans approved in association with this project:

a) Stationary sources or processes (i.e. certain types of engines, boilers, heaters, etc.) associated with this project shall be required to obtain an Authority to Construct (ATC) permit from the APCD prior to the construction of these sources. In general, the following types of sources shall be required to obtain a permit: 1). Any engine greater than 50 brake horsepower, 2). Any boiler that produces heat in excess of 1,000,000 Btu per hour, or 3) Any equipment or process which discharge 2 pounds per day or more of pollutants. All on-site stationary equipment requiring a permit shall be classified as "low emission" equipment and shall utilize low sulfur fuel. Developers / contactors should contact the APCD prior to construction for additional information.

b) To limit the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the District, all projects must comply with APCD Rule 218. Please see the PCAPCD website for additional information.

c) In order to limit the emission of nitrogen oxides (NOx) from natural gas-fired water heaters, all projects that utilize gas fired water heaters must comply with Rule 246.

d) As a part of the project design, the applicant shall include irrigation systems which efficiently utilize water (*e.g.*, prohibit systems that apply water to non- vegetated surfaces and systems which create runoff).

ENVIRONMENTAL HEALTH

23. Portable toilets are prohibited for use onsite.

24. Small events (up to 50 people) and large events (51-100 people) cannot occur on the same day.

25. Contact Environmental Health Services, pay required fees, and obtain an approved Site Evaluation Report and Construction Permit, and as approved, install an on-site sewage disposal system for the winery and community center. Connect the tasting room/ community center to the new system. (COMPLETED)

26. Road cuts, grading, or new structure construction must not conflict with the approved sewage disposal area and replacement area and maintain required setback distances specified in Placer County On-Site Sewage Manual, Chapter 36, Table 1.

27. The approved on-site sewage disposal system areas and the 100% replacement areas must remain unaltered and available, free of vehicular traffic, parking, structures of any type, or soil modification.

28. Prior to building permit approval for the tasting room/ community center construct a public water well under permit with Environmental Health Services and submit required water quality and quantity testing. (COMPLETED)

29. Prior to construction of an approved public water system submit the required plans and information and obtain approval from Environmental Health Services.

30. Prior to occupancy of the tasting room/ community center, the project will be required to construct all necessary improvements for a public water supply system, and apply for and receive approval for a public water system meeting all the standards and testing requirements as specified by Environmental Health Services. **MM IX.1, MM XVII.1 (EH)**

31. Prior to approval of a Building Permit for the kitchen, contact Environmental Health Services, pay required fees, and apply for a plan check. Submit to Environmental Health Services, for review and approval, complete construction plans and specifications as specified by the Division. (COMPLETED)

32. Contact Environmental Health Services, pay required fees, and obtain a permit to operate a food establishment prior to opening for business. All food handling operations shall comply with the requirements of Placer County Code and California Uniform Retail Food Code.

33. Submit to the Environmental Health Services a "will-serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service.

34. The restroom facilities in the existing winery building are for employees only. A sign shall be posted stating that these restrooms are not for public use.

35. A sign shall be posted on all plumbing fixtures in the existing winery building outlining the nitrate levels in the water supply to these fixtures. The appropriate language for the sign can be obtained from Environmental Health Services.

36. Bottled water for drinking shall be made available to employees in the existing winery building.

37. Disposal of all winery production liquid and solid waste shall be in accordance with local and state rules and regulations. Contact the California Regional Water Quality Control Board regarding their filing and discharge requirements.

38. Hazardous" materials as defined in Health and Safety Code Division 20, Chapter 6.95, Articles 1 & 2 shall not be allowed on any premises in regulated quantities without notification to Environmental Health Services.

Prior to final occupancy/tenant improvement approval, the property owner/ occupant shall submit a Hazardous Materials Project/Business Activities Screening Form to the Environmental Health Services Technician, for review and approval.

MISCELLANEOUS

39. The applicant shall defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, the County Planning Commission, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project know as the Wise Villa Winery Community Center. The applicant shall, upon written request of the County pay, or at the County's option reimburse the County for, all reasonable costs for defense of any such action and preparation of an administrative record, including the County staff time, costs of transcription and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.

40. A final revised approved site plan with site specific detailing shall be submitted with the Grading Permit. **(BLD)**

41. Revise the site plan to show the minimum number of accessible parking spaces based upon CBC Table 11B-6 or revise to meet the valet parking requirements. Based on the total number of proposed parking spaces, a minimum of 3 accessible parking spaces are required. The code provides no exception to the number of accessible parking spaces for overflow or valet parking and requires minimum accessible parking spaces based on Table 11B-6 of the California Building Code. If the valet parking spaces themselves trigger the 3rd accessible parking space, the CBC §1131B.3 can be used in lieu of the 3rd accessible parking space. **(BLD)**

~~EXERCISE OF PERMIT~~

~~42. This Minor Use Permit is valid for two (2) years and shall expire on December 30, 2014 unless approval of a modification of this permit is granted by the Planning Commission prior to the expiration date."~~

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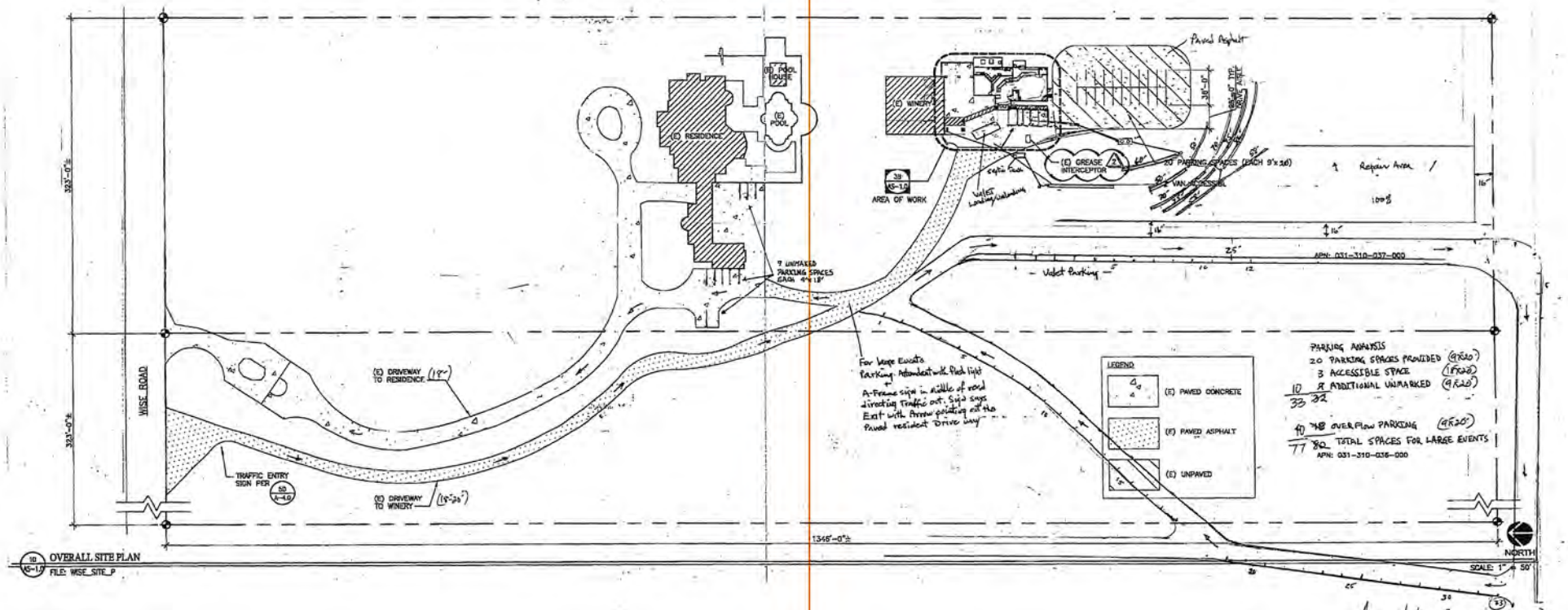
ATTACHMENT B



10 AS-1.0 OVERALL SITE PLAN
FILE: WISE_SITE_P

Approved by Board of Supervisors at 3/12/13 BOS Hearing.
Lisa Carnahan

Wise Ville Winery & Community Center
PMPB 20120092

SIERRA CLUB
FOUNDED 1892

PLACER GROUP
P.O. BOX 7167, AUBURN, CA 95604

PUBLIC INTEREST COALITION
P.O. Box 671, Loomis, CA 9565

RECEIVED
JUN 04 2015
PLANNING DEPT.

June 3, 2015

[sent via email: planning@placer.ca.gov]

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

rcvd via e-mail @ 2pm
copied for PC Packets + sent Fed Ex
with Staff Report

Subj: Wise Villa Winery Comm Cntr—MUP Modification (PLN15-00110/PMPB 20120092)

At the Planning Commission's hearing on December 20, 2012, when the contentious Wise Villa Winery Community Center (WV) was debated and approved with Conditions of Approval (COA), very real concerns were expressed by both the public and commissioners regarding the potential for non-conforming uses (see "Statements of Concern" below). These concerns still exist and have been exacerbated, especially with non-conforming uses—from a winery operation to a defacto restaurant in a zone where commercial restaurants are not allowed and are violations of County code.

Consideration of Approval #42

A consideration of COA # 42 needs to include not only impacts created when non-complying operations are ongoing in violation of County codes, either under the radar or via a stretch of Community Center uses to unacceptable limits, but also precedence that such activities set for further conversions and losses of agricultural operations in Residential/Agriculture (Res/Ag) and Farm zones. Res/Ag and Farm zoning that allows wineries and/or Community Centers was never intended to allow restaurants; in fact, restaurants are prohibited in both those zones. Words such as," Winemaker Dinners" and "food pairings" cannot be used to as a subterfuge to morph into restaurant operations.

Throughout the COA's that were approved, WV's Minor Use Permit (MUP) is specifically referenced as a "tasting room/community center"—not a restaurant. Attached are photos and other evidence showing that the WV is operating as a restaurant under the guise of the Winery/Community Center. Thus, land use, code compliance, and environmental impacts are all at risk when planning and zoning is eroded by operations that have, intentionally or not, expanded beyond their permitted uses.

As stated in complaints filed in August of 2013, WV was presented to the County as a facility that would serve food during four "events" (e.g., wine paring dinners) per week, and that all events would be connected with agricultural promotion and/or education. However, WV is advertising just as any restaurant does—sandwich signs, in-house chef, variable menus, Groupon discounts, etc. This is in violation of Placer County Code and was not an allowance of the MUP.

As one commissioner stated in the December 2012 hearing, "*Now we come down to the issue of what to do about the lack of a standard here and the unfortunate use of the word "Community Center" rather than "Wedding Center, event center, séance center, or whatever you want to call it.*" To that troublesome lack of standards list, we would add the word "Restaurant." The County's obligation for non-compliance of an MUP is to revoke it, or in

this case, to not renew it. The proper action is to require application only for an allowable use that is legally permitted by County ordinance/code/zoning, such as an Agricultural Community Center.

Statements of Concern

In the December 2012 discussions, commissioners were informed that wineries have no limits with regard to wine tastings, that six events can be held with an Administrative Review Permit, and that additional winery events may be permitted with a Temporary Outdoor Event permit. A number of statements of concern were made by various commissions at the December 20, 2012 hearing. Below are pertinent excerpts:

... if it's a commercial enterprise, it's pretty easy to have commercial areas, areas of planned development that have the flexibility to do things. But I'll tell you, when you get into the farm zoning, and whether it's five acres, or ten acres or agricultural residential and it's just a blanket where anybody could honestly come forward and propose something and put it in, I mean, I could qualify, could put in an application for the property I have, and do the same thing....

... every ag user out there wanting to have one of these centers could well become true.

... because handling one at a time is just heading down that troubled path.

... Twice a month is still a lot of people down that little road, and the cumulative stuff....

... And if I might add that all the numbers, and the parking, and the traffic and noise begs the basic question: What's agricultural? All of that is a side issue whether these people are putting on an event that's related to agriculture. And we need to have some body or some means to define what that is, and we still don't have that.

... I think since it's agricultural, the problem is the Community Event Center in an agricultural zone.... Now, I would like it looked at beyond just the wineries too because there are other agricultural events. I mean there's a lot of different agricultural uses out there if you look at the different maps for different things that go on, and how can you accommodate all of 'em but not make it so, you know...you have 300 people out dancing somewhere 'til one in the morning or whatever, but where it is tied to the agricultural ....

... define an event center or whatever the word should be, the degree of which it should be associated with agriculture, how we measure this, how we enforce it, and then have public hearings....

...balancing the interests of neighbors....

It should also be noted that the County Planning Director, Michael Johnson, explained to the Board of Supervisors (March 12, 2013 during an appeal hearing of this issue) that an MUP allows for more public review. He said that in the past, the Planning Commission has voted to deny MUP's even when staff recommended approval and that the purpose of the MUP allows the hearing body to look at the specific circumstances to determine whether the use is appropriate or not.

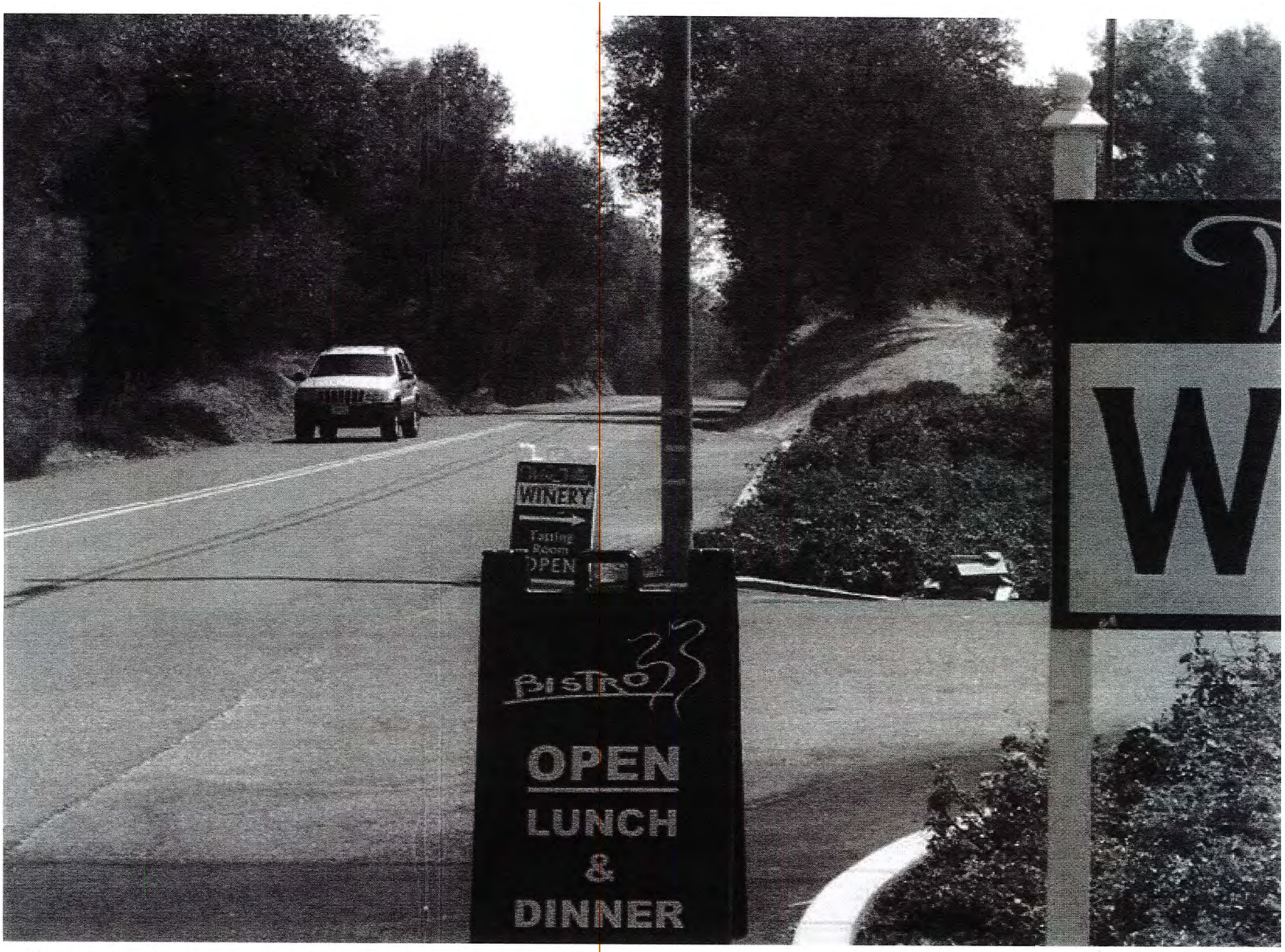
We urge the Planning Commission to revoke the expired Wise Villa MUP. For WV to continue legitimate winery/community center operations, a new application should be required that will follow the more recently adopted "Agricultural Community Center" requirements, including a CUP with enforceable stipulations and consequences to ensure that no illegal restaurant operations will continue.

Thank you for considering our views,

Marilyn Jasper

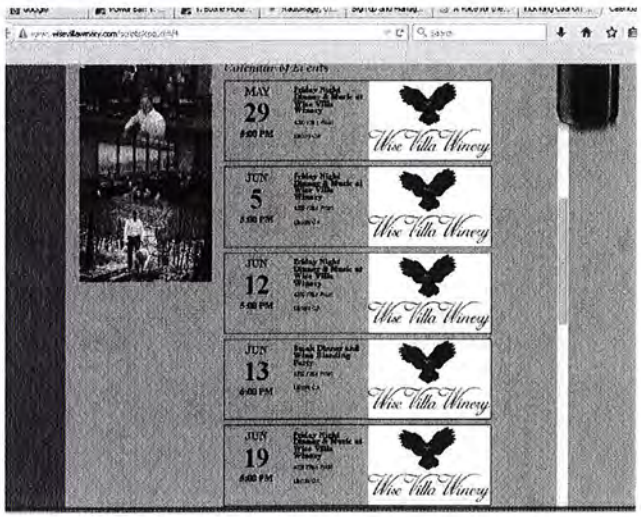
Marilyn Jasper, Chair

Enclosures: Attachments A, B and C

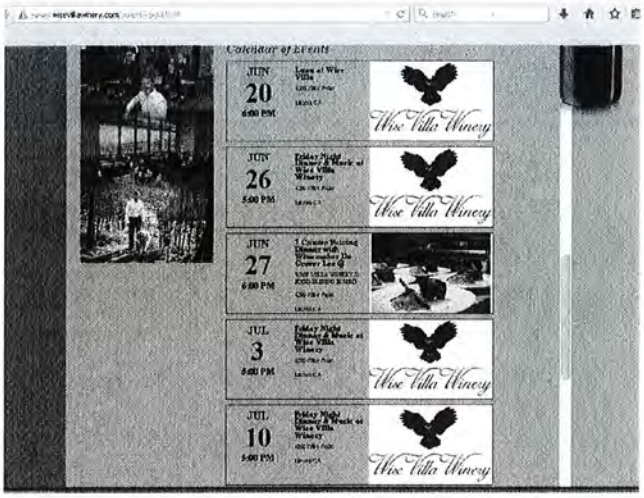


A.

http://www.wisevillawinery.com/scripts/cpg.cfm/4
Wise Villa Winery/Community Center: Calendar of Events:
46 events specifying "dinner" plus one "Luau" thru Feb 12—Friday nights



B.


Calendar of Events
JUN 20 6:00 PM
JUN 26 5:00 PM
JUN 27 6:00 PM
JUL 3 5:00 PM
JUL 10 5:00 PM
Wise Villa Winery

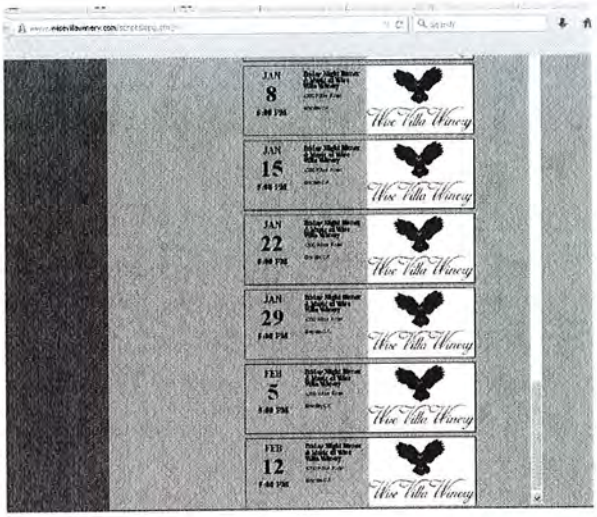
Calendar of Events
JUL 17 5:00 PM
JUL 24 5:00 PM
JUL 31 5:00 PM
AUG 7 5:00 PM
AUG 14 5:00 PM
Wise Villa Winery

Calendar of Events
AUG 21 5:00 PM
AUG 28 5:00 PM
SEP 4 5:00 PM
SEP 11 5:00 PM
SEP 18 5:00 PM
Wise Villa Winery

Calendar of Events
SEP 25 5:00 PM
OCT 2 5:00 PM
OCT 9 5:00 PM
OCT 16 5:00 PM
OCT 23 5:00 PM
Wise Villa Winery

Calendar of Events
OCT 30 5:00 PM
NOV 6 5:00 PM
NOV 13 5:00 PM
NOV 20 5:00 PM
NOV 27 5:00 PM
Wise Villa Winery

Calendar of Events
DEC 4 5:00 PM
DEC 11 5:00 PM
DEC 18 5:00 PM
DEC 25 5:00 PM
JAN 1 5:00 PM
Wise Villa Winery


JAN
8
Wine Villa Winery
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FEB
5
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FEB
12
Wine Villa Winery

http://local.amazon.com/roseville-folsom/B00U0PHBR0?src=email&cid=em_dd_956_101_na_1_&ref_=pe_628140_137703640_sh_fd

From $31
$62.48 Save 50%
See Options & Buy
Gifting options available
67 bought
Your **American Restaurants** preference

Wise Villa Winery: 3- or 7-Course Dinner with Wine

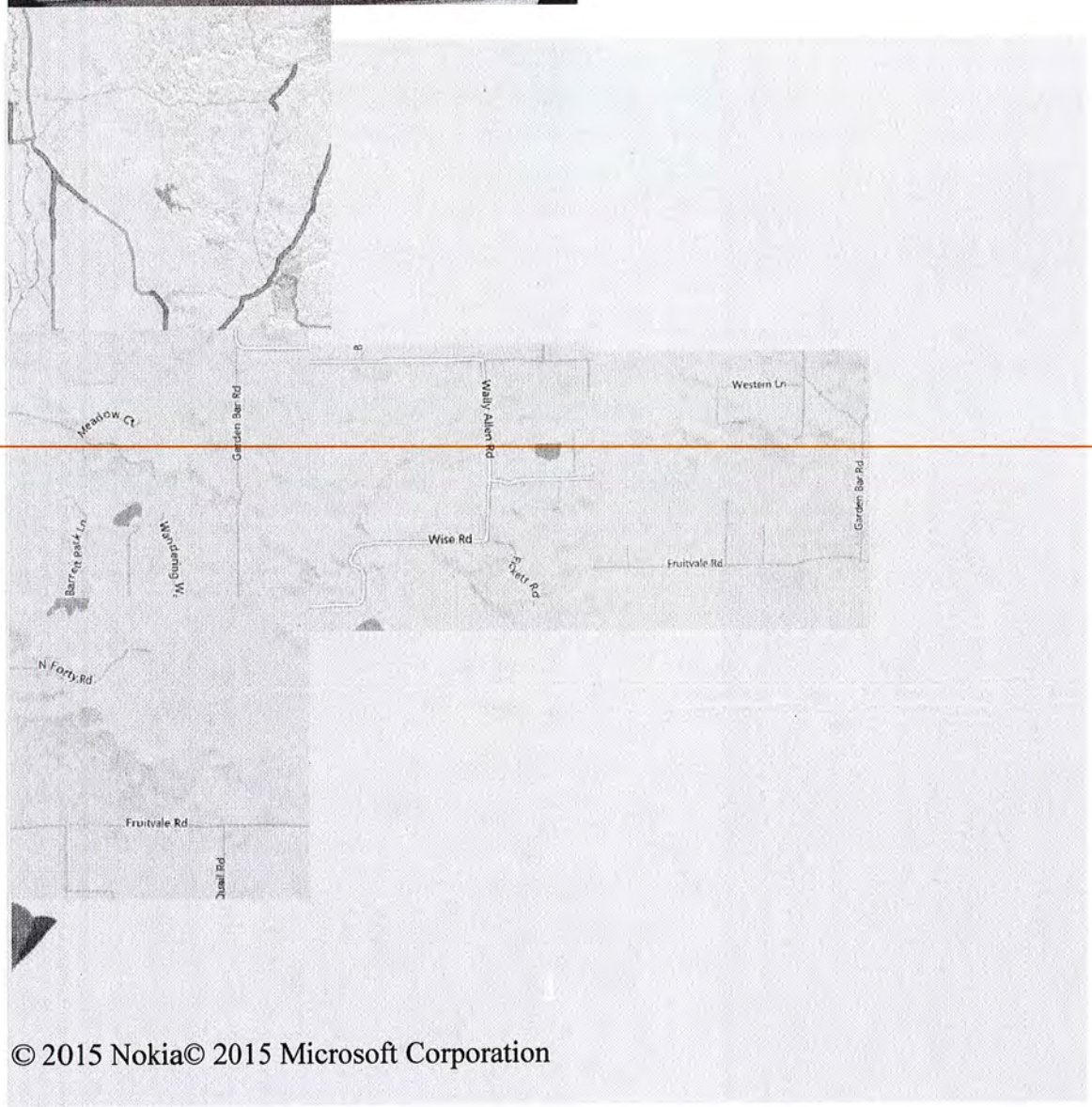
Wise Villa Winery
Is this near you? Set your location preferences
Be the first to review this location

When you visit Wise Villa Winery, owner and head winemaker Dr. Grover Lee treats you to an unforgettable culinary experience, serving gourmet dishes prepared from scratch using the finest locally sourced ingredients and expertly paired with his award-winning wines.

- $31 ($62.48 value) for admission for one to a three-course steak dinner and wine blending party
- $59 ($124.96 value) for admission for two
- $49 ($99.93 value) for admission for one to a seven-course dinner with wine pairing
- $97 ($198.66 value) for admission for two
- During the three-course dinner, you'll create your own custom wine blend that you can purchase to enjoy with your meal
- During the seven-course event, enjoy seven high-end wines, each paired with a course of house-made, farm-fresh gourmet creations
- Perfect for a fun, romantic evening

Wise Villa Winery: Website | Schedule

C,



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See larger map

- 1
    - 4200 Wise Rd
    - Lincoln, CA 95648
    - 916-543-0323

What You Need to Know:

- Sold by Wise Villa Winery

- Limit 2 vouchers per purchaser; additional 2 vouchers may be sent as gifts
- Limit 2 voucher redemptions per individual
- Limit 1 per table per visit
- Entire value must be used in a single visit
- Reservations are required and subject to availability. Merchant cancellation/rescheduling policy of 24 hours applies; voucher subject to forfeiture
- For calendar, visit www.wisevillawinery.com/scripts/cpg.cfm/4
- Must be 21+ with valid ID to redeem
- Discount apportioned among all items purchased. No item provided free
- Available for use immediately after purchase
- PROMOTIONAL VALUE EXPIRES 180 DAYS FROM THE PURCHASE DATE
- PAID VALUE DOES NOT EXPIRE

- Other conditions apply