DRAFT FINAL ENVIRONMENTAL IMPACT REPORT
Part 1 Response to Comments

Project EIR
Tiered Winery Zoning Ordinance Amendment
POD 08-012; LOG No. 08-00-004
State Clearinghouse (SCH) No. 2008101047

Lead Agency/Project Proponent:

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
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June 25, 2010

Response to Comments

Note: The Draft Environmental Impact Report (DEIR) for the Tiered Winery Zoning Ordinance Amendment was originally circulated for a 45-day public review period commencing July 16, 2009 and ending August 31, 2009.

COUNTY OF SAN DIEGO DEPARTMENT OF PLANNING AND LAND USE ENVIRONMENTAL IMPACT REPORT (EIR) PUBLIC REVIEW RESONSES TO COMMENTS

PROJECT NAME: Tiered Winery Zoning Ordinance Amendment, POD 08-012; LOG No. 08-00-004; SCH No. 2008101047

PUBLIC REVIEW PERIOD: July 16, 2009 – August 31, 2009

A. LETTER FROM GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE DATED SEPTEMBER 1, 2009

A-1 The County acknowledges and appreciates confirmation that the State Clearinghouse requirements for draft environmental documents have been complied with. Included was a comment letter from the Native American Heritage Commission which is addressed in Comments/Responses B-1 through B-8.

B. LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION DATED AUGUST 13, 2009

B-1 The County of San Diego concurs with this comment and addresses the specific recommendations below. Impacts to historic resources are discussed in Section 2.3 of the EIR (pages 2.3-1 through 2.3-13). The draft EIR concludes that impacts to historic resources are significant and unmitigated.

B-2 The County of San Diego concurs with the comment but not with the recommendation and feels it is necessary to provide clarification on the Proposed Project. The Proposed Project is a Zoning Ordinance amendment applicable to all lands zoned A-70 and A-72. The location, extent and nature of future specific projects that will be allowed under the Proposed Project are unknown and therefore it is not possible to perform a Sacred Lands File search. The Proposed Project will also allow future Boutique Wineries by right and there will not be an opportunity to conduct a Sacred Land File search again or an early consultation with Native American tribes in the area based on the exact location of each proposed winery as the Commission is recommending. As indicated in Section 1.2.1 of the draft EIR, future projects subject to discretionary approval (Small Winery and Winery classifications) or projects requiring a grading permit will be subject to environmental review. For these future projects requiring discretionary approval and environmental review, a Sacred Lands File search and consultation with Native American tribes may be required, depending on the action requested.

The County did notify all of the Native American tribes in the area and the Office of Historic Preservation of the availability of the draft EIR for public review and did not receive any comments.

B-3 The County of San Diego concurs with the recommendation. Please refer to Response to Comment B-2. As with Sacred Lands File Searches, consultation with tribes and interested parties may occur for those winery classifications (Small Winery and Winery) which are subject to environmental review and discretionary approval. However, future Boutique Wineries will require only a ministerial permit; thus a discretionary review and additional consultation with tribes will not be required. Because there are no federal actions associated with the Proposed Project, the requirements of NEPA, Section 106 of the National Historic Preservation Act, Section 4(f) of the Department of Transportation Act and the Native American Graves Protection Act (NAGPRA) do not apply.

B-4 The County of San Diego concurs with the recommendation. Please refer to Response to Comments B-2 and B-3. The Proposed Project ordinance amendment applies to lands zoned A-70 and A-72. Agricultural operations, including tilling, planting and irrigation would be allowed provided the land has been in agricultural production for one of the last five years. However, , Section 2.3.1.1 and 2.3.2.1 of the draft EIR indicates that existing regulations (Section 87.429 of the Grading Ordinance, PRC Section 5097.98 and Health & Safety Code Section 7050.5) require that grading be suspended if human remains or Native American artifacts are discovered. For those winery classifications (Small Winery and Winery) which are subject to discretionary approval, environmental review pursuant to CEQA will also be required.

B-5 The County of San Diego does not concur with the comment. This comment conflicts with the statement in the first paragraph. This comment indicates that a "Sacred Lands Search was conducted at this location…" The comment B2 accurately states that a Sacred Lands search was not completed.

B-6 The County of San Diego acknowledges and appreciates this comment. However, the issues raised are not at variance with the existing content of the draft EIR. Please refer to Responses to Comments B-2 and B-4.

B-7 The County of San Diego acknowledges and appreciates this comment. However, the issues raised are not at variance with the existing content of the draft EIR. Please refer to Responses to Comments B-2 and B-4.

B-8 The County of San Diego acknowledges and appreciates this comment. However, the issues raised are not at variance with the existing content of the draft EIR. Please refer to Responses to Comments B-2 and B-4.

C. LETTER FROM THE CALIFORNIA FARM BUREAU FEDERATION DATED AUGUST 31, 2009

C-1 The County of San Diego acknowledges and appreciates this comment. However, this comment does not raise an environmental issue pursuant to CEQA.

C-2 The County of San Diego acknowledges and appreciates this comment and the California Farm Bureau's position and concurs that the benefits of the Proposed Project must be evaluated, but this evaluation will occur in the Statement of Overriding Considerations, not in the draft EIR. Because the Proposed Project will result in significant and unmitigated impacts, the County of San Diego must adopt findings in the Statement of Overriding Considerations that the unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological or other benefits which will result if the Proposed Project is approved.

C-3 The County of San Diego acknowledges and appreciates this comment However, the comment does not raise an environmental issue pursuant to CEQA. Responses to the San Diego County Farm Bureau comments are provided in responses to Letter D, Comments 1-42 below.

C-4 The County of San Diego acknowledges and appreciates this comment. However, the comment does not raise an environmental issue pursuant to CEQA

D. LETTER FROM THE FARM BUREAU SAN DIEGO COUNTY DATED AUGUST 31, 2009

D-1 The County of San Diego acknowledges and appreciates this comment. However, the comment does not raise an environmental issue pursuant to CEQA.

D-2 The County of San Diego acknowledges and appreciates this comment. However, the comment does not raise an environmental issue pursuant to CEQA.

D-3 The County of San Diego concurs with the comment and will address each of the points raised in the Responses below.

D-4 The County of San Diego concurs with the comment, which does not require a revision to the draft EIR.

D-5 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

D-6 The County of San Diego concurs with the comment and agrees that costs associated with clearing native land and mitigation will make land already in agricultural production the prime candidate for the planting of wine grapes.

D-7 The County of San Diego acknowledges and generally concurs with this comment. The draft EIR recognizes that "…grapes are a lower water demand crop…" than other more water intensive crops (page 2.4-13). The impact analysis throughout the draft EIR assumes that wine grapes would use less water than most other irrigated crops in the County. However, because the project is a Zoning Ordinance amendment that will allow

future Boutique Wineries by right, the draft EIR concludes that it is not possible at this time to analyze the potential direct impacts from specific future projects. In addition, beyond some operational limitations built into the ordinance, it is not feasible at this stage to devise or implement specific mitigation measures to mitigate all potential significant impacts. Consequently the draft EIR concludes that significant direct impacts remain unmitigated.

D-8 The County acknowledges this comment and generally concurs that wine grapes would likely result in very small discharge quantities due to the low irrigation requirement. As discussed in draft EIR Section 2.4.2.1, the RWQCB's Conditional Waiver No. 4 was revised to require every grower to monitor water quality compliance either by joining a monitoring group or reporting directly to the RWQCB by December 31, 2010. Implementation of these enrollment, monitoring, and reporting requirements would help to ensure that existing agricultural cropland, would not significantly impact surface water quality. However, because conditional Waiver No. 4 would not be fully enforced until January 2012, there is the potential for the development of new wineries or the expansion of existing wineries to impact water quality prior to Conditional Waiver No. 4 requirements being in effect and enforceable. Therefore, the added measures in Conditional Waiver No. 4 cannot be relied upon as a monitor of water quality levels to avoid impacts from vineyard runoff.

D-9 The County acknowledges this comment and generally concurs that vineyard operators could chose to use less fertilizer and pesticide compared to other crops. As with irrigation runoff, reduced chemical use would be a likely consequence of replacing other crops with wine grapes. However, given the size and distribution of the project area (440,000 acres) and the potential for there to be an increase in the number of vineyard acres in agricultural production, this benefit cannot be completely predicted or ensured. As discussed in Section 3.1.3.2 of the draft EIR, records from the AWM indicate wine grape production does involve the use of pesticides. Thus, impacts from the adoption of the ordinance were evaluated based on a worst case scenario.

D-10 The County recognizes that existing laws are in place regarding the use of pesticides and herbicides, whether subject to discretionary review or not. However, as discussed in the EIR, specific water quality regulations, including those that require all growers in the County to implement BMPs to ensure no pollutants leave the farm in irrigation and storm water discharges, are not set to go into effect until January 2012. Therefore, the EIR concludes there is the potential for the development of new wineries or the expansion of existing wineries to impact surface water quality prior to these requirements being in effect and enforceable. Please also refer to Response to Comment D-8.

D-11 Please refer to Responses to Comments D-8 through D-10.

D-12 The County concurs with this comment. However, the comment does not raise an issue at variance with the existing content of the draft EIR. Issues associated with the Multiple Species Conservation Program are discussed in the draft EIR on pages 2.2-23 and 2.2-24.

D-13 Please refer to Response to Comment C-2.

D-14 These individual comments are addressed below as Responses to Comments D-15 through D-42 below. In general, the County does not concur that the draft EIR overestimates the potential impacts of the Proposed Project. While it is true there may be a small potential for significant effects from individual wineries, the project proposes a Zoning Ordinance amendment which would permit Boutique Wineries with tasting rooms within the A-70 and A-72 agricultural use zones without requiring further discretionary review. Consequently, in many instances, there is no way to rule out that future unknown projects will have less than significant impacts, or that impacts from such projects will be mitigated or avoided. The draft EIR's analysis reflects this inherent uncertainty.

D-15 The County of San Diego does not concur with the comment. The air quality analysis calculated emissions resulting from the construction of a single structure and determined the number of structures that would need to be constructed simultaneously to exceed the San Diego Air Pollution Control Districts air impact thresholds. Impact AQ-1 identifies a

significant impact if eight Wholesale Limited and Boutique Wineries were to be constructed at the same time. While the County acknowledges that this circumstance (as stated in the referenced page 2.1-19 of the draft EIR) would be "highly unlikely"; page 2.1-19 also states that "there is no mechanism available that would necessarily prevent the simultaneous construction of eight by-right Wholesale Limited and Boutique Wineries." Because there is no mechanism to limit this simultaneous construction it is reasonable to assume that eight future projects could develop at the same time.

D-16 The County of San Diego concurs with this comment and determined it is not at variance with the draft EIR. Section 2.6.2.1 of the draft EIR acknowledged that many of the trips attributed to wineries would be shared trips as a single car may visit several wineries in close proximity.

Impact AQ-2 addresses operational emissions which include both stationary and mobile sources. As discussed in the Traffic Report (see pages 14-15 of Appendix D), the analysis recognized that there could be multiple reasons for travel, and that wineries within a given community could be located in close proximity, thereby having the potential to result in fewer trips than if a single winery were considered independently. As discussed on pages 2.1-19 through 2.1-21 of the draft EIR, the traffic analysis calculated operational impacts based on a single winery in each category. The adopted thresholds, against which the impacts are assessed for significance, are project specific and were established to account for regional development and the need to meet the required Ambient Air Quality Standards (AAQS). .

D-17 The County acknowledges this comment but does not concur. The proposed zoning ordinance amendment removes a requirement to obtain an Administrative Permit which currently triggers CEQA review prior to approval of a Boutique Winery. As proposed, by-right tasting rooms would be allowed at Boutique Wineries within the A70 and A72 agricultural use zones without requiring further discretionary review. It is this action that is the focus of environmental review. Please refer to Response to Comment D-14.

D-18 Please refer to Responses to Comments D-16 and D-17.

D-19 The County of San Diego acknowledges this comment, however the issue raised is not at variance with the existing content of the draft EIR and therefore there is no revision required to the draft EIR.

It is important to note that the 200 cubic foot grading exemption is not a threshold to determine significance for CEQA purposes. In addition, while it may be true that grading for some wineries would take place near or adjacent to existing buildings, roads, homes, or planted acreage, the ordinance would apply to more than 440,000 acres of land, and would allow an unknown number of future Boutique Wineries by right, the location of which cannot be assured or assumed to take place near or adjacent to existing building, roads, homes or planted acreage. Therefore, the draft EIR concludes that the Proposed Project could potentially result in significant impacts to biological resources.

D-20 The County of San Diego does not concur with this comment. The Multiple Species Conservation Program plan for the North County portions of the unincorporated area that are in progress have not been adopted and have no regulatory authority to provide required habitat preservation and mitigation, and the Multiple Species Conservation Program plan for the East County portions of the unincorporated area have been delayed and also have no regulatory authority to provide required habitat preservation and mitigation. This is discussed in the draft EIR on pages 2.2-23 and 2.2-24 and therefore, there is no revision required to the draft EIR.

D-21 Please refer to Response to Comment D-19.

D-22 Please refer to Response to Comment D-20.

D-23 Please refer to Response to Comment D-19.

D-24 Please refer to Response to Comment D-20.

D-25 Please refer to Response to Comment D-19.

D-26 Please refer to Response to Comment D-20.

D-27 Please refer to Response to Comment D-20.

D-28 Please refer to Response to Comment D-20.

D-29 Please refer to Response to Comment D-19.

D-30 The County of San Diego does not concur with the comment. Page 2.3-7 of the draft EIR notes that there are over 19,000 historic and prehistoric sites recorded in San Diego County, and, undoubtedly, numerous unknown historic resources. Based on this substantial resource base, it is reasonable to assume that historic and prehistoric sites are located at existing and future winery locations and that the Proposed Project will result in significant impacts to cultural resources.

D-31 The County of San Diego concurs with this comment .In accordance with Section 87.202 of the Grading Clearing and Watercourses Ordinance, grading activities which are exempt from obtaining a permit must still adhere to all other provisions of the ordinance..

Section 87.429 of the Grading, Clearing and Watercourses Ordinance requires that:

> If, in the process of grading operations, human remains or Native American artifacts are encountered, grading operations shall be suspended in that area and the operator shall immediately inform the County Official, and the requirements of Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.99 shall be complied with.

Therefore, in all circumstances impacts to human remains would be avoided. The EIR has been revised to reflect this determination.

D-32 The County of San Diego does not concur with the comment. The determination that a cumulative impact is considerable and therefore significant is not relative to the other actions which may cause a similar effect, but in addition to those actions. In Communities for a Better Environment v. the California Resources Agency the court held that

> …the relevant question" under the *Kings County/Los Angeles Unified* approach is not how the effect of the project at issue compares to the preexisting cumulative effect, but whether " any additional amount" of effect should be considered significant in the context of the existing cumulative effect

And

> In the end, the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant

The addition of the potential for the adoption of the Proposed Project to affect over 440,000 acres is cumulatively considerable when considered in conjunction with the proposed population growth in the region projected by the Regional Comprehensive Plan and is significant under this interpretation.

D-33 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

D-34 Please refer to Response to Comment D-8.

D-35 Please refer to Response to Comment D-14.

D-36 Please refer to Response to Comment D-8.

D-37 Please refer to Response to Comment D-35.

D-38 The County of San Diego does not concur with the comment. While the County acknowledges that the number of potential wineries, as shown in the referenced Table 2.5-3 of the draft EIR, may be unlikely; there is no mechanism available that would necessarily prevent the construction of the number of Wholesale Limited and Boutique Wineries shown in Table 2.5-3. Because there is no mechanism available, the impacts were determined to be significant.

D-39 Please refer to Response to Comment D-17.

D-40 The County of San Diego acknowledges and appreciates this comment. However, this comment is not at variance with the existing content of the draft EIR.

D-41 The County of San Diego does not concur with the comment. Where vineyards are planted as replacement for a higher water use crop (e.g., avocado, citrus, etc), new or expanded wineries could result in a decrease in water use. However, the location and number of new or expanded water service connections that could be required from Wholesale Limited or Boutique Wineries operating by right under the Proposed Project are not known and could result in a demand for water where currently none exists. Given the lack of certainty of water supplies available to serve the project area from individual water agencies the Proposed Project could result in a significant impact. Please also refer to Response to Comment D-14.

D-42 The County of San Diego does not concur with the comment. Where vineyards are planted as replacement for a higher water use crop (e.g., avocado, citrus, etc), new or expanded wineries could result in a decrease in water use. However, the location and number of new or expanded groundwater demands that could be required from Wholesale Limited or Boutique Wineries operating by right under the Proposed Project are not known and could result in a demand for groundwater where currently none exists or where groundwater supplies are limited and/or yields of groundwater are low. Given the lack of certainty of groundwater available to serve the project area the Proposed Project could result in a significant impact. Please also refer to Response to Comment D-14.

E. LETTER FROM THE SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY, INC. DATED AUGUST 10, 2009.

E-1 The County of San Diego acknowledges and appreciates this comment. However, he comment is not related to an environmental issue pursuant to CEQA.

E-2 Because the Proposed Project will result in significant and unmitigated impacts, the County of San Diego must adopt findings in the Statement of Overriding Considerations that the unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological or other benefits which will result if the Proposed Project is approved. The decision to adopt a statement of overriding considerations will be based on review of substantial evidence by the Board of Supervisors.

E-3 The County of San Diego acknowledges and appreciates the recommendation. The decision of whether to adopt Propose Project or one of the Project Alternatives will be made by the Board of Supervisors.

F. DRAFT MINUTES FROM THE JAMUL DULZURA COMMUNITY PLANNING GROUP DATED AUGUST 25, 2009

F-1 The County of San Diego acknowledges and appreciates the recommendation. The decision of whether to adopt Propose Project or one of the Project Alternatives will be made by the Board of Supervisors.

G. LETTER FROM THE RAMONA COMMUNITY PLANNING GROUP DATED AUGUST 30, 2009

G-1 The County of San Diego acknowledges this comment. However, the comment does not identify an environmental issue pursuant to CEQA.

G-2 The County of San Diego acknowledges this comment. However, the comment does not identify an environmental issue pursuant to CEQA.

G-3 The County of San Diego acknowledges this comment. However, the comment does not identify an environmental issue pursuant to CEQA.

G-4 The County of San Diego acknowledges this comment. However, the comment does not identify an environmental issue pursuant to CEQA.

G-5 The County of San Diego acknowledges this comment. However, the comment does not identify an environmental issue pursuant to CEQA.

G-6 The County of San Diego concurs that the draft EIR is thorough but disagrees that the assessments are overstated. Considerable effort was expended to interview existing winery operators to identify the various activities related to wine making, tasting and sales. Operations were recorded and measured and the results were used to model the potential for future projects to result in environmental effects. Consequently, the conclusions presented in the draft EIR are based on the best available data and are substantiated.

G-7 Please refer to Response to Comment G-6.

G-8 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. The project proposes a Zoning Ordinance amendment which would permit Boutique Wineries with tasting rooms within the A-70 and A-72 agricultural use zones without requiring further discretionary review. Due to the range and scope of the Proposed Project, the proposed Ordinance amendments could result in a variety of winery sizes, locations and operating characteristics. Consequently, a more specific analysis of the Proposed Project is not possible.

G-9 The County of San Diego does not concur with this comment. Activities allowable under the Small Winery and Winery classifications are subject to discretionary permits that would involve environmental review. As discussed in Section 1.2.1, page 1-7, because the proposed Zoning Ordinance Amendment does not change the regulations or process for Small Wineries or for the Winery use classifications, the draft EIR concluded that the Proposed Project would have no impact for these winery classifications. The draft EIR addressed impacts from Boutique and Wholesale Limited Wineries only.

G-10 The County of San Diego does not concur with the comment because CEQA requires that alternatives reduce or avoid a significant impact of the project. It is unclear how an "unqualified by-right alternative for Boutique wineries" differs from the Proposed Project. In addition, there is no rationale provided to show how this additional alternative would avoid any significant effects of the project.

G-11 The County of San Diego does not concur with this comment. The EIR does not contain any conjecture or loosely drawn conclusions unsupported by factual data. Determination of the environmental setting for the EIR included site visits to various existing wineries to observe winery operations and scope which were utilized in the analysis of various resource subject areas. The traffic analysis utilized counts to determine activity levels at various existing wineries. The intent of the EIR is not to make a negative assessment of winery operations but rather to conduct an objective analysis of potential impacts resulting from a by-right use in the A70 and A72 zones.

G-12 Please refer to Response to Comment G-6. The County of San Diego concurs that the draft EIR is thorough but disagrees that the draft EIR includes erroneous conclusions with regard to identified significant impacts.

G-13 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-14 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-15 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-16 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-17 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-18 Please refer to Responses to Comments G-6 and G-12.

G-19 Please refer to Responses to Comments G-6 and G-12.

G-20 Please refer to Responses to Comments G-6 and G-12.

G-21 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-22 The County of San Diego acknowledges and appreciates this comment. However, the comment does not raise an environmental issue pursuant to CEQA.

G-23 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-24 The County of San Diego acknowledges and appreciates this comment. However, the comment does not raise an environmental issue pursuant to CEQA.

G-25 Please refer to Responses to Comments G-6 and G-12.

G-26 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-27 The comment is acknowledged and specific information about the draft EIR conclusions that the author raises are addressed below.

G-28 The County of San Diego acknowledges and appreciates this comment. However, the comment does not raise an environmental issue pursuant to CEQA.

G-29 The comment is acknowledged and specific information about the “shortcomings” that the author raises are addressed below.

G-30 Please refer to Responses to Comments G-6 and G12.

G-31 Please refer to Responses to Comments G-6, G-8 and G-12 above.

G-32 Please refer to Responses to Comments G-6 and G-12. The County acknowledges this comment but does not concur with the comment. The analyses in the draft EIR are based on a survey of existing wineries, interviews with operators, recorded measurements, etc. Because the Proposed Project will allow certain projects by right, a realistic, worst case evaluation served as the basis for the environmental analysis. The draft EIR still concludes that, beyond some operational limitations built into the ordinance, it is not feasible for the ordinance to include specific mitigation measures to address all potential significant impacts. Consequently the draft EIR concludes that significant impacts remain unmitigated.

G-33 The County of San Diego acknowledges and appreciates this comment. It is recognized that grape vines will uptake carbon dioxide and release oxygen during photosynthesis. A reduction in carbon dioxide from grape production as compared to other agricultural crops that may be grown on agricultural land is anticipated to be slight and was not included in the calculation.

G-34 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. The draft EIR discusses the fact that some existing and future winery facilities would be operated out of existing buildings on developed lots. The Proposed Project, however, does not limit construction and there is no way to know which facilities, if any, would require new construction. The analysis, therefore, assumes that construction could occur.

G-35 Please refer to Response to Comment G-34. The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-36 Please refer to Response to Comment D-9. The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. The draft EIR discusses the growing of organic grapes (see page 3-23 of the draft EIR).

G-37 The County of San Diego does not concur with the comment because the draft EIR does recognize that by-right wineries allowed by the adoption of the Proposed Project could, and often would, have environmental effects that are less than those considered in the draft EIR. As discussed in Section 2.5.2.1, Noise Exposure, of the draft EIR, noise measurements considered typical winery operations that involve a wine tasting and retail component. Although the winery chosen for measurements operates under a Major Use Permit, the operations are consistent with the level of production and operations that would be allowed by-right under the Proposed Project. At this particular winery, grapes are both grown on site and imported, and the equipment used is typical of what would operate at Boutique Wineries. Although some wineries may use less mechanical equipment and refrigeration units, because the Proposed Project will allow certain projects by right, a realistic, worst case evaluation served as the basis for the environmental analysis. Section 2.5.1.2, Existing Agricultural and Winery Operations, was revised to state that wine-making equipment may or may not be in enclosed buildings. The analysis represents a worst case condition and the additional information does not change the conclusions for the EIR. Please note that the EIR did not identify any significant on-site operational noise impacts.

G-38 Please refer to Responses to Comments G-6 and G-37. The County of San Diego concurs that there is a wide range of equipment that could be used in wine making, some of which may produce reduced noise levels as compared to those measured during surveys. However, this information does not change the conclusions in the report. Please note that the EIR did not identify any significant on-site operational noise impacts.

G-39 Please refer to Responses to Comments G-37. The County of San Diego acknowledges and appreciates this comment. However, the existing winery chosen for noise measurements involves operations and equipment representative of the type of wineries that could be built as a result of the amendment. The fact that the winery operates under a Major Use Permit is not relevant to the conclusions about the operations.

G-40 The County of San Diego appreciates this comment. While it may be true that other by right agricultural operations do not have specific limitations on the volume of traffic that can be generated or hours of operation, they are not the subject of this ordinance amendment. This EIR addresses the environmental effects of the Proposed Project only and the operations of other agricultural uses do not change the conclusions.

G-41 Please refer to Responses to Comments G-6 and G-12. In order to adequately assess the potential worst case impacts, the EIR addresses two representative San Diego County wineries that currently produce less than the proposed maximum allowable volume and a Temecula-area winery that produces a volume of wine equal to the maximum allowed under the proposed ordinance amendment. The existing wineries chosen for traffic counts are therefore representative of the type of wineries that could be built as a result of the amendment. While, it is possible that the counts reflect a few trips that future wineries would not generate, it is also possible that future wineries would generate this level of trips

and it is therefore prudent to base the traffic analysis on successful wineries to ensure that the EIR provides a worst case assessment of impacts. The comment does not raise any new issues or change the conclusions of the EIR.

G-42 The County of San Diego acknowledges this comment. The EIR indicates that survey data obtained for each winery included the number of visitors per day/week, number and types of events, number of employees/shifts and number of deliveries and types. From this information, the approximate number of ADT for each location was estimated for typical operations on a weekday and weekend. Therefore, based on the survey information utilized, non-winery related trips were taken into account. Please also refer to Response to Comment G-41.

G-43 Please refer to Response to Comment G-41.The fact that counted wineries operate under a Major Use Permit is not relevant to the traffic count. The counted wineries can only operate with such a permit. The existing wineries chosen for traffic counts are representative of the type of wineries that could be built as a result of the amendment.

G-44 The County of San Diego does not concur with the comment. Section 5.3.2 of the Traffic Study states that the largest traffic generator not currently allowed by right, that could result from the ordinance amendment, is the construction of a Boutique Winery. This statement is true since the Small Winery and Winery use classifications are not, nor will they be in the future, allowed by right. See also Response to Comment G-9. The above clarification does not change the conclusions of the EIR.

G-45 The County of San Diego acknowledges and appreciates this comment. However, issues raised are not at variance with the existing content of the draft EIR. EIR Section 1.2 of the Project Description states that "Wineries are required to be bonded by the U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB) and licensed by the California Department of Alcoholic Beverage Control (ABC) to produce, advertise, and sell wine or offer wines for tasting produced by other bonded wineries."

G-46 The County of San Diego acknowledges and appreciates this comment. The draft EIR does identify that on-site noise generation due to the operation of wineries would need to be in compliance with the County Noise Ordinance. The proposed Zoning Ordinance Amendment will include a requirement that all operations comply with the provision of Section 36.401 of the Noise Ordinance. Consequently, it is implied that County Noise Control Officer would have the authority to enforce the Noise Ordinance, and noise impacts associated with on-site operations have been determined to be less then significant in the EIR. However, the County does not concur that this would fully mitigate noise impacts since the identified significant impacts are due to traffic related noise which may result from increased traffic attributed to a by-right winery. Due to the scope of the Proposed Project, an unknown number of new wineries at unknown locations could generate additional traffic for which mitigation is not available.

G-47 Please refer to Response to Comment G-9 and G-44.

G-48 The County of San Diego acknowledges this comment. However, the comment addressing the imposition of fees does not identify an environmental issue pursuant to CEQA. The comment calling for a Statement of Overriding Considerations for significant and unmitigated impacts is not at variance with the existing content of the draft EIR.

G-49 Please refer to Response to Comment G-6.

G-50 Please refer to Response to Comment G-6.

G-51 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. Please also refer to Responses to Comments G-9 and G-44.

G-52 Please refer to Response to Comment G-9 and G-44.

G-53 The County acknowledges this comment but does not concur with the conclusions by the author. In the discussion of the biological setting for the analysis, the draft EIR states that habitat loss from development – including agricultural development – has resulted in rare and declining native habitats, numerous federally and state-listed plant and animal species, and an increasing amount of federally designated critical habitat for listed species in San Diego County. While there may be aspects of the Proposed Ordinance (i.e., growing of vineyards) which are compatible with the functions of certain biological resources, the conclusions of the report include significant and unmitigated impacts to biological resources from the loss of habitat from grading and clearing.

G-54 The County of San Diego acknowledges and appreciates this comment. Chapter 2.3 discusses the potential for the Proposed Project to impact cultural resources. While it is possible that future winery development could preserve historic resources, it is also possible that individual projects completed by right, without review, could impact those resources. Because the analysis addresses a worst case condition, Section 2.3.2 of the EIR determined that, adoption of the Proposed Project would allowed by right activities and therefore a significant unmitigated impact could result.

G-55 The County of San Diego does not concur with the comment. While it is possible that future winery development could include adaptive reuse of historic structures and conservation of historic resources, it is also possible that individual projects completed by right, without review, could impact those resources. The adoption of the Proposed Project would allow those by right activities. See also Response to Comment G-54

G-56 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. The draft EIR recognizes the value of drip irrigation and that "…grapes are a lower water demand crop…" as compared to other more water intensive crops (page 2.4-13). Because the project is a general Zoning Ordinance amendment that will allow future Boutique Wineries by right, the draft EIR concludes that it is not feasible at this stage to devise or implement specific measures to assure that a particular irrigation technique is used or to limit the amount of water used. Consequently the EIR concludes that significant impacts remain unmitigated. The draft EIR discusses the growing of organic grapes (see page 3-23 of the draft EIR).

G-57 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR except that the County of San Diego does not agree that the seasonal nature of the noise operations is a positive mitigating factor. The noise analysis considered noise from construction, operation, and vehicle noise sources. While on-site noise impacts from construction and operation of wineries was determined to not be significant, even with the seasonal nature of wine tasting operations, noise from traffic added to area roadways was determined to be significant based on the potential for multiple wineries to contribute traffic to the same roadway segments.

G-58 Please refer to Response to Comment G-9 and G-44.

G-59 Please refer to Responses to Comments G-6, G-37, G-38, and G-39.

G-60 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. Please refer to Response to Comment G-9.

G-61 The County of San Diego does not concur with the comment. The traffic analysis collected information from three wineries in the San Diego region. The wineries selected for study were chosen because they best represented the variety of operations that could occur under the by-right Boutique Winery classification if the Proposed Project were approved (page 2.6-3). This includes the fact that under existing regulations, only Major Use Permit wineries are allowed to have tasting rooms and direct sales to the public and therefore are the only representative examples of what impact a future by-right Boutique Wineries that would be allowed a tasting room and direct sales may have on traffic. Existing Wholesale

Limited Wineries are not allowed to have tasting rooms or direct sales to the public and therefore do not provide relevant data. It is recognized that smaller wineries may be developed by-right as a result of this proposed amendment; however, the basis for the assessment of the significance of the traffic impact was the potential for wineries to result in unacceptable congestion on area roadways, and not a scenario that would avoid that congestion. The analysis of the Proposed Project, the adoption of the ordinance, considered the worst case condition of the potential for additional traffic to be generated by the proposed action. Additionally, future wineries of the scale proposed could also have name recognition and advertising which may generate destination traffic trips.

The Menghini Winery was not surveyed for traffic counts during an event that would have overstated the traffic counts. In addition, the annual production of wine at the Menghini is below the proposed maximum for a Boutique Winery and therefore is not overstated based on annual production. The size and nature of the Hart Winery, aside from the fact that it is not within the project area, would also meet the limitations of the Proposed Project. As such, it is appropriate that the draft EIR use these wineries as the basis for assessing the potential impacts that could result from the adoption of the Proposed Project.

Furthermore, the Proposed Project prohibits events including but not limited to weddings and parties. Amplified sound is also prohibited (Page 1-5). These events were not occurring at any of the wineries during the measurement periods used to develop trip generation rates.

G-62 The County of San Diego acknowledges and appreciates this comment. Section 2.6.2.1 of the draft EIR discusses the significant impacts to the roadways in the project area. Pages 2.6-11 and 2.6-12 of the draft EIR contain a discussion of the project's potential impact to private roads and a rationale of why the impacts are considered potentially significant. Since the locations of future wineries are unknown, it is not possible to analyze specific private roads.

G-63 The County of San Diego acknowledges and appreciates this comment. The "North Mountain Communities" discussion is intended to conclude that the impact in this community would be similar to the impact calculated in Ramona. The EIR text has been revised at Section 2.6.2.1 to clarify the analysis results. The revised text is as follows: "Therefore, based on the weekday (10) and weekend (24) reserve capacity for Ramona, a total of 10 new Boutique wineries can be accommodated in the combined Ramona Community Plan and North Mountain Subregional Plan areas. If no new wineries are constructed in Ramona, it was calculated that for the North Mountain Subregional Plan Area, up to 10 wineries could be constructed without a significant impact occurring to at least one roadway segment in Ramona." This information does not change the conclusions in the EIR.

G-64 Please refer to Response to Comment G-6 and G-62. The County of San Diego does not concur with the comment because the ADT calculations for the project are accurate and based on similar wineries that could be built as a result of the ordinance.

G-65 The County of San Diego does not concur with the comment because the TIF for wineries will be based on square footage and not on ADT projections.

G-66 The County of San Diego acknowledges and appreciates this comment. The EIR correctly states the facts of the current Level of Service operations on roadways in Ramona. Montecito Ranch is currently under review and will be evaluated based on its own environmental impacts.

G-67 The County of San Diego concurs with the comment. However, the evaluation conducted for the Proposed Project used existing conditions as the baseline for the analysis as required by CEQA and does not rely on unadopted initiatives.

G-68 Please refer to Responses to Comments G-9 and G-44. The County of San Diego does not concur with the comment because the statement's conclusion implies that Small Wineries

would generate greater amounts of traffic when compared to Boutique Wineries and Wholesale Limited Wineries. “Small Wineries” require further discretionary review including CEQA analysis. Also, the trip generation calculation in the report is based on counts conducted at wineries that function on a day-to-day basis (not counting special events) most similar to Boutique Wineries and therefore, it is inaccurate to imply that Small Winery counts were applied to predict trips generated by Boutique or Wholesale Limited Wineries.

G-69 Please refer to Responses to Comments G-6, G-41, G-43, and G-61.

G-70 Please refer to Responses to Comments G-41 and G-61. The County of San Diego does not concur with the comment because, based on a similar maximum annual production of 12,000 gallons of wine, it is reasonable to assume that a winery in San Diego County will in the future generate traffic similar to a Temecula winery such as Hart and therefore the use of the Hart winery as a trip generation basis is appropriate. It is understood that by-right wineries developed in accordance with the Proposed Project may be smaller, however, wineries of the scale and size of the Hart winery would be permitted by-right under the Proposed Project.

G-71 The County of San Diego does not concur with this comment. The counts taken for the Menghini Winery were measured at the approach to the driveway and adjusted for pass-by traffic to other properties. Therefore the traffic for other users of the road was not included in the traffic estimate.

G-72 The County of San Diego does not concur with the comment because, the current trips generated by San Diego “Mom-and-Pop” wineries are not a sufficient basis to forecast future traffic. The actual counts at Menghini could be realized at future San Diego wineries.

G-73 Please refer to Responses to Comments G-41 and G-61.

G-74 The County of San Diego acknowledges and appreciates this comment. However, the County of San Diego does not concur with the comment because, the use of actual traffic counts is always considered more accurate to determine trip generation as compared to a poll or survey. Additionally, numerous other jurisdictions were researched, including Amador and Calaveras Counties, and none had traffic generations rates for wineries.

G-75 Please refer to Responses to Comments G-41 and G-61.

G-76 As discussed on page 14 of Appendix D: Traffic Impact Analysis Tiered Winery Zoning Ordinance Amendment:

> A three-part approach was used to determine a typical winery’s trip generation. Part 1 included choosing three wineries to study that represented the potential types of wineries that may develop or expand under the proposed ordinance amendment. These included “backcountry; destination”, “backcountry; rural”, and “suburban”. This is discussed in further detail below. Part 2 included calculating the potential trip generation (volume and rate) of each site using an “estimate” method based on information derived from surveys conducted by the County of San Diego. Part 3 included calculating the potential trip generation (volume and rate) of each site using an “observed” method based on traffic counts.

The reference to 30 and 15 vehicles per day apparently refers to Table 3-1 on Page 18 of the appendix. This table is part of the consideration of Part 2 of the above referenced approach. In reviewing the results of actual traffic counts (Part 3) and comparing them to the estimated trip generation in Part 2, it was determined that the appropriate trip generation rate for the analysis was that associated with actual counts rather than estimates. The traffic study concluded that:

The observed trip generation (taken from the tube counts) was equal to or higher than the estimated trip generation for each winery, except for the Hart Winery (weekday). The

highest observed site traffic was for the Menghini Winery, which provides the worst-case observed trip generation among the three winery-types/locations. Therefore the worst-case site generation used for this study is 40 Weekday ADT and 160 Weekend ADT. (Appendix D, page 24). Please also refer to Responses to Comments G-6, G-61, and L-30.

G-77 The County of San Diego does not concur with the comment because, while it may be true, that it will take many years for future wineries to generate traffic similar to Hart, it is possible that future wineries will, after some time, generate traffic similar to Hart and therefore it is proper to use this winery as the basis for the trip generation calculations. The traffic analysis identified a suburban area type as an area

> …located close (within an hour) to metropolitan centers. The surrounding area may still be rural in appearance, however wineries located in "Suburban" areas would benefit from their close proximity to customers, as well as their geographic proximity to major roads/freeways.

The Hart winery in Temecula meets these criteria. See also Responses to Comments G-61 and L-30.

G-78 Please refer to Response to Comment G-65.

G-79 Please refer to Responses to Comments G-6, G-41, G-61, and L-30.

G-80 The County does not concur with this statement. The draft EIR correctly discloses that the Proposed Project includes changes in the discretionary permit requirements, operations, and other limitations for Wholesale Limited, Boutique, and Small Wineries. Please also refer to Response to Comment G-6.

G-81 Please refer to Response to Comments G-6 and G-11.

G-82 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

G-83 The County appreciates this comment but does not concur with this statement. The draft EIR is limited to the evaluation of the proposed Zoning Ordinance Amendment related to the operation of wineries on agricultural lands. Please also refer to Response to Comment G-80.

G-84 The County of San Diego acknowledges and appreciates this comment. However, issues raised are not at variance with the existing content of the draft EIR.

G-85 The County of San Diego acknowledges and appreciates this comment. Please refer to Response to Comment G-6.

G-86 Please refer to Response to Comment G-33. The County of San Diego acknowledges and appreciates this comment. It is recognized that grape plants will uptake carbon dioxide. It is anticipated to be slight and was not included in the calculation. The draft EIR also acknowledged that the Proposed Project may encourage landowners to retain agricultural lands in production as vineyards, thereby limiting the conversion of agricultural land to other urban land uses.

G-87 The County of San Diego acknowledges and appreciates this comment. However, this comment does not raise an environmental issue pursuant to CEQA. Please also refer to Response to Comment G-65.

G-88 Please refer to Responses to Comments G-6 and G-37.

G-89 The County of San Diego acknowledges this comment. However, the EIR section cited in the comment pertains to Growth Inducing Effects and is not implying that wineries will not have a positive effect on employment opportunities. Section 1.8 of the draft EIR indicates that as a result of anticipated growth of the local wine industry, agricultural acreage dedicated to wine production could increase which would likely result in the creation of

additional jobs. What Section 1.8 does conclude is that the Proposed Project would not be expected to result in an increased number of future housing units as compared to existing General Plan projections. If anything, the Proposed Project would encourage retention of agricultural land for agricultural use and serve to limit housing growth potential.

G-90 The County of San Diego acknowledges and appreciates this comment. The EIR indicates that as a result of an increase to the local wine industry additional jobs may be created. Please refer to Response to Comment G-89.

G-91 The County of San Diego acknowledges and appreciates this comment. Please refer to Response to Comment G-89.

H. LETTER FROM THE RAMONA VALLEY VINEYARD AND WINERY ASSOCIATIONS DATED AUGUST 31, 2009

H-1 The County of San Diego acknowledges and appreciates this comment. Specific comments are addressed in Responses to Comment H-2 through H-62 below.

H-2 The County of San Diego acknowledges and appreciates this comment. Please refer to Responses to Comments G-6 and G-12.

H-3 The County of San Diego does not concur with the comment. The draft EIR does not intend to infer that there is a disregard of existing law on the part of grape growers and winery owners. Where compliance with the law limits a potential impact and an enforcement and or monitoring mechanism exists, the benefits of that compliance are identified. Where compliance with the law is not ensured through an adopted enforcement and or monitoring mechanism, it was not identified as sufficient to avoid the impact associated with the adoption of the Proposed Project.

H-4 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

H-5 The County of San Diego does not concur with the comment but agrees additional clarification can be provided. The standards and limitations that are proposed in the draft Zoning Ordinance Amendment were considered in making the determinations that certain impacts are not significant. For example, in Section 2.5.2.1, the draft EIR discusses on-site generated noise and concludes that the requirement to comply with the provisions of the Noise Ordinance results in noise impacts that are less than significant. It should also be noted that the requirement in the draft Zoning Ordinance Amendment to prohibit amplified sound contributes to the conclusion that on-site generated noise is less than significant. The draft EIR at Section 2.5.2.1 was revised to add this clarification. However, this information does not change the conclusions in the report.

In Section 3.1.2.2, the conclusion that impacts to Land Use and Neighborhood Character are less than significant are in part based on the standards and limitations in the draft Zoning Ordinance Amendment related to limitations on building sizes, prohibitions of events, hours of operation and limitations on outdoor eating areas. The draft EIR at Section 3.1.2.2 was revised to add this clarification. This information supports the conclusions of the draft EIR.

In Section 2.6.2.2, the conclusion that parking impacts are less than significant is based in part on the draft Zoning Ordinance Amendment requirements for a specified number of parking spaces, on a prohibition on events and on the prohibition on off-premise parking.

Nonetheless, the Proposed Project is a Zoning Ordinance amendment that would allow future Boutique Wineries by right anywhere in the 440,000 acres of agricultural lands zoned A-70 or A-72. Because of this, the draft EIR concludes that, beyond some operational limitations built into the ordinance; it is not feasible at this stage to devise or implement specific mitigation measures to address all potentially significant impacts. Consequently, the draft EIR concludes that significant impacts remain unmitigated.

H-6 The County does not concur with this comment. Please refer to Responses to Comment B-2 for the rationale behind the draft EIR's approach to determining the impacts resulting from the proposed ordinance amendment. The EIR relies on information obtained from the County's GIS database, general surveys of 19 wineries, and focused studies of 17 Circulation Element road segments and three representative wineries. This information was used to determine the effect of the adoption of the proposed ordinance. The determination of significance of those impacts was, in part, in light of the fact that a particular winery, which would be allowed by right if the ordinance is approved, could result in the effect described. While it is true that there may be a small potential for significant effects from individual wineries, the project proposes a Zoning Ordinance amendment which would permit Boutique Wineries with tasting rooms within the A-70 and A-72 agricultural use zones without requiring further discretionary review. Consequently, in many instances, there is no way to rule out that future unknown projects will have less than significant impacts, or that impacts from such projects will be mitigated or avoided. The draft EIR's analysis reflects this approach.

H-7 The County of San Diego acknowledges and appreciates this comment. A comparison of the Proposed Project versus the previously approved ordinance indicates that both ordinances are very similar. The primary differences pertain to private roadway requirements. The previous version of the Boutique Wineries ordinance provided a mechanism to initiate and achieve concurrence among property owners as to the level of improvement and maintenance required with the use of private roadways; however, the County has concluded that these private roadway matters should be addressed by the individual property owners served by the roadways. Individual agreements between property owners to improve and maintain private roadways are not environmental issues, and therefore are not required by CEQA to be analyzed in the EIR.

H-8 Please refer to Response to Comment D-16.

H-9 The County of San Diego concurs with this comment. Section 2.6.2.1 of the draft EIR acknowledged that many of the trips attributed to wineries would be shared trips as a single car may visit several wineries in close proximity.

Traffic impacts to Circulation Element roadways were determined to be significant for two reasons: (1) by-right wineries could contribute to roadway segments currently over capacity, and (2) multiple by-right wineries contributing traffic to the same roadway segment could, in combination, result in an exceedance of segment capacity.

As discussed in the Traffic Report (see pages 14-15 of Appendix D), the analysis recognized that there would be multiple reasons for travel. The impact analysis is based on trips contributed to a given roadway segment. Shared trips could also include or be the result of trips to other destinations other than wineries. It is acknowledged that multiple wineries within a given community could be located in close proximity. The draft EIR states: "Many of these trips would be shared trips as a single car may visit several wineries in close proximity" (see Section 2.6.2.1 addressing Road Segment Operations, Level of Service, Congestion). The County recognizes that multiple wineries would share trips from a given roadway segment; however, the draft EIR evaluates the impacts from approval of a Proposed Project that would allow unlimited by-right locations throughout A-70 and A-72 Zones. The basis for the assessment of the significance of the traffic impact is the potential for multiple wineries to result in unacceptable congestion on area roadways.

H-10 Please refer to Response to Comment H-9.

H-11 Please refer to Response to Comment H-9.

H-12 The County of San Diego does not concur with the exact number recommended in the comment because the traffic analysis did not calculate the total number of vehicle trips that could result from Boutique Wineries developing on all 440,000 acres currently zoned A70 and A72, which, hypothetically, would represent the "…total addition of new trips caused by the winery ordinance…" The analysis assessed the potential for a set number of potential

wineries to result in the County's roadway standards to be exceeded. As stated in Response to Comment H-9, traffic impacts to Circulation Element roadways were determined to be significant because by-right wineries could contribute to roadway segments currently over capacity, and multiple by-right wineries could contribute traffic to the same roadway resulting in an exceedance of segment capacity.

H-13 The County of San Diego does not concur with the comment. The noise analysis calculated the amount of traffic that would be required to increase noise levels on a select number of roadways to result in a significant increase in noise. Based on this analysis, it was determined that for the roadways considered, eight by-right wineries contributing traffic to a roadway could result in a significant impact. Based on this analysis, it was determined that adoption of the Proposed Project could result in a condition that met this constraint. While the County acknowledges that this circumstance of the draft EIR) would be unlikely there is no mechanism available that would necessarily prevent eight by-right Wholesale Limited and Boutique Wineries. Because there is no mechanism to limit this simultaneous construction it is reasonable to assume that eight project could contribute traffic to the same roadway segment.

H-14 The County of San Diego does not concur with the comment. The traffic generation rates used in the analysis did consider the production rate. For example, measured trip generation and cases produced by year for three studied wineries is provided in Table 2.6-6 of the draft EIR. Using this information, a worst case traffic generation rate was used. Because the project is a Zoning Ordinance amendment that will allow future Boutique Wineries by right, the draft EIR still concludes that, beyond some operational limitations built into the ordinance, it is not feasible at this stage to devise or implement specific mitigation measures to address all potential significant impacts. Consequently the draft EIR concludes that significant impacts remain unmitigated.

H-15 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

H-16 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

H-17 Please refer to Response to Comment H-9.

H-18 Please refer to Response to Comment H-9.

H-19 Please refer to Responses to Comments H-9 and H-14.

H-20 The County of San Diego does not concur with the comment. The traffic analysis for the draft EIR used 40 ADT for the weekday traffic and 160 ADT for the traffic on the weekend. Please refer to Response to Comment H-9 for a discussion of the determination of significance for traffic impacts.

H-21 Please refer to Response to Comments H-9 and H-14.

H-22 The County of San Diego does not concur with the comment but acknowledges that the scenario presented in Comments H-22 and H-23 provides a situation whereby traffic generated by a winery could be less than the generation rate used in the draft EIR. It is recognized that there can be situations where traffic generation would be less than that used in the draft EIR. The rates used in the EIR were based on traffic generation rates from existing functioning wineries and not on a hypothetical calculation. Please refer to Response to Comment H-9.

H-23 Please refer to Response to Comment H-22.

H-24 The County of San Diego does not concur with this comment. In Section 2.6.5 of the draft EIR, it is stated that some future winery projects may be required to obtain a discretionary permit that would trigger CEQA review of the specific future project. It is also stated that mitigation for these projects may include payment of the TIF and as a result, specific impacts to traffic would be analyzed and mitigated for these types of by-right projects. In

Section 2.6.6, it is also concluded that requiring individual wineries to contribute to TIF at the time of building permits or change in occupancy would mitigate some cumulative impacts but not all. For instance, contributions to TIF would not be required for all future winery related building permits. The TIF Ordinance Update adopted on February 27, 2008 specifically exempts tenant improvement to existing non-residential facilities including changes in occupancy. Furthermore, some minor expansions to existing non-residential facilities are exempted from the TIF Ordinance. Therefore, while the TIF Ordinance would address some cumulative impacts to roadways, due to the scope of the Proposed Project, not all cumulative impacts to roadways can be adequately mitigated.

H-25 The County of San Diego concurs with this comment, which is discussed in Section 2.6.6 of the draft EIR. Please also refer to Response to Comment H-24.

H-26 The County does not concur with this comment. The EIR does conclude that Proposed Project would create significant cumulative impacts and that payment of TIF would mitigate some, but not all cumulative impacts. Please also refer to Response to Comment H-24.

H-27 The County of San Diego concurs with this comment, which is discussed in Section 2.6.2.1 of the draft EIR. The draft EIR states: “once a private road is determined to carry more than 2,500 trips per day, the County may require that the roadway be dedicated and improved to County of San Diego Public Road standards.” However, the significant impacts to private roads (TR-2) is not based on inadequate levels of service, but on the potential for increased traffic from visitors on dirt roads or on roads with steep grades or insufficient width or curve radii (page 2.6-12). These conditions may occur on private roads with less than 2,500 ADTs or even on roads that exceed 2,500 ADT but which the County does not require dedication. Without a mechanism to address the improvements, the draft EIR concludes that the significant impacts remain unmitigated.

H-28 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

H-29 The County of San Diego does not concur with the comment. The Zoning Ordinance Amendment is not project specific. Therefore impacts of the future winery projects cannot be determined at this stage nor can appropriate mitigation measures be identified or enforced. Although, feasible mitigation may occur to some winery projects when there is a need for a discretionary action such as a Grading Permit, there may be some future by-right projects for which related discretionary permits are required but for which mitigation would not be feasible or for which no related discretionary permit is required at all. For such by-right projects, CEQA review would not be required and appropriate mitigation would not be enforced.

H-30 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. Please also refer to Response to Comment H-3.

H-31 The County of San Diego does not concur with the comment. The draft EIR assumes that grading under the 200 cubic yard limit could have a significant impact on biological or cultural resources. It does not assume that it would always necessarily have that effect. As noted in the comment, a specific winery may not have any more impact than would any other small scale grading activity. The adoption of the ordinance, however, permits those activities over a 440,000 plus acre area.

H-32 The County acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

H-33 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

H-34 Please refer to Response to Comment H-29.

H-35 However, the comment is not at variance with the existing content of the draft EIR.

H-36 The County of San Diego generally concurs with the comment and agrees additional clarification can be provided. MTBE is currently outlawed; however, previous and historic uses of petroleum products can be a source of contamination. The draft EIR at Section 2.4.1.2, Surface and Groundwater Quality, was revised to add this clarification. However, this information does not change the conclusions in the report.

H-37 The County of San Diego concurs with the comment and agrees additional clarification can be provided. Current use regulations for VOCs ensure these chemicals are not used in any amounts that would impact groundwater. Similarly, residual concentrations from petroleum products could be a concern for water quality. The draft EIR at Section 2.4.1.2, Surface and Groundwater Quality, was revised to add this clarification. However, this information does not change the conclusions in the report.

H-38 The draft EIR does not state that pollution is not caused by the absence of a report. The discussion in Section 2.4 of the document details Resolution No. R9-2007-0104 by the San Diego RWQCB implementing a waiver program. That program includes enrollment, monitoring, and reporting. The San Diego RWQCB has issued waivers (e.g. Conditional Waiver No. 4) that may allow growers to avoid the need to have a valid Waste Discharge Permit. The recently approved resolution provides greater enforcement and oversight.

The exemption requires growers to manage irrigation and employ appropriate BMPs to prevent pollutants from leaving the property in irrigation or storm-water runoff. Implementation of these enrollment, monitoring, and reporting requirements would ensure that existing agricultural cropland, would not significantly impact water quality. However, the added measures in Conditional Waiver No. 4 will not be in effect and fully enforced until January 2012, and therefore cannot be relied upon as a monitor of water quality levels to avoid impacts from vineyard runoff

In the absence of enforcement pollution may occur. Therefore, impact avoidance cannot be assured until 2012; thus the finding of a significant unmitigable impact was made.

H-39 The draft EIR evaluates the environmental effects of the adoption of the proposed ordinance rather than the implementation of a single or specific winery. While it is possible that a specific winery project could occur without resulting in the impacts to the condition of private roads described in the EIR, it is reasonable to assume that they could. Existing regulations are not sufficient to reduce off-site indirect impacts to a level less than significant. The draft EIR concluded that increased traffic on unpaved rural County roads generated by implementation of the Proposed Project could increase erosion and sedimentation (see Significant Impacts HY-2 and HY-4).

H-40 The County of San Diego acknowledges this comment. However, the comment is not at variance with the existing content of the draft EIR.

H-41 The County of San Diego acknowledges this comment. Although various water quality monitoring, testing and reporting programs may exist, since the Proposed Project would allow new or expanded Wholesale Limited Wineries and Boutique Wineries and no additional discretionary permits are required, there would be the potential for pollutants or violations of water quality standards. Also, because additional measures in Conditional Waiver No. 4 would not be fully enforced until January 2012, there is the potential for development of new wineries or the expansion of existing wineries to impact surface water quality before this date.

H-42 The County acknowledges and agrees with this comment. However, please refer to Response D-8 for the reasoning behind the finding of “significant and unmitigated” regardless of revisions to Conditional Waiver No. 4.

H-43 The County of San Diego acknowledges this comment.

H-44 The County acknowledges and agrees with this comment. However, please refer to Response D-8 for the reasoning behind the finding of “significant and unmitigated” regardless of the implementation timeline for enforcement of Conditional Waiver No. 4.

H-45 The County of San Diego acknowledges this comment. However, this comment fails to raise an issue with the content of the draft EIR.

H-46 The County of San Diego acknowledges this comment. However, this comment fails to raise an issue with the content of the draft EIR.

H-47 The County of San Diego does not concur with this comment. The inclusion of a requirement for property owners to enter into a private road maintenance agreement does not in and of itself mitigate under CEQA for significant impacts to the private roadway as a result of increased traffic. Rather the intent of the condition in the previous version of the Boutique Wineries ordinance was to provide a mechanism to initiate and achieve concurrence among property owners as to the level of improvement and maintenance required with the use of the private roadway.

H-48 The County of San Diego does not concur with the comment. The comment refers to text from Section 2.4.2.1, Surface Water Quality, of the Draft EIR. In the analysis for surface water quality, the Draft EIR first reiterates a component of the proposed ordinance amendment. The analysis goes on to explain that an expansion of winery operations as allowed by the proposed amendment could increase the number of acres that are in agricultural production and, for Boutique Wineries, add visitor traffic to offsite roads. Regardless of the winery classification, any expansion of winery production could result in impacts that degrade surface water quality because additional measures in Conditional Waiver No. 4 would not be fully enforced until January 2012 (Significant Impact HY-1) and any increase in visitor traffic could increase sedimentation and erosion on off-site unpaved roads (Significant Impact HY-2). Regardless of the maximum wine production limit (7,500 or 12,000) for Wholesale Limited Winery classification, any conversion from a Wholesale Limited Winery to Boutique Winery would result in a higher production limit and associated impacts without further discretionary review as discussed in the EIR. Since the proposed amendment to the Zoning Ordinance would allow these uses by right, impacts would be significant and unmitigated whether the annual production limit is maintained at 7,500 gallons for Wholesale Limited Wineries or increased to 12,000. Therefore, the County has determined that the 12,000 gallon annual production limit evaluated in the EIR should be retained for the Wholesale Limited Winery classification.

H-49 The County of San Diego acknowledges this comment. However, this comment fails to raise a substantive issue.

H-50 Please refer to Response to Comment D-41 for an explanation of the significant impacts to water supply.

H-51 Please refer to Response to Comment D-41 for an explanation of the significant impacts to water supply.

H-52 The County of San Diego acknowledges this comment. Please refer to Response to Comment D-41. This comment does not raise an issue with the content of the draft EIR.

H-53 The County of San Diego acknowledges this comment.

H-54 The County of San Diego acknowledges this comment. This comment does not raise an issue with the content of the draft EIR nor affect its conclusions. Although recycling rinse water associated with vineyard operation is a smart practice as stated in the comment, no regulatory provisions exist that require rinse water to be reused. Consequently this practice cannot be considered for mitigation of the Proposed Project since the practice is not enforceable. In addition, while the practice of recycling water may reduce a winery operations water use it does not eliminate the need for water which in turn can impact water supply. See Comment I-15

H-55 The County of San Diego acknowledges this comment.

H-56 The County of San Diego acknowledges and appreciates this comment. The Enhanced Ministerial Enforcement Alternative involves the adoption of a Compliance Checklist which

would require measures to be met prior to approval of a future by-right winery. As stated in Section 4.2.1 (Enhanced Ministerial Enforcement Alternative Description and Setting), the Compliance Checklist would include specific standards and limitations to avoid or mitigate significant impacts. Items on the checklist are listed on Table 4-1 and include, but are not limited to, documentation that a future by-right winery applicant has complied with the conditions built-in to the ordinance (as amended) as well as applicable county, state, and federal laws. Where the future project does not conform to the Compliance Checklist and significant impacts would not be avoided or mitigated, the future winery operator would have the option to pursue the project through the discretionary review process.

The County does not concur that the requirements of the Enhanced Ministerial Enforcement Alternative would require the need for substantial use of consultants and be as burdensome as a current major use permit. Determinations for the majority of the checklist items can simply be provided as part of the proposed project design or review of maps, aerial photographs or existing available planning documents. When consultant services are necessary to determine Checklist compliance, the process would be negligible when compared to the major use permit process. Consequently this project would continue to meet the objective of the Proposed Project.

H-57 Please refer to Response to Comment H-56.

H-58 Please refer to Response to Comment H-56.

H-59 The County of San Diego acknowledges this comment and appreciates the Ramona Valley Vineyard and Winery Associations' position. Please refer to Response H-56 for a detailed explanation of the Compliance Checklist.

H-60 The County of San Diego acknowledges this comment.

H-61 The objectives of the Proposed Project are detailed in Section 1.1 of the draft EIR. The Limited Five Year by Right Alternative meets these objectives.

After the evaluation of specific data collected to document the location and growth of new winery operations throughout lands zoned A70 and A72 in the county, the County of San Diego. As stated in Section 4.3.2 (Comparison of the Effects of the Limited Five-Year By-Right Alternative to the Project), this alternative could allow decision-makers to determine whether modifications to or rescission of the ordinance should be considered at the end of the five-year period relative to the by-right provisions. If the alternative was adopted and the ordinance reevaluated at the end of five years, those by-right wineries in operation at that time would not cease legal operation. If it was determined that the ordinance did not function as envisioned, additional by-right operations may be prohibited.

H-62 The County of San Diego acknowledges and appreciates this comment. Please refer to Response H-61.

I. LETTER FROM THE COAST LAW GROUP, LLP DATED AUGUST 31, 2009

I-1 The County of San Diego acknowledges and appreciates the introductory comments that will be addressed in the Responses below. As discussed in Response E-2, the County of San Diego decisonmakers will be asked separately to "balance the benefits of the [P]roposed [P]roject against the unavoidable environmental risks in determining whether to approve the [P]roposed [P]roject."

I-2 The County of San Diego acknowledges and appreciates this comment. However, the County does not concur that the approach violates CEQA for the reasons explained in the Responses below. While the impacts from specific future wineries may be unknown, the EIR adequately analyzes and discloses the potential impacts from the Proposed Project in the level of detail required by CEQA.

I-3 The County of San Diego acknowledges this comment. As discussed more fully below, the County has revised the draft EIR to analyze three existing Wholesale Limited Wineries that intend to convert to a by-right Boutique Winery if the Proposed Project is approved. This

new analysis can be found in Appendix F of the Final EIR. The remainder of the issues raised in the comment is explained in the Responses below.

I-4 The County of San Diego acknowledges the comment and the stated purpose and requirements of an EIR. However, it should also be noted that CEQA Guidelines §15151 states an EIR need not conduct an exhaustive evaluation of environmental impacts. Instead, the sufficiency of an EIR is reviewed in the light of what is reasonably feasible; courts do not look for perfection, but for adequacy, completeness, and a good faith effort at full disclosure. Furthermore, reasonable estimates and assumptions may be used in the analysis of impacts by an EIR. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* 47 Cal.3d 376, 410 (1988); also see *Residents Ad Hoc Stadium Comm. v. Board of Trustees* 89 Cal.App.3d 274, 286 (1979) (" 'Crystal ball' inquiry is not required"); *Citizens to Preserve the Ojai v. County of Ventura* 176 Cal.App.3d 421, 432 (1985) (finding that where precise technical analysis of an environmental impact is not practical, a lead agency must make a reasonable effort to pursue less exacting analysis). The degree of specificity in an EIR should also correspond to the degree of specificity involved in the underlying activity which is described in the EIR. See CEQA Guidelines §15146 ("An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment, *but the EIR need not be as detailed as an EIR on the specific construction projects that might follow*.") (emphasis added).

I-5 The County of San Diego does not concur with the comment. In spite of the large geographic scope of the Proposed Project and the inherent difficulties in analyzing the potential significant impacts from future unknown winery projects allowed by the Proposed Project in this large area, the EIR nonetheless: (i) conducted a detailed survey of existing winery operations of various sizes and locations throughout the County; (ii) conducted a Traffic Impact Analysis, Appendix D; (iii) analyzed GIS records; (iv) conducted winery site visits; and (v) considered multiple project alternatives. In addition, as to candidate, sensitive or special status species, Section 2.2.2.1 of the draft EIR analyzed environmental consequences and did not simply label the impact significant. The draft EIR analyzed wineries that will operate out of existing buildings, various grape growing scenarios that will or will not require future discretionary permits, as well as wineries that will be developed or expanded throughout the project area. In cases where wineries develop by right and are exempt from obtaining a grading permit (i.e. grading less than 200 CY of material or other types of exempt grading), grading activities could occur that impact candidate, sensitive or special status species. Therefore, the draft EIR does analyze the potential environmental consequences from the Project before concluding that these impacts are significant.

I-6 The County of San Diego does not concur with the comment. Please refer to Response to Comment I-5. As to Air Quality, Section 2.1.2.2 of the draft EIR does adequately analyze environmental consequences and does not simply label the impacts significant. This section analyzes a scenario where wineries will be constructed simultaneously and will exceed emission thresholds. In addition, the draft EIR analyzes mobile emissions from increased traffic that will exceed thresholds, cumulative air quality impacts from vehicular traffic on roadways, and emissions from the generation of electricity and natural gas consumption/combustion associated with winery operations. Therefore, the draft EIR does analyze the potential environmental consequences from the Project before concluding that these impacts are significant. This same adequate approach was used for the analysis and conclusions for Cultural Resources, Hydrology/Water Quality, Noise, Transportation/Traffic and Water Supply.

I-7 The County of San Diego does not concur with the comment. Please refer to Response to Comment I-5. Section 15088.5(a) of the CEQA Guidelines requires recirculation of a draft EIR when significant new information is added to the draft EIR after public review of the draft EIR but before certification. The requirements for recirculation have not been met here.

I-8 Please refer to Response to Comments I-4 and I-5.

I-9 The County of San Diego acknowledges this comment. Please refer to Response to comment I-5. In response, additional analysis of three existing Wholesale Limited Wineries that intend to convert to Boutique Wineries has been completed and added to the final EIR. Refer to Appendix F for the additional analysis. Also, the EIR does analyze the worst-case scenario which consists of cases when further discretionary and CEQA review is not required for some future wineries.

I-10 The County of San Diego acknowledges this comment about the stated purpose and requirements of an EIR. However, no response is required.

I-11 The County of San Diego does not concur with the comment. The Proposed Project is a zoning ordinance to allow new or expanded Wholesale Limited Wineries and Boutique Wineries with no additional discretionary permits required. Consequently, imposing and enforcing mitigation requirements, such as biological impacts monitoring, water quality monitoring, or mitigation of traffic impacts, is not feasible at this stage for future unknown winery projects. However, the Proposed Project does incorporate certain feasible impact avoidance measures, as listed in Table 1-4 of the EIR, such as limiting the size and scope of facility (Land Use and Neighborhood Character), noise restrictions, parking requirements (Transportation/Traffic) and other operational requirements.

I-12 Please refer to Response to Comment I-11. Mitigation measures can be incorporated into the Ordinance itself, and this is one of the issues to be resolved by the decision-makers - whether or how to mitigate the significant effects of the project as required by CEQA and as discussed in Section S.4 of the draft EIR. Alternatively, pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the decision-makers may find that for each of the significant and unmitigable effects of the Proposed Project identified in the final EIR, specific economical, legal, social, technological, or other considerations make the mitigation measures infeasible. Additional impact avoidance measures were not incorporated into the Proposed Project because these measures would likely result in the need for winery operators to obtain other permits and would be inconsistent with the Project objectives. Wineries required to obtain follow-on discretionary permits such as a Grading Permit would be subject to CEQA and would be required to mitigate for associated impacts. Therefore it was determined that no other avoidance measures were necessary.

I-13 The County of San Diego does not concur with the comment. Finding required by Section 21081 of CEQA and Section 15091 of the CEQA Guidelines are not required to be included in the draft EIR but have been included in the record for the Proposed Project, meeting the requirements of Section 21081 of CEQA and Section 15091 of the CEQA Guidelines. Please also refer to Response to Comment I-5.

I-14 The County of San Diego does not concur with the comment. Unlike the case cited by the comment which addressed an EIR's complete reliance on federal and state pesticide labeling requirements, the draft EIR here includes a discussion and analysis of the County of San Diego Department of Agriculture, Weights and Measures' (AWM) Pesticide Regulation Program, including an explanation of how compliance with this program by future specific winery projects will avoid significant impacts from the proposed ordinance. As discussed in depth in the draft EIR, this County program monitors which pesticides are used on local grape crops, reviews the purpose of the pesticides, determines when a Hazardous Materials Business Plan is required, and implements program registration requirements and other requirements to oversee the use of pesticides and ensure that impacts related to their use and storage will be less than significant. Pesticide use and storage for future winery projects would require winery operators to obtain an operator identification number from AWM, give a copy of the operator identification number to the pesticide dealer when purchasing pesticides, and report pesticide use to AWM using a pesticide use report form. Contractors who apply pesticides are required to follow the same requirements. Wine growers would also be subject to site inspections by AWM Inspectors to ensure pesticides do not endanger workers, the public and, if applicable, nearby

sensitive habitats. The components of the San Diego County Pesticide Regulation Program noted above would ensure the safe use and storage of pesticides by future winery projects. It is also important to note that grape vines remain dormant from late fall to spring and fertilizers, herbicides, and pesticides are not applied during this time. In addition vineyards use significantly less chemicals to control weeds and pests, or to fertilize, as compared to other major crops produced in the region. Finally, there is a nationwide trend towards sustainable agriculture and the use of organic methods of pest control which in turn further reduces pesticide impacts.

I-15 The County of San Diego acknowledges and appreciates this comment. Based on further analysis, new conclusions regarding cumulative impacts to water supply have been made, and Subsection 2.7 of the DEIR has been re-circulated. In summary, the additional analysis states and concludes:

> The Proposed Project does not amend the General Plan as it relates to growth projections or alter the growth projections used by SDCWA and therefore, conforms to the assumptions used in the UWMP and RWFMP. Replacement of existing crops and expansion of winery operations to allow retail sales and wine tasting would not change the underlying land use designations upon which water supply and availability are planned for in the UWMP. However, although irrigation and water demand requirements for vineyards and wine production would be comparable to, or less than other crops that can be grown on A70 and A72 lands, there is a potential to significantly increase demand for water on lands not currently irrigated at a time when rainfall levels are below average and statewide drought conditions have resulted in cutbacks of imported water. In addition, there is a lack of certainty of water supplies available to serve the project area from individual water agencies. Where vineyards are planted as replacement for a higher water use crop (e.g., avocado, citrus, etc), new or expanded wineries could result in a decrease in water use. However, the location and number of new or expanded water service connections that could be required from Wholesale Limited or Boutique Wineries operating by right under the amended Zoning Ordinance are not known and could result in a demand for water where currently none exists. Therefore, with respect to imported water supplies, the Proposed Project could result in significant cumulative impact.
>
> As for groundwater, the prevailing aquifer type in the County of San Diego has low groundwater storage capacity, and groundwater levels can fluctuate widely due to differences in annual precipitation and groundwater use. While there are also extensive areas of alluvial aquifers (such as the Ramona area) which have large groundwater storage capacity and groundwater levels are not subject to drastic variations, where groundwater demand exceeds the rate of recharge, historical groundwater levels demonstrate a trend of decline. Since the number and location of new or expanded wineries which will rely on groundwater for their primary water source is unknown, the Proposed Project may cause or contribute to depletion of groundwater supplies where supplies are limited and/or yields of groundwater are low. Consequently, with respect to groundwater supplies, *cumulative* impacts would be significant

I-16 The County of San Diego does not concur with this comment. The analysis and reasons in the draft EIR accurately reflects how potential groundwater pollutants are used on grape crops and when future discretionary review may avoid potentially significant direct impacts. This analysis provides enough relevant information to constitute substantial evidence that direct impacts to groundwater quality are less than significant because it is based on information from grape growers and actual practices employed in San Diego County. Specifically, the analysis is based on facts that the grape vines remain dormant from late fall to spring, and fertilizers, herbicides, and pesticides are not applied during this time. In addition vineyards use significantly less irrigation water and chemicals to control weeds and pests, or to fertilize, as compared to other major crops produced in the region. This information supports the conclusion that direct groundwater quality impacts are less than

significant because vineyards require reduced application of chemicals and irrigation as compared to most other food and ornamental crops.

I-17 The County of San Diego does not concur with this comment. Section 2.4.1.4 Groundwater Quality details the "conditions on the ground," identifying common sources of groundwater contamination. The Draft EIR's threshold for determining direct impacts to groundwater quality as a result of the proposed project is any level of contaminant that exceeds the Primary State or Federal Maximum Contaminant level (MCL). This is the same baseline used for all proposed projects and uses subject to CEQA analysis within San Diego County, including agricultural operations currently permitted by the County's Zoning Ordinance.. In addition, all wells required to supply water to expanded or new winery operations would require a permit from the County of San Diego Department of Environmental Health. This permit process requires new wells be tested for bacteria and other contaminants in accordance with federal and state laws protecting water quality. Ground water supplies must not exceed State and Federal MCLs. Furthermore, the primary groundwater contaminants of concern that could leach into ground water supplies as a result of winery operations would be from the use of fertilizers, herbicides, pesticides, petroleum products and volatile organic compounds. As stated previously, pesticide storage and use are regulated by the County of San Diego Department of Agriculture, Weights and Measures' Pesticide Regulation Program; please refer to response I-14. In addition, grape vines remain dormant from late fall to spring, which corresponds to the rainy season in San Diego County, fertilizers, herbicides, and pesticides are not applied during this time and are therefore less likely to leech into groundwater supplies. Also, vineyards use significantly less chemicals to control weeds and pests, or to fertilize, as compared to other major crops produced in the region. Finally, future winery operations that include a need for a permit (Building, Grading, Well) are required to demonstrate compliance with the Watershed Protection, Stormwater Management and Discharge Control Ordinance. Therefore, direct impacts to groundwater quality would not be significant.

I-18 The County of San Diego does not concur with the comment. The EIR states (Sect 2.4.1.4) that the most common existing contaminants in groundwater within San Diego County include elevated nitrate, naturally-occurring radionuclides, TDS, and bacteria. Potential sources of groundwater contamination from vineyard and winery operations would be from the use of fertilizers, pesticides, petroleum products, and volatile organic compounds. These contaminants have the potential to enter the soil and could contaminate groundwater. However, grapevines are dormant from approximately late fall until spring, and fertilizers and pesticides are sparingly applied by hand during spring and summer, which does not correspond to the rainy season in San Diego County. As vineyards use significantly less irrigation water compared to other major crops produced in the region, the timing of the application of fertilizers and pesticides can be such as for maximum benefit to the vine, with very little if any loss to the soil substrate. Vineyard operators are required to be registered with the County Department of Agriculture's Pesticide Regulation Program, and must have operator and applicator licenses. Furthermore, future winery projects that include a need for certain discretionary permits (e.g. Grading Permit, Administrative Permit for clearing, etc.) are required to demonstrate compliance with the WPO, which regulates stormwater discharges. As a result, the Project would not make a cumulatively considerable contribution to any cumulative groundwater impacts. Therefore, potential cumulative groundwater impacts are determined to be less than significant**.**

I-19 The County of San Diego does not concur with the comment. While the County of San Diego does not provide guidelines for determining significant traffic impacts on private roads, the EIR provides sufficient analysis and information to assess the proposed projects traffic impact on private roads. The EIR's analyses concludes Boutique Wineries will produce trip generation rates of 40 ADT/site (weekday) and 160 ADT/site (weekend). Therefore, increased traffic volumes generated from one or more Boutique Wineries

developed on a private road may exceed a private road's designed capacity. In addition, new or expanded wineries may be established on private roads which do not meet County design standards. Design deficiencies may include steep grades, insufficient width or curve radii. Based on the fact that private roads throughout the approximately 440,000 acre project area will experience increased traffic volumes and private roads vary in their condition and location and the exact location of future wineries cannot be predicted, the impact to private roads has been determined to be significant and not mitigable.

I-20 The County of San Diego does not concur with this comment. The conclusion in the draft EIR is based on expert opinion and on existing regulations (Section 87.430 of the Grading Ordinance) that will avoid significant impacts.

I-21 The County of San Diego does not concur with the comment. Public Services, including fire protection, Emergency Response Plans and Wildland Fires are discussed and analyzed in Sections 3.1.5, 3.2.3, and 3.2.13 and supports the conclusion that the Proposed Project will not have a significant impact during wildlfires. The Unified San Diego County Emergency Services Organization Operational Area Plan referred in the EIR includes an Evacuation Annex that provides a framework for the County of San Diego to coordinate and respond to a Level II (Moderate) evacuation scenario, which would include evacuations related to wildfires Additionally, the local fire authority having jurisdiction within each community will determine the proper wildfire evacuation mechanism within each community.

I-22 The County of San Diego does not concur with the comment. CEQA requires an EIR to analyze whether a project will result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. The draft EIR has determined that the project will not require physical construction of government facilities to serve the project. This conclusion was confirmed by personal communication with Sergeant Joe Long of the Julian Sheriff's Substation and Alfred Stumpfhauser, Crime Analyst of the San Marcos Sheriff Station (See Appendix E)

I-23 The County of San Diego acknowledges this comment and summary of the Proposed Project.

I-24 The County of San Diego acknowledges and appreciates this comment. However, the County of San Diego does not concur with the comment. Please refer to Responses to Comments I-1 through I-23 above.

J. LETTER FROM KIM HARGETT DATED JULY 18, 2009

J-1 The County of San Diego acknowledges and appreciates this comment. However, this comment is not related to an environmental issue pursuant to CEQA.

J-2 The County of San Diego acknowledges and appreciates this comment. However, this comment is not related to an environmental issue pursuant to CEQA.

J-3 The County of San Diego acknowledges and appreciates this comment. However, this comment is not related to an environmental issue pursuant to CEQA.

J-4 The County of San Diego does not concur with this comment. The draft EIR did not analyze the impacts of Boutique Wineries in comparison to other industries or building of more residential housing in unincorporated areas. The draft EIR only analyzed the impacts of the Proposed Project.

J-5 The County of San Diego does not concur with the comment. Significant impacts were identified for air quality, biology, cultural resources, water quality, noise, traffic, and surface water/groundwater supply for which measures are available to avoid adverse effects, but which lacked any enforcement mechanism. Please refer to Response to Comment C-2.

J-6 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

J-7 The County of San Diego acknowledges and appreciates this comment. However, this comment is not related to an environmental issue pursuant to CEQA.

K. LETTER FROM TOM RAMSTHALER (NO DATE)

K-1 The County of San Diego acknowledges and appreciates and specific comments are addressed in Responses to Comment K-2 through K-6 below.

K-2 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. Public input on the Proposed Project is encouraged and was solicited at the time the Notice of Preparation (NOP) was released and during the public review period for the EIR. Additional opportunity for comment will be provided at the public hearing prior to any action being taken by decision makers.

K-3 The significant impact identified in the EIR for private roads (TR-2) is based on the potential for increased traffic from visitors. Significant impacts of the Proposed Project on private roads are discussed in Chapter 2.6 - Traffic, Section 2.6.2.1 and in Chapter 4 - Alternatives. These sections indicate that impacts are significant for the project, the Enhanced Ministerial and the Limited 5-Year By Right Ordinance alternatives since there is no way to know where or how many new Boutique Wineries accessed by a given road may open. Impacts of the Limited 5-Year By Right Ordinance Alternative would be identical to the Proposed Project while in effect. The Enhanced Ministerial Enforcement Alternative would require confirmation that traffic associated with future by-right wineries would not contribute additional trips to impacted roadways prior to commencement of operations. According to the Compliance Checklist for this alternative provided in Table 4-1, future Boutique Wineries would be required to reduce the projected number of vehicle trips (i.e., restrict the days or times of operation). Section 4.4.2.6 of the draft EIR states: “Under the No Project Alternative, by-right wine production would remain at 7,500 gallons annually, and no wine tasting would be allowed without a discretionary permit. Thus, traffic impacts would not be significant and would be decreased when compared to the Proposed Project.”

K-4 The County of San Diego does not concur with the comment that the draft EIR does not address private roads. Impacts to private roads from the addition of tasting rooms for Boutique Wineries are addressed in Section 2.6.2.1 (Private Roads – All Communities). The draft EIR identified two significant impacts to private roads. The first (TR-1) could occur as a result of additional traffic on private roads from one or more Boutique Wineries since the Proposed Project would allow by-right operations for Boutique Wineries without further consideration of location within the A70 or A72 zones, and the second (TR-2) could occur as a result of insufficient width or curve radii to handle increased traffic from visitors. The draft EIR also provides a private road cumulative impact analysis (Sect. 2.6.3) which concludes the proposed project would not result in cumulatively considerable impact because private roads provide limited access and are not used for regional access..

K-5 The County of San Diego acknowledges and appreciates the recommendation. The decision of whether to adopt Propose Project or one of the Project Alternatives will be made by the Board of Supervisors.

K-6 The County of San Diego acknowledges and appreciates the recommendation. The decision of whether to adopt Propose Project or one of the Project Alternatives will be made by the Board of Supervisors. Please refer to Section 4.1 of the EIR.

L. LETTER FROM DENNIS GRIMES (AUGUST 30, 2009)

L-1 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

L-2 The County of San Diego acknowledges and appreciates this comment. However, the issues raised are not related to an environmental issue pursuant to CEQA.

L-3 Please refer to Response to Comment G-6.

L-4 Please refer to Response to Comment G-6.

L-5 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

L-6 Two air quality impacts were identified in the draft EIR: Impacts resulting from construction activities and emissions resulting from operations. Operational emissions included both stationary and mobile sources. The adopted thresholds, against which the impacts are assessed for significance, are project specific and have been established to account for regional development and the need to meet the required Ambient Air Quality Standards (AAQS). As such, the analysis considered the emissions directly related to the winery operations, and does not calculate offset emissions from alternative activities that may have occurred had the winery activities not occurred. Please also refer to Response to Comment H-9.

L-7 Please refer to Response to Comment D-19.

L-8 The County of San Diego does not concur with the comment. The position that wine grapes do not thrive in overly wet soils, does not provide assurance that activities associated with development of wineries that would be permitted by right as a result of the Proposed Project would not impact wetlands and riparian areas. As a result, significant impact BR-3 on page 2.2-27 concludes:

> Because there is the potential for the development of a new winery or the expansion of an existing winery to impact wetlands regulated by federal and state agencies, adoption of the proposed ordinance amendment would have a significant impact.

L-9 The County of San Diego does not concur with the comment. The draft EIR recognizes that the Proposed Project has the potential to limit urban growth and high density development but the impact to wildlife corridors identified in the draft EIR (page 2.2-27) was based on the potential for future development of a new winery or the expansion of an existing winery to grade in areas that act as native wildlife corridors or nursery sites. The conclusions in the draft EIR are based on the fact that vineyards and non-native habitat do not provide the biological quality of native wildlife corridors or nursery sites.

L-10 The County of San Diego does not concur with the comment. While it is possible that future winery development could include adaptive reuse of historic structures and conservation of historic resources, it is also possible that individual projects completed by right, without review, could impact those resources. The adoption of the Proposed Project would allow those by right activities.

L-11 The County of San Diego does not concur with the comment. While the County has confidence that winery operators will conduct their operations in a safe and environmentally appropriate fashion, CEQA requires that the analysis of issues and the establishment of mitigation measures include reasonably enforceable actions, not simply relying on the excellent intentions of the applicant.

L-12 Please refer to Response to Comment H-13.

L-13 Please refer to Responses to Comments H-9 and H-12.

L-14 The County of San Diego does not concur with the labor-related portion expressed in this comment. Contrary to the comment, as discussed in the draft EIR Section 1.2.2 (Technical, Economic, and Environmental Characteristics), interviews and responses to a survey of existing wineries indicated that wineries of the type permitted by right under the proposed ordinance amendment are family-owned and operated or require limited employees during the seasonal harvest and operations. However, the remaining issues raised (employment and industry growth) are not related to an environmental issue pursuant to CEQA.

L-15 The County of San Diego concurs with this comment. Pursuant to this comment, a footnote has been added to Figure 1-5 to state that all existing Wholesale Limited Wineries are also grape growers as required by both the existing and amended ordinance (proposed). L-16 The County of San Diego does not concur with the comment. It is recognized that organic grapes would not contribute pesticide and herbicide runoff but the acreage of grapes that is currently being farmer organically is currently unknown because although organic grape growers may register with the County Department of Agriculture, Weights and Measures as certified organic, it is not a requirement. Table 1-6 includes a foot-note that indicates the numbers provided in the table are for non-organically grow grapes that are associated with pesticide use.

L-17 The comment is acknowledged and specific information about these "overstatements" that the author raises are addressed below.

L-18 Please refer to Response to Comment L-10.

L-19 The comment is acknowledged and appreciated. Specific comments as to why the commenter disagrees with the EIR conclusions are addressed below.

L-20 Please refer to Response to Comment L-10.

L-21 Please refer to Response to Comment L-10.

L-22 Please refer to Response to Comment L-10.

L-23 Please refer to Response to Comment L-10.

L-24 Please refer to Response to Comment L-10.

L-25 Please refer to Response to Comment G-56.

L-26 The County of San Diego concurs with the comment. The noise analysis considered noise from construction, operation, and vehicle noise sources. On site noise impacts from construction and operation of wineries was determined to not be significant (Pages 2.5-10 and 2.5-11). Noise from traffic added to area roadways was determined to be significant based on the potential for multiple wineries to contribute traffic to the same roadway segments.

L-27 The County of San Diego does not concur with the comment because the draft EIR does recognize that by-right wineries allowed by the adoption of the Proposed Project could, and often would, have environmental effects that are less than those considered in the draft EIR. In addition, the EIR concludes that on-site operational noise impacts from the Proposed Project would be less than significant.

L-28 Please refer to Response to Comment G-60.

L-29 Please refer to Response to Comment G-61

L-30 Please refer to Response to Comment G-61.

L-31 Please refer to Response to Comment G-61.

L-32 Please refer to Response to Comment G-62.

L-33 Please refer to Response to Comment G-63.

L-34 Please refer to Response to Comment G-63.

L-35 Please refer to Response to Comment G-64.

L-36 Please refer to Response to Comment G-65.

L-37 Please refer to Response to Comment G-66.

L-38 Please refer to Response to Comment G-67.

L-39 Please refer to Response to Comment G-68.

L-40 Please refer to Response to Comment G-68.

L-41 Please refer to Response to Comment G-69.

L-42 Please refer to Response to Comment G-70.

L-43 Please refer to Response to Comment G-71.

L-44 Please refer to Response to Comment G-72.

L-45 Please refer to Response to Comment G-73.

L-46 Please see Response to Comment G-74.

L-47 Please refer to Response to Comment G-75.

L-48 Please refer to Response to Comment G-76.

L-49 Please refer to Response to Comment G-77.

L-50 Please refer to Response to Comment G-78.

L-51 The County of San Diego does not concur with this comment. As noted on Page 2.1-1 the East Valley Parkway monitoring station is the closest station near the project area measuring a full range of pollutants. The report provided air quality monitoring results for the East Valley Parkway Station as well as the El Cajon Redwood Station and Alpine Victoria Drive Station. These monitoring stations provide the available data used to assess the success of the region in meeting the ambient air quality standards set by the State and Federal government and provide an understanding of the range of pollution experienced in the project area.

L-52 The County of San Diego does not concur with this comment. PM-10 does result from urban associated activities; however, it is also a result of ground disturbance from such activities as agriculture, grading and driving on unpaved dirt roads. The analysis completed as part of the CEQA process considers all criteria pollutants. There are seven pollutants of primary concern designated by the clean air act, one of which is PM-10. An analysis on air quality considers the contribution of the Proposed Project for each of these pollutants.

L-53 Please refer to Response to Comment L-51.

L-54 The County of San Diego does not concur with this comment. The air quality impact analysis compared the emissions projected for the Proposed Project to a set of thresholds established for specific projects. The purpose of this comparison is to provide a reasonable assessment of the potential for a project to cause emissions that could result in an exceedance of the ambient air quality standards. The thresholds are set by the San Diego Air Pollution Control District. Because the analysis concluded that as few as three additional Boutique Wineries could result in emissions that exceed the thresholds, the impact from the adoption of the Proposed Project would be significant (see AQ-2).

L-55 The County of San Diego acknowledges and appreciates this comment. However, the comment fails to substantiate the comment.

L-56 The County of San Diego does not concur with this comment. The Proposed Project eliminates the permit requirements for by-right wineries. As such, phasing of permit issuance will not be available and concurrent construction can not be prevented.

L-57 Please refer to Response to Comments H-9 and H-12

L-58 Please refer to Response to Comments L-28 and L-29.

L-59 The County of San Diego does not concur with this comment. The Greenhouse Gas estimates were based, not on individuals, but rather on vehicle miles traveled. Carpooling

would not effect this calculation. The number of vehicle trips used in the analysis was based on the traffic report completed for the project. It is recognized that grape plants will uptake carbon dioxide. It is anticipated to be slight and was not included in the calculation.

L-60 The County of San Diego does not concur with the comment. The draft EIR evaluates the effects of the Proposed Project and not the effects of continued general agricultural use.

L-61 Please refer for Response to Comment L-59.

L-62 The County of San Diego acknowledges and appreciates this comment. Please refer to Response to Comment L-3.

L-63 Please refer for Response to Comment L-51.

L-64 The County of San Diego does not concur with this comment. The analysis in the draft EIR is based on the project area, not on the boundaries of the MSCP.

L-65 Please refer for Response to Comment L-8.

L-66 Please refer for Response to Comment L-9.

L-67 The County of San Diego acknowledges this comment. By-right development does not automatically result in species impacts. It does, however, have the potential to do so. The analysis in the draft EIR proceeded on the assumption that, given the diversity of the habitat, range of species, and plus 440,000 acres involved, impacts from individual by-right projects could impact these resources.

L-68 Please refer for Response to Comment L-8.

L-69 Please refer for Response to Comment L-8.

L-70 Please refer for Response to Comment L-8.

L-71 The County of San Diego acknowledges and appreciates this comment. Please refer to Response to Comment L-3.

L-72 The County of San Diego does not concur with the comment. The project under consideration in the EIR is the adoption of an ordinance amendment, and not the approval of individual wineries. It is recognized that the approval of the ordinance will permit wineries by-right if they meet certain conditions. The area in which those facilities could be located is illustrated in Figure 1-3 along with the location of wineries with a Major Use Permit, Wholesale Limited Wineries, and non-operational wineries.

L-73 Please refer for Response to Comment L-72.

L-74 Please refer for Response to Comment L-10.

L-75 Please refer for Response to Comment L-10.

L-76 Please refer for Response to Comment L-16.

L-77 The County of San Diego does not concur with this comment. The location, extent and nature of future specific projects that would be allowed under the ordinance are unknown. The Proposed Project area (lands zoned A-70 and A-72) includes private roads, some of which are unpaved. The draft EIR concluded that a significant impact could occur if additional traffic on unpaved roads erodes the road surface. While it is possible that a specific winery project could occur without resulting in the impacts described in the EIR, it is reasonable to assume that they could. The analysis in the EIR was based on that assumption and evaluates the likelihood of those effects.

L-78 Please refer for Response to Comment L-25. The County of San Diego concurs with the second portions of the comment. Wineries off paved roads would not cause traffic induced erosion/sedimentation.

L-79 Please refer for Responses to Comments G-6 and L-27. The conclusion on page 2.4-22 of the draft EIR is that future development of an unknown number of new or expanded winery operations could cause impacts to surface water quality and erosion/siltation. The ordinance would apply to more than 440,000 acres of land, and the location of future wineries is unknown. Therefore, the development of future wineries cannot be assured or assumed to take place in areas that do not contain sensitive resources (including riparian habitat or watercourses). Therefore, the draft EIR concludes that the Proposed Project could potentially result in significant impacts to surface water quality.

L-80 The County of San Diego concurs with the comment. Vineyards are agricultural operations that are subject to different standards with existing noise regulations.

L-81 Please refer for Response to Comment H-13.

L-82 Please refer for Response to Comment L-29.

L-83 The County of San Diego acknowledges and appreciates this comment. Please refer to Response to Comment L-3.

L-84 Please refer for Response to Comment L-59.

L-85 The County of San Diego does not concur with this comment. If conversion of a Wholesale Limited Winery to a Boutique Winery did not involve construction or any new facilities, then there would be no construction related impacts. The Proposed Project, however, does not limit construction for this conversion. The analysis, therefore, assumes that construction could occur.

L-86 Please refer for Response to Comment L-16.

L-87 The County of San Diego does not concur with this comment. The noise analysis presented in the draft EIR used actual field measurements made at a winery operation. It is possible that future wineries would produce noise level lower or higher than those measured, especially if operations are conducted indoors. Under the Proposed Ordinance, each winery must conduct their operations to comply with the noise level limits of the Noise Ordinance. In addition, amplified noise and events are prohibited, eliminating these potential sources of noise. Therefore, on-site noise generated by the Proposed Project would not exposed NSLU to noise in excess of 60 CNEL or increase noise levels 10 decibels over pre-existing noise. As such, noise impacts were determined to be less than significant.

L-88 The County does not concur with this comment. The draft EIR evaluated the effects of adoption of the Proposed Project and not the effects of continued general agricultural use. Any given winery could replace an existing use but such a replacement cannot be assumed when there is 440,000 acres with the potential to be developed with by-right winery operations.

L-89 The County of San Diego does not concur with this comment. Events and other activities allowable under the Small Winery and Winery classifications are subject to discretionary permits that would involve environmental review. As discussed in Section 1.2.1, page 1-7, because the proposed Zoning Ordinance Amendment does not change the regulations or process for Small Wineries, the draft EIR concluded that the Proposed Project would have no impact for this class of winery. The draft EIR addressed impacts to traffic from Boutique and Wholesale Limited Wineries only.

L-90 Please refer for Response to Comment L-87.

L-91 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the EIR. Please refer to Response to Comment L-3.

M. LETTER FROM LINDA EASTWOOD DATED AUGUST 25, 2009

M-1 The County of San Diego acknowledges and appreciates the comment and specific comments are addressed in Responses to Comment M-2 through M-54 below.

M-2 The County of San Diego acknowledges this comment. Impacts to private roads from the addition of tasting rooms for Boutique Wineries are addressed in Section 2.6.2.1 (Private Roads – All Communities) of the draft EIR and Section 2.6.5 (Mitigation) concluded that impacts to private roadways would remain significant and unmitigated. .

M-3 The County of San Diego does not concur with this comment. The Proposed Project includes provisions to limit or restrict the size of on-site structures, tasting room hours, parking spaces, and the use of amplified sound, among other considerations for new or expanded by-right operations with the intent of minimizing the potential for conflicts between winery operations and adjacent land uses. Table 1-4 in the draft EIR lists the environmental design considerations to reduce/avoid impacts from Boutique Wineries. As these requirements would be included in the Zoning Ordinance, they would be subject to enforcement by the County of San Diego.

M-4 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

M-5 The County of San Diego acknowledges and appreciates this comment. However, this comment does not raise a significant environmental issue for which a response is required pursuant to CEQA. Please also refer to section 2.6 of the EIR for an analysis of impacts to private roads.

M-6 The County of San Diego acknowledges and appreciates this comment. Please refer to Response to Comment M-5. Also please refer to sections 3.1.2 and 3.2.1 of the EIR.

M-7 The County of San Diego acknowledges and appreciates this comment. This comment does not raise a significant environmental issue for which a response is required pursuant to CEQA

M-8 The County of San Diego acknowledges and appreciates this comment. Please refer to Response to Comment M-6.

M-9 The County of San Diego acknowledges and appreciates this comment. This comment does not raise a significant environmental issue for which a response is required pursuant to CEQA.

M-10 The County of San Diego acknowledges and appreciates this comment. This comment does not raise a significant environmental issue for which a response is required pursuant to CEQA.

M-11 The County of San Diego acknowledges and appreciates this comment. This comment does not raise a significant environmental issue for which a response is required pursuant to CEQA.

M-12 The County of San Diego acknowledges and appreciates this comment. This comment does not raise a significant environmental issue for which a response is required pursuant to CEQA.

M-13 The County of San Diego acknowledges and appreciates this comment. This comment does not raise a significant environmental issue for which a response is required pursuant to CEQA.

M-14 The County of San Diego does not concur with this comment. All on-site noise generated by the winery, including refrigeration units, is required to comply with the provisions of Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control (“Noise Ordinance”). The draft EIR discusses on-site generated noise in Section 2.4.2.2 and concludes that noise impacts from operations will be less than significant.

M-15 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

M-16 The County of San Diego acknowledges and appreciates this comment. However, this comment is not related to an environmental issue pursuant to CEQA.

M-17 The County of San Diego acknowledges this comment, but does not require a revision to the draft EIR. The draft EIR addresses these issues in chapter 2.

M-18 Please refer to Response to Comment M-17.

M-19 The County of San Diego does not concur with this comment. As discussed in Section 3.2.13 (Wildlife Fires), wineries located adjacent to wildlands must comply with existing regulations for emergency access, water supply, and defensible space. Maximum parking capacity for Boutique Wineries is nine spaces. The zoning ordinance amendment restricts tasting room operations to daytime hours and parking areas to six parking spaces for customers and three spaces for employees.

M-20 Please refer to Response to Comment M-17.

M-21 The County of San Diego acknowledges and appreciates this comment. However, the comment is not related to an environmental issue pursuant to CEQA.

M-22 The County of San Diego acknowledges this comment but it does not require a revision to the draft EIR. In Section 2.7.2.2, the draft EIR discusses the increase in groundwater demand and the resulting significant impact.

M-23 Please refer to Response to Comment M-22.

M-24 Please refer to Response to Comment M-22.

M-25 The County of San Diego acknowledges this comment but it does not require a revision to the draft EIR. In Section 2.6.2.1 the draft EIR discusses the significant impacts to the roadways in the project area.

M-26 The County of San Diego acknowledges and appreciates this comment. However, he comment raised is not related to an environmental issue pursuant to CEQA.

M-27 Refer to Response to Comment M-25.

M-28 Please refer to Response to Comment M-25

M-29 The County of San Diego does not concur with the comment. The traffic study does not represent a time when traffic would be minimal, but rather relied on a snapshot in time reflecting existing traffic conditions of the selected roadways and community planning areas based on the rationale used in the Traffic Impact Analysis (Appendix D, Page 6 of the draft EIR), for. The rationale includes a) community planning areas that have agricultural zoning that allow wineries, b) community planning areas that sustain climate, soil and other geographic/agricultural features suitable for winery operations, and/or c) represent areas where there are existing wineries.

M-30 The County of San Diego acknowledges and appreciates this comment. However, he comment raised is not related to an environmental issue pursuant to CEQA.

M-31 The County of San Diego does not concur with the recommendation because the County does not maintain nor have jurisdiction over private roads.

M-32 The County of San Diego acknowledges and appreciates this comment. However, he comment raised is not related to an environmental issue pursuant to CEQA.

N. LETTER FROM JIM BEGGS DATED AUGUST 31, 2009

N-1 The County of San Diego acknowledges and appreciates the introductory comments that will be addressed in the Responses below.

N-2 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. As discussed more fully in section 3.1.2.2 of the EIR, the proposed project does not conflict with any applicable County land use plan or regulation.

N-3 The County of San Diego does not concur with the comment. The draft EIR includes an analysis supporting the determination that land use and neighborhood character impacts are not significant. The analysis demonstrates compliance with zoning, the General Plan, Board of Supervisors Policy I-133 and other applicable plans, policies and regulations. Traffic impacts on neighborhood character have also been addressed 3.1.2.1 of the draft EIR. The Proposed Project does not propose to allow restaurants to operate in the A70 and A72 zones since restaurants are not permitted in these zones and no on-site preparation of food is proposed. The intent of allowing pre-prepared food and tables is to have food which is typical of the wine tasting experience to be available while also allowing areas for visitors to congregate while wine tasting.

N-4 The County of San Diego does not concur with the comment. The County of San Diego Department of Agriculture, Weights and Measures' ("AWM") Pesticide Regulation Program monitors which pesticides are used on local grape crops, reviews the purpose of the pesticides, determines when a Hazardous Materials Business Plan is required, and implements program registration requirements and other requirements to oversee the use of pesticides and ensure that impacts related to their use and storage will be less than significant. Pesticide use and storage for future winery projects would also require winery operators to obtain an operator identification number from the AWM, give a copy of the operator identification number to the pesticide dealer when purchasing pesticides, and report pesticide use to AWM using a pesticide use report form. Contractors who apply pesticides are required to follow the same requirements. Wine growers would also be subject to site inspections by AWM Inspectors to ensure pesticides do not endanger workers, the public and, if applicable, nearby sensitive habitats. The components of the San Diego County Pesticide Regulation Program noted above would ensure the safe use and storage of pesticides by future winery projects. It is also important to note that grape vines remain dormant from late fall to spring, and fertilizers, herbicides, and pesticides are not applied during this time. In addition vineyards use significantly less chemicals to control weeds and pests, or to fertilize, as compared to other major crops produced in the region. Finally, there is a nationwide trend towards sustainable agriculture and the use of organic methods of pest control which in turn further reduces pesticide impacts. Please also refer to Response to Comment I-17.

N-5 Please refer to Response to Comment I-20.

N-6 Please refer to Response to Comment I-22. In addition, public safety personnel in other wine growing regions of the state were not contacted due to the fact that public safety services are not applied uniformly across the state and levels of service may vary between jurisdictions. Furthermore, the impacts on public safety from winery operations in one wine growing region do not necessarily reflect potential impacts in other regions. Factors such as demographics, size, scale, number of existing wineries, economics and regulations can differ between the State's wine regions.

N-7 Please refer to Response to Comment I-21 and N-6. In addition, Board of Supervisors Policy K-9 relates to emergency ambulance service in the unincorporated areas of the County. However, because the proposed project is not anticipated to induce growth and is an agricultural use within an agricultural zone, there is no established need for additional emergency ambulance services in the unincorporated areas of the County as a result of the project.

N-8 The County of San Diego does not concur with the comment. The draft EIR used current emergency response plans to analyze potential impacts in Section 3.2.3 and there is no substantial evidence that the conclusions are based on outdated assumptions.

N-9 The County of San Diego does not concur with the comment. The approach utilized to reach the conclusion in the draft EIR is found in Sections 3.2.9 and 3.2.10 and there is no substantial evidence that the Proposed Project will have a significant impact on Public Services and Recreation.

N-10 The County of San Diego does not concur with the comment. The approach utilized to reach the conclusion in the draft EIR is found in Section 3.2.13 and there is no substantial evidence that the Proposed Project will have a significant impact on Wildland Fires. The analysis in the draft EIR is based on existing Fire Code regulations, including requirements related to emergency access, water supply, and defensible space. Contacting local fire chiefs would not change the conclusions reached in the draft EIR because the local fire chiefs would likely recommend that wineries be designed and operate consistent with these existing requirements.

N-11 The County of San Diego does not concur with the comment. The draft EIR does address impacts to private roads. Please refer to Response to Comment K-4. In addition, issues related to property liability and private road maintenance do not raise a significant environmental issue for which a response is required pursuant to CEQA.

N-12 The County of San Diego does not concur with the comment. The County has no authority over private roads.

N-13 The County of San Diego concurs with the correction in the comment. The draft EIR has been revised at Section 2.6.2.1 to state that "that levels of service are not applicable to private roads since these roads are not intended to carry through traffic."

N-14 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. In addition, the first two paragraphs of this comment do not raise a significant environmental issue for which a response is required pursuant to CEQA.

O. LETTER FROM CAROL ANGUS DATED JULY 16, 2009

O-1 The County of San Diego acknowledges and appreciates the comment and specific comments are addressed in Responses to Comment O-2 through O-13 below.

O-2 The County of San Diego does not concur with the comment. The draft EIR does address impacts to private roads. Please refer to Response to Comment K-4. However issues related to property liability are not related to an environmental issue pursuant to CEQA. .

O-3 The County of San Diego does not concur with this comment. The County of San Diego has designed the Proposed Project to minimize potential for conflicts between winery operations and adjacent land uses as stated in Section 1.1 (Project Objectives). The proposed ordinance includes provisions to limit or restrict the size of on-site structures, tasting room hours, parking spaces, the use of amplified sound, among other considerations for new or expanded by-right operations. The Table 1-4 in the draft EIR lists the environmental design considerations to reduce/avoid impacts from Boutique Wineries.

O-4 The County of San Diego does not concur with the comment or agree that there is a violation under CEQA. The draft EIR disclosed significant impacts to air quality, biology, cultural resources, water quality, noise, traffic, and surface water/groundwater supply, meeting the requirements for public disclosure.

O-5 The County of San Diego does not concur with the comment. Cumulative impacts are addressed in Section 1.7 (Cumulative Impacts Analysis Methodology - Buildout Projections of the County of San Diego General Plan [Summary of Projections]) of the draft EIR., The evaluation of cumulative impacts required by Section 15130(b)(1) of the CEQA Guidelines is based on a summary of projections contained in an adopted plan or related planning document. This is due, in part, to the large size of the project area where the proposed ordinance amendment would take effect. This summary of projections method is appropriate because agricultural uses in A70 and A72 Zones have been considered in adopted or certified regional or area wide planning documents.

O-6 The County of San Diego acknowledges and appreciates this comment. However, the comment fails to raise an issue or make a substantive comment.

O-7 The County of San Diego acknowledges and appreciates this comment. However, the comment fails to raise a significant environmental issue for which a response is required pursuant to CEQA.

P. LETTER FROM DR. L.A. "BUD" WIEDERRICH DATED SEPTEMBER 1, 2009

P-1 The County generally acknowledges this statement, however, the draft EIR identified three specific impacts to air quality related to the determination of significance thresholds. Potential impacts to air quality would result from simultaneous construction of multiple Wholesale Limited and Boutique Wineries (see AQ-1). Potential impacts to air quality may also result from additional traffic to area roadways for travel to as few as three additional Boutique Wineries to result in CO emissions that exceed the maximum daily mobile emissions thresholds (see AQ-2). Finally, potential impacts to air quality could result from the incremental increase of greenhouse gas emissions resulting from operation of the addition of as few as four additional Boutique Wineries (see AQ-3). Please refer to Response to Comment L-6.

P-2 Please refer to Response to Comment L-59.

P-3 The County concurs with this comment as the draft EIR concludes that the ordinance could potentially result in significant impacts to biological resources.

P-4 The County acknowledges this comment. Because the ordinance would apply to more than 440,000 acres of land, and would allow an unknown number of future Boutique Wineries by right, the draft EIR concludes that the ordinance could potentially result in significant impacts to biological resources in certain instances. By-right development does not automatically result in biological impacts. It does, however, have the potential to do so. The analysis in the draft EIR proceeded on the assumption that, given the diversity of the habitat, range of species, and the 440,000 plus acres in the project area, impacts from individual by-right projects could significantly impact these resources.

P-5 The County of San Diego concurs that vineyards provide less fuel than wildland areas. Section 3.2.13 of the draft EIR states that agricultural fields with irrigation contain less vegetation that can act as fuel during a wildfire or less dense vegetation compared to other settings and wildlands. Please refer to Response to Comment L-59.

P-6 The County concurs that the proposed Project has the potential to impact important cultural and historic resources. The County acknowledges agrees that some future winery operators would utilize existing on-site structures to house winery equipment or site a tasting room. Section 2.3.2.1 of the draft EIR states that some existing and future Wholesale Limited and Boutique Wineries would be operated out of existing buildings on developed lots. In these cases, there would be no alteration to structures or related ground-disturbing activity that could cause a substantial adverse change in the significance of a historical resource. However, because the ordinance would apply to more than 440,000 acres of land, and discretionary review may not occur for every one of these specific projects, the draft EIR concludes that the Proposed Project could potentially result in significant impacts to historic resources. Please refer to Response to Comment D-30.

P-7 The County concurs as the draft EIR states that there is the potential for the development of new wineries or the expansion of existing wineries to impact hydrology and surface water quality. According to information reported by AWM on Table 3.1-4, pesticides used within the past year on wine grapes in the project area included a range of insecticides, herbicides, rodenticides, and fungicides (see Table 3.1-4). Section 3.1.3.2 of the draft EIR specifically addresses pesticide use. The draft EIR acknowledges the trend toward the growth of sustainable agriculture and the use of organic methods of pest control. The draft EIR concluded, however, that impacts from pesticide use as a result of the Proposed Project would be less than significant due to the fact that the application of pesticides is

subject to specific regulations for safe handling, storage, and disposal. Please refer to Response to Comment L-16.

P-8 The County acknowledges and appreciates this comment and has addressed the specific reasons in Responses to Comments P-9 and P-10 below.

P-9 Please refer to Response to Comment P-7.

P-10 The County acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

P-11 The County of San Diego acknowledges this comment but because the sources of noise mentioned in the comment are not a result of the project, they are not analyzed in the draft EIR.

P-12 Please refer to Responses to Comments G-41 and G-43.

P-13 Please refer to Responses to Comments G-61 and G-70.

P-14 Please refer to Responses to Comments G-41 and G-43.

P-15 The County generally concurs with this statement but wishes to clarify that potential impacts to water supply are related to the following conditions: lack of water available from existing entitlements and resources to serve new wineries or expansion of existing wineries on lands not currently irrigated (see Significant Impact WS-1, WS-3) or additional demand for groundwater from new or expanded wineries (see Significant Impact WS-2, WS-4).

P-16 The County generally agrees. As discussed in Section 2.7.1.3 (Water Use) of the draft EIR: "The actual amount of water used varies throughout the year. For example, most irrigation would occur during the growing season (mid-April to October), and it is expected that the vines would not be watered from November through February." In this same section, the draft EIR also states: "In addition to crop irrigation, water is used for wine production, cleaning, and visitor services (i.e., restrooms). The peak months of water use in wine processing are the harvest season (August through September)."

P-17 Please refer to Responses to Comments D-15 and L-6.

P-18 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. Please refer to Response to Comment L-6.

P-19 The County acknowledges this comment. However, the comment is not at variance with the existing content of the EIR. Please refer to Response to Comment P-4.

P-20 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR. Please refer to Response to Comment P-6.

P-21 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

P-22 Please refer to Response to Comments P-11.

P-23 The County of San Diego acknowledges and appreciates this comment. However, this comment does not raise an environmental issue pursuant to CEQA.

P-24 The County of San Diego acknowledges and appreciates this comment. However, the comment is not at variance with the existing content of the draft EIR.

P-25 The County of San Diego acknowledges and appreciates this comment. However, this comment does not raise an environmental issue pursuant to CEQA.

LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES
THAT COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)
TIERED WINERY ZONING ORDINANCE AMENDMENT
POD 08-012, LOG NO. 08-00-004
STATE CLEARINGHOUSE NO. 2008101047

A draft version of this EIR was circulated for public review from July 16, 2009 through August 31, 2009. The following is a listing of the names and addresses of persons, organizations, and public agencies that commented during this public review period.

NAME	ADDRESS
FEDERAL AGENCIES	
None	
STATE AGENCIES	
Governor's Office of Planning and Research	1400 10th Street, Sacramento, CA 95812-3044
Native American Heritage Commission	915 Capitol Mall, Room 364, Sacramento, CA 95814
COUNTY, CITY, AND OTHER LOCAL AGENCIES	
None	
ORGANIZATIONS	
California Farm Bureau Federation	2300 River Plaza Drive, Sacramento, CA 95833-3293
San Diego County Farm Bureau	1670 East Valley Parkway, Escondido, CA 92027-2409
San Diego County Archaeological Society	P.O. Box 81106, San Diego, CA 92138-1106
Jamul Dulzura Community Planning Group	P.O. Box 613, Jamul, CA 91935
Ramona Community Planning Group	15873 Highway 67, Ramona, CA 92065
Ramona Valley Winery Association	910 Gem Lane, Ramona, CA 92065

INDIVIDUALS

Chris Polychron, Coast Law Group, LLP	1140 South Coast Highway 101, Encinitas, CA 92024
Kim Hargett	mahogany_mountain@yahoo.com
Tom Ramsthaler	17055 Garjan Lane, Ramona, CA 92065
Dennis Grimes	18261 Chablis Road, Ramona, CA 92065
Linda Eastwood	P.O. Box 118, Ramona, CA 92065
Jim Beggs	18282 Chablis Road, Ramona, CA 92065
Carol Angus	19212 Highland Hills Drive, Ramona, CA 92065
Dr. L.A. “Bud” Wiederrich	13440 St. Andrews Place, Poway, CA 92064

LETTER A

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

September 1, 2009

Lory Nagem
San Diego County, Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Subject: Tiered Winery Zoning Ordinance Amendment, POD 08-012, Log No. 08-00-004
SCH#: 2008101047

Dear Lory Nagem:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 31, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

A-1

Sincerely,

for: Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

SEP 4 '09 PM 2:54

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2008101047
Project Title Tiered Winery Zoning Ordinance Amendment, POD 08-012, Log No. 08-00-004
Lead Agency San Diego County

Type EIR Draft EIR

Description The Proposed Project is an amendment to the San Diego County Zoning Ordinance to introduce a new winery classification and to revise the regulations for two existing winery classifications. The project would introduce a new "Packing and Processing: Small Winery" Use Type that would be allowed subject to limitations and with an approved Administrative Permit in the A70 (Limited Agriculture) and the A72 (General Agriculture) Use Regulations (A70 and A72 Zones). The proposed amendment would also revise the existing regulations for the "Packing and Processing: Wholesale Limited Winery" and for the "Packing and Processing: Boutique Winery" Use Types to allow these uses by right but subject to specified standards and limitations in the A70 and A72 Zones. The Wholesale Limited Winery is currently allowed by right and the Boutique Winery is currently allowed with an approved Administrative Permit. Proposed organizational changes would locate the standards and limitations for Wholesale Limited, Boutique, and Small Wineries in one section of the Zoning Ordinance.

Lead Agency Contact

Name Lory Nagem
Agency San Diego County, Department of Planning and Land Use
Phone (858) 694-3823 **Fax**
email
Address 5201 Ruffin Road, Suite B
City San Diego **State** CA **Zip** 92123

Project Location

County San Diego
City Unincorporated
Region
Lat / Long
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways All unincorporated SD County
Airports All unincorporated SD County
Railways All unincorporated SD County
Waterways All unincorporated SD County
Schools
Land Use Agriculture & low density residential/A70 (Limited Agriculture) & A72 (General Agriculture)/Various General Plan Designations: (17) Estate, (18) Multiple Rural Use, (19) Intensive Agriculture, (20) General Agriculture, (21) Specific Plan, (22) Public/Semi-Public Lands, (23) National Forests/State Parks, (24) Impact Sensitive, (25) Extractive

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Flood Plain/Flooding; Noise; Public Services; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Department of Food and Agriculture; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 07/16/2009 ***Start of Review*** 07/16/2009 ***End of Review*** 08/31/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
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Fax (916) 657-5390
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e-mail: ds_nahc@pacbell.net

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August 13, 2009

Lory Nagern
COUNTY OF SAN DIEGO DEPARTMENT OF PLANNING & LAND USE
5251 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: SCH#2008101047: CEQA Notice of Completion: draft Environmental Impact Report (DEIR) for the **Tiered Winery ZONING ordinance Amendment, POD 08-012 Project** ; located in Unincorporated Areas of San Diego County, California

Dear Lory Nagern:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action: B1

The Native American Heritage Commission did not perform a Sacred Lands File (SLF) search and so Native American Cultural resources were not identified, but a **SLF search will be conducted again**, based on the exact location of the proposed wineries.. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation Coordinator's office (at (916) 653-7278, for referral to the nearest Information Center of which there are 11.. B2

Consultation with tribes and interested Native American consulting parties, on the NAHC list ,should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]*et se),* and NAGPRA (25 U.S.C. 3001-3013), as appropriate. . B3

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
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COUNTY OF SAN DIEGO DEPARTMENT OF PLANNING & LAND USE
5251 Ruffin Road, Suite B
San Diego, CA 92123-1666

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Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains } B4

in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate. B4 (Cont.) (C

A Sacred Lands File search was conducted at this location for Native American cultural resources and cultural resources were identified. This record search is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity. B5

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. B6

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony. B7

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation B8

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contact
San Diego County
August 13, 2009

Ewiiaapaayp Tribal Office
Will Micklin, Executive Director
PO Box 2250 Kumeyaay
Alpine , CA 91903-2250
wmicklin@leaningrock.net
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(619) 445-9126 - fax

Clint Linton
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San Luis Rey Band of Mission Indians
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Vista , CA 92081
cjmojado@slrmissionindians.org
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(760) 724-2172 - FAX

Mel Vernon, Chairperson
San Luis Rey Band of Mission Indians
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melvern@aol.com
(760) 746-8692
(760) 703-1514 - cell

Kupa Cultural Center (Pala Band)
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Pala , CA 92059
cupa@palatribe.com
(760) 742-1590
(760) 742-4543 - FAX

La Jolla Band of Mission Indians
ATTN: Rob Roy,Environmental Director
22000 Highway 76 Luiseno
Pauma Valley , CA 92061
lajolla-sherry@aol.com and
(760) 742-3790
(760) 742-1704 Fax

This list is current only as of the date of this document.
Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. and federal NEPA (42 USC 4321-43351), NHPA Sections 106, 4(f) (16 USC 470(f) and NAGPRA (25 USC 3001-3013)

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008010047; CEQA Notice of Completion; draft Environmental Impact Report (DEIR); Tiered Winery Zoning Ordinance Amendment; POD 08-012; located throughout the unincorporated areas of San Diego County, California.

Native American Contact
San Diego County
August 13, 2009

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
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Pine Valley , CA 91962
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San Luis Rey Band of Mission Indians
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(858) 748-1586

Inaja Band of Mission Indians
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La Posta Band of Mission Indians
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Kumeyaay Cultural Repatriation Committee
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(760) 749-8901 Fax

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Native American Contact
San Diego County
August 13, 2009

Kumeyaay Cultural Historic Committee
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Diegueno/Kumeyaay

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Diegueno

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Kumeyaay

Pauma & Yuima
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Luiseno

Jamul Indian Village
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(619) 669-48178 - Fax
Diegueno/Kumeyaay

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(760) 749-1051
(760) 749-8901 Fax
Luiseno

Los Coyotes Band of Mission Indians
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Warner , CA 92086
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(760) 782-2701 - FAX
Cahuilla

Kumeyaay Cultural Heritage Preservation
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chairman@campo-nsn.gov
(619) 478-9046
(619) 478-9505
(619) 478-5818 Fax
Diegueno/ Kumeyaay

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Native American Contact
San Diego County
August 13, 2009

Barona Group of the Capitan Grande
Edwin Romero, Chairperson
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sue@barona-nsn.gov
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619-443-0681

Ewiiaapaayp Tribal Office
Michael Garcia, Vice Chairperson
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La Posta Band of Mission Indians
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619-478-2125

Manzanita Band of Kumeyaay Nation
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(619) 766-4957 Fax

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
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(760) 749-3200
(760) 749-3876 Fax

Santa Ysabel Band of Diegueno Indians
Johnny Hernandez, Spokesman
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Santa Ysabel , CA 92070
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(760) 765-0320 Fax

Sycuan Band of the Kumeyaay Nation
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ssilva@sycuan-nsn.gov
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619 445-1927 Fax

Viejas Band of Mission Indians
Bobby L. Barrett, Chairperson
PO Box 908 Diegueno/Kumeyaay
Alpine , CA 91903
daguilar@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

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LETTER C

CALIFORNIA FARM BUREAU FEDERATION
NATURAL RESOURCES AND ENVIRONMENTAL DIVISION
2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

Via E-Mail
Lory.Nagem@sdcounty.ca.gov

August 31, 2009

County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd., Ste. B
San Diego, CA 92123-1666

RE: POD 08-012, LOG NO. 08-00-004; SCH NO. 2008101047 TIERED WINERY ZONING ORDINANCE AMENDMENT

Dear Ms. Nagem:

The California Farm Bureau Federation ("Farm Bureau") is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 85,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. C1

Farm Bureau appreciates the opportunity to provide comments on the Draft Environmental Impact Report ("DEIR") for the Tiered Winery Zoning Ordinance Amendment. Although proper environmental review is needed prior to project approval pursuant to the California Environmental Quality Act ("CEQA"), Farm Bureau has concerns over the contents of the DEIR. Specifically, Farm Bureau is concerned with the determination of significant and unmitigated impacts. C2 Prior to any decisions, Farm Bureau urges the County to reevaluate and revise the DEIR to properly reflect the benefits agricultural operations, in the form of small and limited wineries, will have on the County. In addition, Farm Bureau supports San Diego County Farm Bureau on this issue and incorporates by reference their comments. C3

Farm Bureau appreciates the opportunity to submit comments on the DEIR. We look forward to working with you further in developing a sound ordinance to promote agriculture and allow limited, small, and boutique wineries on agricultural zones in San Diego County. C4

Sincerely,

Kari Fisher

Kari E. Fisher
Associate Counsel

KEF\pkh

LETTER D

FARM BUREAU SAN DIEGO COUNTY
1670 East Valley Parkway, Escondido CA 92027-2409
Phone: (760) 745-3023 • Fax: (760) 489-6348
E-mail: sdcfb@sdfarmbureau.org • Website: www.sdfarmbureau.org

August 31, 2009

Lory Nagem
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Draft Environmental Impact Report – Tiered Winery Zoning Ordinance Amendment

Dear Ms. Nagem:

Thank you for this opportunity to comment on the Draft Environmental Impact Report for the County of San Diego's proposed Tiered Winery Zoning Ordinance Amendment (Draft EIR). The San Diego County Farm Bureau strongly supports actions that will create opportunities in keeping with Board of Supervisors Policy I-133, which states "It is the policy of the County of San Diego to develop and implement programs designed to support and encourage farming in San Diego County." D1

Encouraging wine grape production will help strengthen San Diego County's farm community by creating a viable crop choice for farmers who are entry-level, diversifying, or looking for an alternative for a current crop that has challenges. In support of this endeavor it is important to recognize that local wine grape producers will be small in keeping with the existing farmer profile in the county and their production of wine grapes will not succeed in a stand-alone fashion of just planting and growing grapes. These growers must have the capacity to make wine and then sell that wine directly to the public. D2

In reviewing the Draft EIR we believe there are several points that should be recognized and emphasized as having a direct effect on the possible impacts that have been identified. It is our opinion that each of these points illustrates the minimal impact wine grape farming and wine production encouraged by the Tiered Winery Zoning Ordinance will have on the community. D3

- The ordinance amendment only addresses lands that are zoned A70 and A72. These two zones are designated for agricultural production, which means farming should be encouraged as the primary land use. D4
- Some crops currently produced in the county are under strain from low commodity prices, water availability and pricing, or pest pressures. Particularly threatened are permanent crops such as citrus and avocados, which combined account for the largest D5

Serving San Diego County Agriculture Since 1913

amount of irrigated acreage in the county. Finding alternative crops is the only way to protect this acreage from conversion to non-agricultural uses. D5 (Cont.)

- The clearing of new land for planting of a crop requires mitigation if the clearing removes habitat deemed valuable. It is our opinion that the return on wine grape production is insufficient to pay for both mitigation and the investment required to enter into production. Therefore it should be expected that land already in agricultural production will be the prime candidate for the planting of wine grapes. D6
- Compared to other irrigated crops, wine grapes are a low water user. When wine grapes replace other irrigated crops the net impact will be a reduction in water use. D7
- Because wine grapes require a small amount of irrigation there is no threat to surface water quality from irrigation discharges. D8
- Compared to other crops wine grapes require little fertilization and use of pesticides. When wine grapes replace other crops the net impact will be a reduction in chemical use. D9
- Rules promulgated by the California Department of Pesticide Regulation and enforced by the County of San Diego Department of Agriculture, Weights and Measures ensure that the use of pesticides and herbicides will be in compliance with all labeling requirements. D10
- All agricultural producers within the jurisdiction of the San Diego Regional Water Quality Control Board and the Colorado River Basin Regional Water Quality Control Board must be in compliance with state and Federal regulations that protect surface and groundwater resources. D11
- The County of San Diego is working to complete the regional plans within its Multiple Species Conservation Program. When in place, theses plans will ensure that regulations under the United States Endangered Species Act, the California Endangered Species Act, and the California Natural Communities Conservation Planning Act will be met and habitat will be preserved to protect the region's diversity of native plants and animals, including threatened and endangered species. D12

The Draft EIR concludes that a number of impacts resulting from the planting of wine grapes or constructing and operating wineries will be significant. Taken as a whole these described impacts would appear to be significant, but we believe each deserves further consideration and, in fact, the expansion of the wine industry in the unincorporated county will have several positive impacts ranging from preservation of farmland, development of economically viable agri-tourism, sequestration of carbon in planted soils and plant leaves, maintenance of impervious surfaces, and acting as a hedge against expansion of urban uses. D13

The following are our comments on the individual items listed on Table S-1, the Summary of Significant Impacts: D14

<u>Conformance to Federal and State Ambient Air Quality Standards</u>

Impact No. AQ – 1. We agree with the page 2.1-19 statement that it is highly unlikely that eight Wholesale Limited and Boutique Wineries would be constructed simultaneously. Therefore this impact is highly speculative and unlikely. D15

amount of irrigated acreage in the county. Finding alternative crops is the only way to protect this acreage from conversion to non-agricultural uses.

- The clearing of new land for planting of a crop requires mitigation if the clearing removes habitat deemed valuable. It is our opinion that the return on wine grape production is insufficient to pay for both mitigation and the investment required to enter into production. Therefore it should be expected that land already in agricultural production will be the prime candidate for the planting of wine grapes.
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- All agricultural producers within the jurisdiction of the San Diego Regional Water Quality Control Board and the Colorado River Basin Regional Water Quality Control Board must be in compliance with state and Federal regulations that protect surface and groundwater resources. D11
- The County of San Diego is working to complete the regional plans within its Multiple Species Conservation Program. When in place, theses plans will ensure that regulations under the United States Endangered Species Act, the California Endangered Species Act, and the California Natural Communities Conservation Planning Act will be met and habitat will be preserved to protect the region's diversity of native plants and animals, including threatened and endangered species. D12

The Draft EIR concludes that a number of impacts resulting from the planting of wine grapes or constructing and operating wineries will be significant. Taken as a whole these described impacts would appear to be significant, but we believe each deserves further consideration and, in fact, the expansion of the wine industry in the unincorporated county will have several positive impacts ranging from preservation of farmland, development of economically viable agri-tourism, sequestration of carbon in planted soils and plant leaves, maintenance of impervious surfaces, and acting as a hedge against expansion of urban uses. D13

The following are our comments on the individual items listed on Table S-1, the Summary of Significant Impacts: D14

<u>Conformance to Federal and State Ambient Air Quality Standards</u>

Impact No. AQ – 1. We agree with the page 2.1-19 statement that it is highly unlikely that eight Wholesale Limited and Boutique Wineries would be constructed simultaneously. Therefore this impact is highly speculative and unlikely. D15

Impact No. AQ-2. It is our opinion that Boutique Winery visitors will not be unique to single destinations, but will combine trips with visits to multiple locations including other wineries and destinations. Therefore, to assume that each trip generated by a Boutique Winery is a single trip directly from metropolitan San Diego to the winery and back is an erroneous measurement. Also, the analysis assumes the winery use is new and there is no accounting for the current agricultural use it might be replacing. It should also be mentioned here that other agricultural or residential uses could be allowed on the candidate sites by right that generate significantly higher traffic volumes. D16 D17

Impact No. AQ-3. See AQ-2 comment above. D18

Biological Resources Mitigation

Impact No. BR-1. The County made previous findings in the development of the Grading, Clearing and Watercourses Ordinance that the movement of less than 200 cubic yards of soil is acceptable for exemption from the permitting process. That exemption currently exists for any use placed on the target property. It should also be noted that grading for a winery would likely take place near or adjacent to existing buildings, roads, homes, or planted acreage. It is therefore unlikely that the area to be graded would impact candidate, sensitive, or special status plant or wildlife species. Also, the Multiple Species Conservation Program (MSCP) that is in progress by the County accounts for development and provides for habitat preservation to meet state and federal endangered species act requirements on a region-wide basis.

Impact No. BR-2. The County made previous findings in the development of the Grading, Clearing and Watercourses Ordinance that the movement of less than 200 cubic yards of soil is acceptable for exemption from the permitting process. That exemption currently exists for any use placed on the target property. It should also be noted that grading for a winery would likely take place near or adjacent to existing buildings, roads, homes, or planted acreage. It is therefore unlikely that the area to be graded would impact riparian habitat and other natural communities. Also, the MSCP that is in progress by the County accounts for development and provides for habitat preservation to meet state and federal endangered species act requirements on a region-wide basis.

Impact No. BR-3. The County made previous findings in the development of the Grading, Clearing and Watercourses Ordinance that the movement of less than 200 cubic yards of soil is acceptable for exemption from the permitting process. That exemption currently exists for any use placed on the target property. It should also be noted that grading for a winery would likely take place near or adjacent to existing buildings, roads, homes, or planted acreage. It is therefore unlikely that the area to be graded would impact wetlands regulated by state and federal agencies. Also, the MSCP that is in progress by the County accounts for development and provides for habitat preservation to meet state and federal endangered species act requirements on a region-wide basis.

Impact No. BR-4. The County made previous findings in the development of the Grading, Clearing and Watercourses Ordinance that the movement of less than 200 cubic yards of soil is acceptable for exemption from the permitting process. That exemption currently exists for any

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Impact No. AQ-3. See AQ-2 comment above.

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Impact No. BR-2. The County made previous findings in the development of the Grading, Clearing and Watercourses Ordinance that the movement of less than 200 cubic yards of soil is acceptable for exemption from the permitting process. That exemption currently exists for any use placed on the target property. It should also be noted that grading for a winery would likely take place near or adjacent to existing buildings, roads, homes, or planted acreage. It is therefore unlikely that the area to be graded would impact riparian habitat and other natural communities. Also, the MSCP that is in progress by the County accounts for development and provides for habitat preservation to meet state and federal endangered species act requirements on a region-wide basis. D21 D22

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Impact No. BR-4. The County made previous findings in the development of the Grading, Clearing and Watercourses Ordinance that the movement of less than 200 cubic yards of soil is acceptable for exemption from the permitting process. That exemption currently exists for any D25

use placed on the target property. It should also be noted that grading for a winery would likely take place near or adjacent to existing buildings, roads, homes, or planted acreage. It is therefore unlikely that the area to be graded would impact wildlife corridors, movement, and nursery sites. Also, the MSCP that is in progress by the County accounts for development and provides for habitat preservation to meet state and federal endangered species act requirements on a region-wide basis. D25 (Cont.) D26

Impact No. BR-5. It is the intent of the County to complete MSCP coverage for the entire county. Under that plan provisions will be made for the appropriate preservation of habitat and species to meet state and federal preservation requirements. We do not believe the development of new wineries will run sufficiently ahead of the adoption of the MSCP coverage to significantly eliminate important habitat or compromise the stated goals of the MSCP. D27 D28

Cultural Resource Mitigation

Impact No. CR-1. The County made previous findings in the development of the Grading, Clearing and Watercourses Ordinance that the movement of less than 200 cubic yards of soil is acceptable for exemption from the permitting process. That exemption currently exists for any use placed on the target property. Considering the chance that an important cultural resource exists at the exact site of a proposed winery, it is our opinion that the likelihood of an impact is highly unlikely. D29 D30

Impact No. CR-2. This impact is predicated on the assumption that a "by right" activity would be immune from the regulatory authority. A use allowed by right still requires compliance with County codes and regulations. Section 87.202 of the Grading, Clearing and Watercourses Ordinance states that grading that is exempt from permitting is not exempt from other provisions of the ordinance. Section 87.429 calls for suspension of grading in the event that human remains are discovered. This places the same burden on exempt and permitted grading. D31

Impact No. CR-3. This impact is based on the Regional Comprehensive Plan's finding that one million new residents will have a cumulative impact on cultural resources. The comparative share of impacts from new wineries when weighed against one million new residents will be negligible. D32

Hydrology and Water Quality Mitigation

Impact No. HY-1. All agricultural enterprises within the jurisdiction of the San Diego Regional Water Quality Control Board are currently required to meet the discharge requirements of both the Federal Clean Water Act and the California Porter-Cologne Water Quality Control Act. Conditional Waiver No. 4 states "Agricultural and nursery operations must implement management measures and/or best management practices to minimize or eliminate the discharges of pollutants that may adversely impact the quality or beneficial uses of waters of the state." An additional portion of Waiver No. 4 requires agricultural and nursery operators to either join a monitoring group or prepare an individual Notice of Intent for compliance with monitoring requirements by January 1, 2012. It should be noted that the monitoring will be done on a watershed basis, not at the site of individual vineyards and is not designed to be an enforcement D33 D34

use placed on the target property. It should also be noted that grading for a winery would likely take place near or adjacent to existing buildings, roads, homes, or planted acreage. It is therefore unlikely that the area to be graded would impact wildlife corridors, movement, and nursery sites. Also, the MSCP that is in progress by the County accounts for development and provides for habitat preservation to meet state and federal endangered species act requirements on a region-wide basis.

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tool. The statement that Conditional Waiver No. 4 "would not be fully enforced until January 2012" is misleading and not entirely accurate. Any new or expanded agricultural uses would immediately be subject to enforcement for water quality violations, thus reducing the stated impacts. D34 (Cont.)

Impact No. HY-2. While it cannot be denied that the establishment of wineries on unimproved roads will result in increased traffic, it should be noted that other uses allowed by right on the same properties would also result in the generation of additional traffic if those land uses were selected instead of winery operations. D35

Impact No. HY-3. See HY-1 comment above. D36

Impact No. HY-4. See HY-2 comment above. D37

Noise Mitigation

Impact No. NO-1. We agree the potential number of new wineries is unknown. However, in consideration of the capacity of the market to support local wineries we believe the number of wineries as shown in Table 2.5-3 needed to create a significant impact is likely beyond reach. D38

Transportation/Traffic Mitigation

Impact No. TR-1, TR-2, TR-3. It should be noted that other uses allowed by right on the same properties would also result in the generation of additional traffic if those land uses were selected instead of winery operations. D39

Water Supply and Groundwater Supply Mitigation

Impact No. WS-1. The Draft EIR recognizes three important facts: 1) use of imported water for farm irrigation has been in decline since 1970, 2) farming of crops that use less water should be encouraged, and 3) replacing high water use crops with plantings of wine grapes will result in less demand for imported water. Because the imported water supply is subject to droughts and regulatory restrictions on exporting water from its source, the San Diego County Water Authority has aggressively pursued a strategy of diversifying its portfolio of water supply options. The success of that strategy has borne early results with San Diegans currently facing water use restrictions that are less than those of other regions served by the Metropolitan Water District of Southern California. Taking the previous considerations into account and knowing that in many cases wine grapes will replace water intensive crops, despite some amount of new demand for non-replacement plantings, it is a reasonable assumption that the planting of wine grapes will not result in impacts that threaten imported water supplies. D40 D41

Impact No. WS-2. It should be noted here that in many instances new plantings of wine grapes will be in replacement of high water use crops, resulting in a reduced demand on groundwater supplies. It should also be recognized that the area in question is zoned for agricultural uses and higher water use crops could be planted by right. Further, there is the likelihood that the D42

varieties of grapes that would be planted in areas with issues of groundwater supply would be on low water demand rootstocks. Also, it is important to acknowledge that the water demand for wine grapes diminishes dramatically with the fruit-set, which means water use is curtailed during the warmer months of the year when groundwater use is under greatest demand. D42 (Cont.)

Again, thank you for this opportunity to comment.

Sincerely,

Eric Larson
Executive Director

LETTER E

San Diego County Archaeological Society, Inc.

Environmental Review Committee

10 August 2009

To: Ms. Lory Nagem
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Subject: Draft Environmental Impact Report
Tiered Winery Zoning Ordinance Amendment
POD 08-012, Log No. 08-00-004

Dear Ms. nagem:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society. E1

Based on the information contained in the DEIR, we believe that a statement of overriding considerations that would permit adoption of the proposed rezoning cannot be reasonably supported. The loss of discretionary review of certain actions would result in potential impacts to cultural (and other) resources that are not justified by the convenience that would be afforded some future applicants. E2

Consequently, we recommend adoption of one of the two environmentally superior alternatives, either the Enhanced Ministerial Enforcement Alternative or the No Project Alternative. E3

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

AUG 12 '09 PM 1:05

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

JAMUL DULZURA
COMMUNITY PLANNING GROUP
DRAFT MINUTES
Tuesday, August 25, 2009
(To be approved September 8, 2009)
Oak Grove Middle School Library
7:30 pm

1. **Call to Order** Dan Kjonegaard called the meeting to order at 7:33 p.m.

2. **Roll Call Present:** James Talbot, Dan Kjonegaard, Wythe Davis, Dan Neirinckx, Judy Bohlen, Krishna Toolsie, Earl Katzer, Frank Hewitt, Steve Wragg, Richard Wright, and Janet Mulder
   Excused: Randy White,
   Absent: Martin Muschinske,
   Vacancy: Two seats – Linda Ivy (seat 5) and Janice Grace (seat 8)

3. **Motion to approve the Agenda for August 25, 2009 as posted 72 hours before the meeting, and the minutes for August 11, 2009 and July 28, 2009, correcting them to reflect that Earl Katzer was present and we adjourned at 8:46. Motion carried.**

4. **Open Form - Opportunity for public to speak - limit 3 minutes**
   a. **Judy Bohlen & Frank Hewitt will not be at the Sept. 8 meeting.**
   b. **Dan Kjonegaard received a notice of application for a substation in Jacumba and a news release that states that the new substation is built along the Sunrise and that they have signed an agreement with the Campo Indians and Inverengy to tie into the new substation in Jacumba. Given to Steve Wragg to review and report back.**
   c. **Jim Talbot announced that Kiwanis is sponsoring a "Fun in the Sun" event for kids with games, local bands, and it is all free and all are invited to Indian Hills on Saturday, August 29.**

5. **Vacant Seats – Seat 5, expires 1-7-13 and Seat 8 expires 1-11-11. We have a total of four applications today, and will hold the application window open until next meeting, August 25. The applications have to be sent to the County for verification of voter registration. The voting will take place at the Sept. 8 meeting, and then they will be sent to County to bring to the board. The four applicants are Randy Smith, (Jamul), Yvonne Purdy-Luxton, (Dulzura), Michael Casinelli, (Jamul), and Raymond Deitchman, (Jamul) have turned in their applications. Last meeting** Dan asked the ones here to introduce themselves. A question and answer period for the JDCPG members to get information about the candidates, will be held on Sept. 8 just before the vote. **Randy Smith** is a doctor whose family had property in Jamul since 1960. He now lives on Lyons Valley Rd. He is a former CEO and is now a writer and consultant. **Yvonne Purdy-Luxton** is a fourth generation resident in Dulzura. Her family has lived there since 1959. She worked for the County and now owns a small business helping people with issues from the fire. Her concern is that we have not had a representative from Dulzura and she would like to be that person giving us the rural perspective. **Michael Casinelli** has lived in Jamul for 10 years. He runs a consultant business for

9. San Diego County Road Standards Update – Dan Neirinckx – There will be a meeting in September of the Planning Commission sub-committee and Dan will let us know when it needs to return to the agenda.

10. Otay Water District – Draft Program Environmental Impact Report –Richard Wright - -Introduced Lisa Coburn-Boyd and pointed out that Dan Kjonegaard and Steve Wragg also have expertise in this area. They are looking at all of their capital improvement projects that will be needed for Otay's service area, which includes Jamul. There is included a PEIR (Program Environmental Impact Report) which looks at the impacts of the total picture. This draft has been out for public review since July and closes on Sept 3. It talks of the Master Plan and looks at updating the hydrologic model for the system as a whole, evaluate existing and future potable and recyclable water systems. The impact analysis covers a wide range of topics. When **Richard** looked at the map, he noticed that the proposed tanks are located where existing ones are today. He did notice that the recycling water was not proposed to be brought into our area, but is limited to the Hillsdale area. Implementation of the 2009 would not directly create or impact growth, as they have no land use development power, even though they do impact development by agreeing to provide water to development. The State law does require that developments over a certain size need to look at water availability. The Crest-Dehesa Planning Group has made comments concerning the growth inducing impacts. **Lisa Coburn-Boyd** pointed out that the PEIR is a broad level document that allows the project specific EIRs to be more easily prepared. The plan has three phases – the first is today and the second is 2010 – 2016 and the third was 2016 to forever. She pointed out that they would like to be able to recycle water, but they are not permitted to use recycle water in some basins, i.e., Upper Sweetwater Basin. The water from our area is piped over the mountain to Chula Vista East Lake golf course area. They received significant opposition from Sweetwater Authority when they proposed recycling in our area, as Sweetwater Authority feels it could contaminate the drinking water. There is a cost to the infrastructure. **Richard** pointed out that the new laws regarding plumbing would make use of grey water easier. **Jim Talbot pointed out that he has had many requests for the use of recycled water, and suggested that we could have a hydrant facility to get it into the hands of the farmers by trucking. Dan Kjonegaard** pointed out that the water coming out of the Otay Recycled Water plant exceeds the federal drinking water standards. **Richard Wright** pointed out that there would be a second tank in Rancho Jamul. The Singer Recycled plant is down hill from us therefore making the use of recycled water from that area an "uphill battle". **Yvonne Purdy-Luxton** asked how long the public input could be taken and was told until Sept.3.

11. POD 08-012 – Tiered Winery Zoning – draft EIR – Frank Hewitt pointed out that the public comment period expires August 31, 2009. It is over 500 pages and Frank summarized as follows. There are three types of wineries today and this proposal would add a fourth. The wholesale limited, boutique, and wineries now exist. The new designation **(small)** would limit the sales and open to the public via an administrative permit for the small ones. They are all controlled via the State Alcohol Beverage. The report studied three options including – no project – a second option "enhanced ministerial enforcement alternative" and the third option "limited five year by right ordinance", The reason this is important to us, is there may be an enhanced capacity to establish wineries – today we have 2.5 acres devoted to commercial wineries. According

F1

to our Community Plan Policy 9, we want to encourage agriculture in our area this would be a good idea for us. **Frank moved that we recommend the approval of option two "enhanced ministerial enforcement alternative" which is considered environmentally superior alternative because it provides an enforcement mechanism to ensure that impacts are reduced while still meeting the objectives identified for the Proposed Project. Motion carried unanimously.**

F1 (Cont.)

12. **POD 08-002 – Density Bonus Ordinance - Steve Wragg** – reported that the purpose of this ordinance is to make it consistent with the State law. They are trying to organize the existing laws and put them into one ordinance. You would get increased density if you have low and reduced cost housing; you get to have smaller setbacks. You would need a permit and could get one of the following: If you designate in your development 10% low income or 5% very low income, or senior housing you would get certain incentives including setbacks, increased building stories and heights, reduction in parking requirements, etc. You could get a 25-35% increase except in senior rental for low or very low and you could get the 50% reduction. The changes are available on the Internet www.sdcounty.ca.gov and go to DPLU and to density bonus. This would simplify the multiple ordinances that exist today for density increase. Our comments need to be in by September 14. **Steve recommended we send no comment on this proposed ordinance at this time.**

13. Jamul Indian Village Casino Status Report and Recommendations – no input received.

14. **JDCPG Officers Announcements and Reports – Dan Neirinckx announced**
    a. **AD09-028 – Winters – 2nd Dwelling Unit – given to Dan Kjonegaard to review and report back.**
    b. **TPM21028 RPL2 – Sunrise Investments – Skyline Truck Trail – given to Dan Neirinckx to review and report back.**
    c. **San Diego Planning commission Z_ August 28 – nothing from our planning area.**
    d. **Dan Neirinckx pointed out that the new cell tower on the water tower**

Adjournment: Dan Kjonegaard adjourned the meeting at 9:23 p.m. reminding us that the next regular meeting is **Tuesday, September 8, 2009 at 7:30 p.m. at OAK GROVE MIDDLE SCHOOL LIBRARY**

PLEASE NOTE:
SDG&E Substation Subcommittee will meet on Tuesday, Sept. 8, 2009 at 6:30pm before the regular meeting in the Oak Grove Middle School Library – Note change in time for meeting.

Respectfully submitted,

Janet Mulder, Secretary

LETTER G

*****RAMONA COMMUNITY PLANNING GROUP*****
15873 HWY 67, RAMONA, CALIFORNIA 92065
Phone: (760)803-2001

August 30, 2009

Lory Nagem, Project Planner
Department of Planning and Land Use
5201 Ruffin Rd., Ste. B
San Diego, CA 92123

RE: COMMENTS ON DRAFT EIR TIERED WINERY
ZONING ORDINANCE AMENDMENT POD 08-012

The Ramona Community Planning Group reviewed the Draft EIR for the Tiered Winery Zoning Ordinance Amendment at a meeting August 28, 2009. The following recommendation was made:

MOTION: TO SEND COMMENTS ON THE DRAFT EIR TIERED WINERY ZONING ORDINANCE AMENDMENT.
The Motion **passed 12-0-0-0-3,** with 3 members absent.

Comments:

Vision, Stewardship, Enablement, Jobs, and Revenue

Word of thanks:

The County supervisors are to be commended for directing the funds toward this study as a means of enabling a new desirable industry that is consistent with San Diego's tourism and agricultural economies, and that would also benefit existing area businesses, secure desirable tourism dollars, and add jobs to the entire region - particularly in these seriously depressed economic times. It is unfortunate that the project opposition threatened a lawsuit that required the defensible expenditure of public funds for this EIR. G1 G2

Executive Summary:

The current quarter-million dollar draft Tiered Winery Ordinance Environmental Impact Report (EIR) is a California Environmental Act (CEQA) compliant 509 page document that and was required when local winery opponents threatened a lawsuit over the previous winery ordinance and associated negative declaration. G3

A credible EIR is in the best interests of both this County and its residents. It is vital that EIR be an authoritative, legally significant, and credible assessment document for this Ordinance. A credible analysis of impacts will reduce or eliminate Statements of Overriding Concerns (SOC) that must be considered by the Supervisors. Details of the analysis and data shortcomings of this report will be addressed later in this document. G4 G5

This draft EIR while thorough and touching on all elements as required by CEQA, by its chosen analysis, methods, and assumptions, has in too many places overstated the impact of this project ordinance. G6

G6 (Cont.)

Incorporating points made in this document support needed reassessment of draft analysis and underlying assumptions, ultimately correcting and lowering impact conclusions and finding. Presently there is substantial conjecture against the ordinance provisions in this report; the word "potentially" appears thirty-eight times, generally with little to no substantiation. G7

If the report is to take a position that a wide range of impacts are "significant and unmitigated" as stated in Sections Air Quality 2.1.6, Cultural 2.3.6, Hydro/Water 2.4.6, and Noise 2.5.6 then the report must make an effort to credibly detail and quantify the specifics these alleged impacts. G8

In every case an impact statement is made, the report must clearly state the impact differences between by-right wineries (Wholesale Limited and Boutique) and the Use Permitted (Small and Winery (full)). The limited size, scope and permissions of by-right wineries significantly differentiate their impacts from the larger winery types. G9

The EIR presented three Project alternatives, (1) Enhanced Ministerial Enforcement Alternative, (2) Limited Five-Year By-Right Alternative (re-evaluate after five years during which time specific data is collected to document the location and growth of winery operations throughout the county), and (3) No Project (No Amendment) Alternative (retains Administrative Permit requirement for Boutique Wineries). The Ramona Community Planning Group supports a forth option, an unqualified by-right alternative for Boutique wineries. G10

This report, in its final form, must <u>not</u> contain any conjecture or loosely drawn conclusions unsupported by factual data. It must display an accurate and complete understanding of current agricultural vineyard practices and technology, winery technologies and observed wine tourism activity levels. The content of the current report makes many negative assessments that indicate a complete understanding of these does not presently exist. G11

In closing, it is important at this point to reassess new information and correct misassumptions in the current draft of this EIR and <u>properly categorize stated environmental impacts</u>. Following the correction of erroneous conclusions in this draft, and reflecting such in the final report, it will then be an appropriate time for the Supervisors to take strong action with enabling Statement of Overriding Considerations (SOC) that address any remaining "significant impacts" and make a determination in the public interest following the final version of the EIR. G12

EIR intent & purpose:

The California Environmental Act (CEQA) generally applies to discretionary projects that require approval by a government body. These projects include planning, zoning, building projects, and ordinances. Under conditions where a negative declaration or a mitigated negative declaration is not available, an environmental impact report (EIR) is an analysis of the possible impacts - positive or negative - that a proposed project may have on the environment; considering natural, social and economic aspects. G13 G14

The intent of the environmental assessment is to ensure that decision makers consider the ensuing environmental impacts to decide whether to proceed with the project. CEQA requires the best alternative to be followed unless the lead agency identifies specific policy reasons justifying a less environmentally protective alternative. G15 G16

It may or may not be possible to mitigate all project impacts and to require such, would halt economic progress, deny jobs, deny livelihoods, and not be in the best interest of the public. For these reasons, the County of San Diego leadership is free to choose whichever alternative they deem best and in the overall public interest, including projects with greater environmental impact. In the case of greater impact, the government should adopt a Statement of Overriding Considerations (SOC) which states that although adverse impacts may result, specific overriding economic, legal, social, technological, or other considerations outweigh the project's significant, unmitigated impacts. G17

This draft EIR while thorough and touching on all elements as required by CEQA, by its analysis conclusions and methods, has in many places overstated the impact of this project ordinance as a result of its chosen analysis and underlying assumptions. Proper reassessment of prior analysis and underlying assumptions would lead to differing conclusions and finding regarding the impact of various elements of the Tiered Winery Ordinance, and therefore require corrections and restatement to properly represent the facts and the public interest. G18

The authors of this quarter-million dollar EIR, their managing civil officials, and listed participating organizations - have drafted and released a detailed study document that offers some potentially valid conclusions, but after detailed and careful review, many assessments are arguably exaggerated beyond "less than significant" and assumptions and facts and analysis require revisit, reassessment, and credible justification. G19

Many of these overstated impacts specifying incorrect "significant and non-mitigatable" impacts that in fact would be best characterized as "no impact" or "no significant impacts" with further analysis. Examples of these are contained below. The impact of allowing these overstatements to stand, would be to either hinder or require unnecessary, excessive, and costly mitigation actions which would artificially and financially prevent the project's viability. Activities that legitimately characterized as "no impact" or "no significant impacts" must be so stated to allow proper assessment of project impacts and any activity is not mitigatable and should be covered under a SOC. G20 G21

It must be considered that the CEQA and EIR processes are routinely used by project opponents (of any project) as a means to delay or prevent a proposed project, and to add additional financial burdens on projects that otherwise have civic benefit and merit. G22

Therefore, it is the role of government to consider the overall public benefit of projects and support the best alternative for the overall public good such is the case in reviewing and accepting this EIR and subsequently the Tiered Winery Ordinance. G23

By the fate or happenstance, this Tiered Winery Ordinance enables one of the few new and promising economic initiatives offered to the County Government and its citizens to consider at this dire time in our local, state and national economies. G24

State and local governments are nearly bankrupt. State and local government tax revenues have seriously declined, stretching funding for safety, social, and governmental services beyond the breaking point that have required service cutbacks that threaten public health and safety and limit basic services. G24 (Cont.)

It is important at this point to reassess new information and correct misassumptions in the current draft of this EIR and properly categorize stated environmental impacts. Following the correction of erroneous conclusions in this draft, and reflecting such in the final report, it will then be an appropriate time for the Supervisors to take strong action with enabling Statement of Overriding Considerations (SOC) that address the few remaining "significant impacts" and make a determination in the public interest following the final version of the EIR. G25

Introductory analysis and comments:

Thresholds of significance are quantitative and qualitative standards should be used to determine if an impact is in excess of a standard, and if so must be considered to be significant. G26

The draft report comes to many conclusions of "significant and unmitigated," "cumulative significant effects," but often begs substantiating or credible facts and data in these instances. If no credible impact exists, it must so stated and the facts or data specifically detailed. Below stated draft EIR conclusions at issue and must either be (1) be corrected and substantiated or (2) removed from the final report to maintain the credibility of the EIR process and this report. G27

In reviewing this EIR as a tax payers and elected officials, it is important that EIR be an authoritative, legally significant, and credible assessment document for a San Diego County's multi-tier winery ordinance. A credible report is in the best interests of both this County and its residents. Furthermore a credible analysis of impacts will reduce or eliminate the number of Statements of Overriding Concerns (SOC) that must be considered by the Supervisors. Details of the specific shortcomings of this report will be addressed in this document. G28 G29

This report in its final form must not contain any conjecture or loosely drawn conclusions unsupported by factor data. It must display an accurate and complete understanding of current agricultural vineyard practices and technology, winery technologies and observed wine tourism activity levels. The content of the current report makes many negative assessments that indicate a complete understanding of these does not presently exist. G30

Additional points and corrections:

1. If the report is to take a position that a wide range of impacts are "significant and unmitigated" as stated in Sections Air Quality 2.1.6, Cultural 2.3.6, Hydro/Water 2.4.6, and Noise 2.5.6… then the report must make an effort to specifically detail and quantify these alleged impacts rather than state four (4) times ***"Because future development of an unknown number of new or expanded winery operations (Wholesale Limited or Boutique) at unknown locations could…."*** The locations of likely candidate wineries as contained in the report's Figure 1-3 and are a matter of public records both State (ABC) and Federal (TTB). G31

   The report asserts but does not substantiate that "significant and unmitigated for the issues of air quality, biology, cultural resources, noise, water quality, traffic, and water and groundwater supply" G32

2. The report must recognize and clearly mention in Sections 2.1, 2.6, and 2.8 the partially off-setting Air Quality benefits that accrue from agricultural activity (photosynthesis: carbon dioxide absorption, oxygen release) at both winery vineyards and grape grower vineyards as they relate to any visitor traffic and winery activities. G33

3. The report must recognize and clearly state in Sections 2.1 through 2.8 that no additional environmental impacts from construction activities result from existing Wholesale Limited Wineries that have built out their buildings and vineyard facilities. G34

4. The report must clearly recognize and clearly state that re-designation of a Boutique Winery from existing built-out, construction complete Wholesale Winery is free from additional environmental impact other than traffic from occasional tasting room visitors - in that the operations are identical excepting the tasting room facility and function. G35

5. The report must recognize and clearly state in Section 2.1 through 2.8 that there are winery and vineyard operations in the County that are organic and do not use pesticides, herbicides, or hazardous chemicals. G36

6. The report must recognize and clearly state in Section 2.5 that there are wineries that operate their winemaking equipment in enclosed, temperature-controlled buildings that eliminate seasonal external operating noise specified in the report. In other words at many wineries, not all, and possibly no Crushpad activities are conducted outdoors. G37

7. The report must recognize and clearly state in Section 2.5 that there are wineries can and do use water pressure actuated bladder press equipment that is silent (does not have associated motor or engine noise associated with its operation). G38

8. The report must recognize and clearly state in Section 2.5 that the noise of small package cooling units at Boutique wineries are comparable to small residential air conditioning units and significantly quieter that the large commercial chiller unit cited in the study at the Major Use Permit Menghini Winery. Many current Wholesale Limited wineries use little to no temperature control in their winery processes due to scale and chosen winemaking practice. G39

9. The EIR needs to consider and clearly state in Sections 2.1 through 2.8 that other similar by-right agricultural or nursery operations are not traffic volume or operating hour limited. G40

10. The report must recognize and clearly state in Section 2.6.1.5 the road traffic data collected at the wineries chosen by County staff do not reflect accurately reflect their tasting room traffic for specific reasons relating to the activities of the winery owners. There are some very simple real world reasons all the guest traffic estimates proved by the wineries independently of the tube count are less than observed tube counts as stated in the EIR. G41

Consider the following: (1) In the case of Menghini Winery, Mr. Menghini is very active in the Julian Chamber of Commerce, that activity would represent multiple trips across the driveways tubes for business not directly related to winery or tasting room traffic, (2) in the case of Shadow Mountains Winery, Mr. McGeary manages many acres of vineyards off his property for other owners and a good portion of his traffic count would not winery or tasting room traffic, and (3) Hart Winery is active in the Temecula wine industry and a portion of that driveway tube count would be attributed to non-winery, non-tasting room traffic, and finally (4) were non-winery e.g. mail delivery and personal (non-winery) package delivery activities subtracted from tube counts? G42

Use of Major Use Permit Wineries ADT analysis offered in the LL&G traffic engineering report and in EIR as a "worst case" estimate of Boutique Winery Traffic is procedurally flawed in that the businesses and operating permissions are not equal. G43

11. The EIR needs to correct the misstatement in the Traffic Study Annex that Boutique Wineries have the largest traffic impact – in fact - Small Wineries A "Small Winery" would have greater traffic impact than a Boutique or Wholesale Limited Winery, because a Small winery is allowed events and ten-times the production volume of the next two smaller winery types. G44

3. The report must recognize and clearly state in Sections 2.1 through 2.8 that no additional environmental impacts from construction activities result from existing Wholesale Limited Wineries that have built out their buildings and vineyard facilities.

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12. The report must recognize and clearly state that the California Alcoholic Beverage Commission (ABC) has jurisdiction and the means to establish and enforce operating conditions that would mitigate local impacts of winery or tasting room activities which arise from winery operations at no cost to the County or local authorities. This would be most applicable to Section 2.5 (Noise) of the Report but applicable in other areas including traffic. G45

13. The report must recognize and clearly state that existing San Diego County Noise ordinances and their existing Code Enforcement staff has the authority and means to prevent or mitigate noise impacts that may be attributed to any type/size of Winery operations. This effectively fully mitigates any noise issue listed in this EIR. G46

14. The report must recognize and differentiate between the impacts of the two smallest categories of by-right wineries that have 10% or 1/10th the volume and no event permissions of the next higher permitted and regulated class of winery. The impact of Wholesale Limited and Boutique Wineries is arguably and intuitively insignificant relative to the larger winery classes and this fact must be separately called out in the EIR each time the EIR asserts/states the impact of the larger winery types. This procedure will protect the interests of the public, businesses, and government decision makers – rather than allow a blanket statement "significant and unmitigated" in the context of the larger winery, which would deny all. G47

15. Finally, if the County is to establish a viable winery and vineyard industry, the County Staff and Supervisors must carefully ensure the consideration of a final and improved EIR and its related Tiered Winery Ordinance, does not result in (1) the imposition of untenable fees or operating regulations that the lowest tier (small family owned businesses) cannot financially or procedurally negotiate, and (2) that a Statement of Overriding Considerations (SOC) is issued for any substantiated impacts determined un-mitigatable. The ordinance must effectively balance public benefits and practical business needs with the concerns of the winery opponents. G48

In sub-section summary, of this comments document, as this draft EIR currently stands, there are many impacts that are categorized as "Significant" and "Significant and unmitigated" but little or no specific justification is stipulated. Credible substantiation of all assessments of "Significant" in the Final draft must be provided or properly reduced to assessment of lower or no impact if substantiation is not possible. It is in the best interest of all concerned that impacts be properly and accurately categorized. G49

Section-by-Section Comments, Issues, and Corrections:

Section S.4 Issues to Be Resolved by the Decision-Making Body:

This section lists a wide range of contested impacts ***"The decision-makers would decide if the significant and unmitigated effects associated with biological resources, cultural resources, water quality, noise, and transportation/traffic can be reduced."***

As previously stated, there are many determinations of "significant and unmitigated" that require re-assessment and restatement due to new facts and arguments presented here toward revised assumptions prior to acceptance and further government review. G50

Wineries with the largest potential impact, "Small" and large "Wineries" are regulated by Administrative and Major Use Permits that evoke and require review, establish conditions and impact mitigation. Existing and proposed ordinances establish clearly allowed limits and activities for Wholesale Limited and Boutique operations. Wholesale Limited and Boutique Wineries at 10 percent (or /10th) the volume of the next larger winery category of are comparatively insignificant so a broad statement of "significant and unmitigated" impact of these smallest of operations must be substantiated in detail if this impact assessment is to be asserted in their context. G51

As an overall comment for this EIR, the two smallest categories of by-right wineries have 10% or G52

1/10th the volume of the next higher permitted and regulated class of winery. Their impact is arguably and intuitively insignificant relative to the larger winery categories, as such, their impact must be separately called out in the EIR each time the impact of the larger winery types is stated. This will protect the interests of the public, businesses, and government decision makers – rather than a blanket statement of the larger winery category impacts. G52 (Cont.)

1. **Biological resources** - wineries and vineyards are not a threat to biological resources. Farming is an inherently environmentally beneficial activity that protects the County's agricultural lands, contributing to air quality, scenic beauty, support a synergistic and tourist friendly industry, presenting a water-wise crop alternative, and a safe domestic food supply. Farming offers a habitat for beneficial insects, birds, and wildlife. So how can it be alleged that a significant unmitigated impact exists? G53

2. **Cultural resources** - wineries historically preserve and protect historic buildings and cultural aspects of their properties as a unique and valued tourism draw. So how can it be alleged that a significant unmitigated impact exists? G54

Threat to Historic and Archeological Resources

The EIR identified approval of the Winery Ordinance as a threat to historic buildings and artifacts. This conclusion requires reassessment in view of facts that may not be known by the authors and managers of this draft EIR, examples thereof are offered below. Historic buildings are in-fact sought after preservation candidates at wineries both in the US and globally. Please note the following domestic examples:

- **The Napa California wine region has no less than 63 wineries with historically significant and preserved structures on their properties.** These structures serve as an additional tourist draw to their wineries. These wineries were not forced to do so, they recognize the value and need to protect and maintain their historic assets as a valued part of their property portfolio and market value. http://www.napavintners.com/wineries/historic_buildings.asp.
- Another tourism study emphasizes the value of historic buildings to lodging and winery industry Author **Melanie K. Smith in her book "Tourism, culture and regeneration"** (Published Dec 2006, ISBN: 9781845931308) speaks extensively of the value of preservation and use of historic buildings as a means of developing tourism destinations and attracting tourists to a destination.
- Author Sue Cambie in her June 2009 article entitles **"Iconic Buildings and Tourism: Where to Next?"** speaks to the effectiveness of historic buildings as a branding tool and the relationship between architecture and tourism.
- Author **Milena Ivanovic "Cultural Tourism"** (Published April 2009 ISBN-13: 9780702171857) states that any singular historic building does not have the tourism draw of a cluster of historic buildings such as a historic village. This would encourage adjacent wineries to individually then collectively preserve multiple existing historic buildings. The likelihood of a winery demolishing a single or even less a cluster of historic buildings is unlikely and contradicts the assertions of the draft EIR.

In summary of #2 above, for the EIR to assert wineries are a threat to County historic elements is an incorrect – wine and tourism industry practices have a documented history of protecting historic resources. The lodging and winery industry are also recognized and credible forces in the preservation and reuse of historic buildings and sites and are self-motivated in the pursuit of this activity by business ad other reasons. No oversight is necessary. G55

3. **Water Quality** – The EIR must state the positive mitigating factors of vineyard operations. Vineyards can be dry farmed but are typically drip irrigated, preserving precious area water resources and allowing greater control over the quality of wine grapes produced. Limiting water to vines actually produces wine grapes with high concentrations of color and flavor resulting in premium wines. It is important to note that wine grapes use significantly less water required by avocados a popular and premium San Diego County crop. Drip irrigation is highly efficient use of water and also avoids any waste or run off water related to flood irrigation. A portion of irrigation water is naturally returned to the water table. Furthermore, many vineyards are organic operations using no pesticides, herbicides, or hazardous chemicals. So the draft EIR's assertion of "significant unmitigated impact" requires justification and substantiation. G56

4. **Noise** – The EIR must state the positive mitigating factors of winery operations. Winery operations and vineyard operations are seasonal, limited activities. Noise produced by equipment is limited, of seasonal use, and in many cases noise non-existent because they are used indoors, operation is silent (hydraulic bladder operation) or distributed on large widely dispersed multi-acre parcels. G57

The two smallest categories of by-right wineries have 10% or 1/10th the volume of the next higher G58

permitted and regulated class of winery. Their impact is arguably and intuitively insignificant and their impact must be separately called out in the EIR each time the impact of the larger winery types is stated, to protect the interests of the public, businesses, and government decision makers – rather than a blanket statement of the large winery categorical impacts. G58 (Cont.)

Noise conclusions of this EIR are based on very limited data collection and does not account for very significant differences in winery practices. For example the EIR's data collection is lacking in the example or crusher destemmer operations that do not account for wineries that operate under climate controlled conditions in enclosed buildings. The EIR conclusions are based upon use of large scale chiller cooler equipment at Major Use Permit Wineries that are in the relevant scale of Wholesale or Boutique Winery operations. G59

5. **Transportation/traffic** - The report needs to address the alleged impacts from the different winery types separately so that larger scale operations of Small and Full/Larger Wineries data and their impacts are not assigned to the smallest, very different, categories for wineries (Wholesale Limited and Boutiques). G60

A. Chapter 2.6 Transportation/Traffic

Problematic ADT analysis: The ADT analysis offered in the LL&G traffic engineering report and EIR was based upon unsound analysis of established Major Use Permit (MUP) Wineries. These wineries have name recognition, long time presence, and event advertising rights that draw in larger groups of guests.

Regardless of the conduct of a specific event, there is guest recognition and caché of the MUP Winery as an event destination and the annual increased draw that offers. It is for these reasons that using the ADT data and projections from Meghini and Hart MUP wineries invalid basis for analysis. Using these severely overstated numbers as the sole basis for the EIR's traffic analysis and conclusions brings the entire Section 2.6 findings and conclusions into complete question. G61

Tiny Boutique Winery operations that are not allowed public events, catering, or parties at their facilities are in a totally different business and traffic volume category. Boutiques experience a literal handful of guest autos on a given operating day.

Unsubstantiated private road impact alleged: There is no specific analysis or rational offered to justify the position that there are significant and unmitigated impact to private roads. G62

Inconsistent conflicting traffic impact conclusions are offered: Pages 2.6-16 & 2.6.17. offer inconsistent and conflicting traffic impact conclusions. For example, in the case of Ramona, the report states an additional 10 or more wineries would be result in a "significant cumulative impact" however the EIR section states that 10 wineries could be constructed "without significant impact" in the Northern Mountain Communities (e.g. Warner Springs). The report notes that traffic to Warner Springs would be through Ramona "without significant impact" to the roadway segment in Ramona. [Underlining added for emphasis] G63

Continuing, on p Pages 2.6-16 & 2.6.17 the North Mountain Community and Julian subparagraphs state there is sufficient reserve road capacity in Ramona to support operations of 10 weekday & 24 weekend wineries in Warner Springs and Julian for these areas but no capacity to support wineries in Ramona proper? How can the analysis allow through traffic and not allow local traffic on the same roads.

On page 2.6-19 the EIR states the proposed project creates "significant and unmitigated impacts" to the circulation element and private roads. Again, this conclusion is based upon G64

G64 (Cont.)

flawed ADT projections and effectively denies this valuable project for San Diego County.

G65

At the **overstated ADT levels**, these TIF fees would exceed $200K in most areas virtually equivalent to the current show-stopping MUP fees for example a very typical $280+K for the last County issues full Winery MUP for Hawk's Watch in Warner Springs. Small businesses cannot and will not sustain fee amounts that can't be financially serviced in a remaining lifetime's Return On Investment (ROI). TIF fees would surely apply to Small Winery Administrative permits and Large winery Major Use permits assuring that no new wineries would be established in the County.

G66

For perspective and reality, the EIR (page 2.6-16) effectively states that Ramona cannot support any wineries at its current road performance standard. Let's consider a current County large development under review – Montecito Ranch in Ramona. This development will allow a huge 400+ residential development with only partial mitigation of an immense area traffic impact. This EIR in its current draft argues for an effective regulatory and financial blocking of the proposed Tiered Winery Ordinance that could nurture agriculture and the smallest of wineries.

G67

The EIR traffic analysis also **fails to mention current initiatives designed to improve the design and future road performance** of Ramona, Julian, and Warner's Springs primary circulation element - Highway 67 and also the engineering study initiative supported by the area's Congressman and County supervisor.

B. Appendix D Traffic Impact Analysis

G68

Appendix D Executive summary **page i** incorrectly states that the "report focuses on the establishment of new boutique wineries since these would generate the greatest amount of traffic." Of the three new winery categories "Small Winery" (listed in Section 6910.c) which is allowed ten times the annual production volume (120,000 gallons) of either Wholesale Limited/Boutique Wineries and unlike WL/B's are allowed events including weddings, parties as such would clearly result in the most traffic volume of the three new winery types.

> The ramifications of this error are that any mention of Wholesale Limited or Boutique Winery traffic volumes that are based upon this report assumption/conclusion must be corrected in the final EIR draft.

G69

Appendix D Executive Summary **page i.** is analytically faulty on several levels. To assume that a small Boutique Winery with their small tasting rooms and limited wine selections would have the same traffic volume as an existing full-size Major Use Permit wineries such as the cited Menghini Winery, in Julian – yet the report states the intention to do so.

G70

a) Appendix D page 15. The choice of Hart Winery as a representative Boutique winery for traffic data is invalid because Hart Winery is located in an established winery area (Temecula) with an established wine tourist draw - which San Diego County is certainly does not possess.

G71

b) Appendix D page 21 The Menghini tube counts cited in the study and any assumptions or conclusions based thereupon need to be corrected for four residence property that are beyond the tube count area on Julian Orchards Lane.

G72

c) My research from personal visits to "mom & pop" Boutique wineries in nascent wine regions similar to San Diego County indicate a maximum number of weekday ADTs of 2-12 and weekend ADTs of 2-25. Which conflicts greatly with the assumed worst case backcountry destination winery - Menghini at weekday ADTs of 40 and weekend ADTs of 160 the stated values/worst case assumptions in the report?

Since Menghini Winery is full-size winery, and is also in a tourist-heavy "Backcountry: Destination" location that would invalidate using its characteristic data the worst case assumption for tiny Boutiques. This Major Use Permit winery is also allowed multiple yearly events and the cache, advertising clout, and legitimacy that a major event winery maintains. G73

The Executive Summary states that "There are no published trip generation rates for "wineries." The most accurate and credible way to gather this information rather than use the Menghini Winery, full-sized Major Use Permit winery traffic data, would be to poll County officials in Amador and Calaveras County staffs or actual Boutique wineries there for actual traffic counts. These Counties are going through identical winery ordinance analyses/development and possess identical nascent/beginning wine industries identical to San Diego County. G74

ADT data reflected in the EIR is grossly overstated and reflects traffic volumes at existing Major Use Permit (MUP) wineries which are not an accurate or appropriate data comparison for Boutique wineries. MUP wineries have significantly greater production volume permissions and event permissions than neither Wholesale nor Boutique winery operations are allowed. The marketplace advertising and reputation resulting from MUP wineries events placed them in a different category from small growers and Boutique wineries with respect to anticipated wine-tourist draw, and hence different traffic patterns. G75

Appendix page i identifies Menghini Winery as a worst case ADT example of 40 weekday and 160 Weekend yet estimates of 30 vehicles/day during event months and 15 vehicles/day during less busy months weekend and week days volumes being equal. Again this is for a backcountry tourist destination not applicable to a small Boutique winery operation. G76

Appendix D page 15 incorrectly cites Temecula's Hart Winery as a representative "Suburban Winery." San Diego County is decades and possibly forever from achieving a Temecula-like wine destination status. G77

Appendix D Executive Summary **page ii** states "Payment of the County's Transportation Impact Fee (TIF) would partially mitigate direct impacts and fully mitigate cumulative impacts is a functional non-starter for this EIR and Ordinance. Current Major Use Permit processing and studies fees are in excess of $250K effectively prohibiting any new wineries or any type. TIF fees at the analytically faulty "worst-case rates" for a Boutique Winery would be $213K in Ramona (2x160x$665= $213,000) effectively equating the financially impossible MUP fees. G78

In summary the EIR Traffic Impact section requires reassessment and correction of invalid data offerings and assumptions, and the revision of current impact assessments to levels that can be substantiated in fact. Proper assessments of Boutique winery impacts must be called out in the report if cited. MUP wineries are not data or functional substitutes for Boutiques. G79

Concern re. usurpation of by-right uses and permissions

The wording in the report communicates a clear bias against by-right property zoning permissions. The EIR states nine (9) times) that "by-right use is not subject to regulatory review and in these cases, impacts are significant and unmitigated" - see Sections Air Quality 2.1.5, 2.1.6, Biological 2.2.5, 2.2.6, Cultural 2.3.6, Hydro Water 2.4.6, Noise 2.5.6, Air Quality 7.1.1, and Biological 7.1.2. By-right property permissions are the strongest of property rights possessed by land owners; they must be recognized and not prejudiced by the document. The EIR must not claim a significant impact exists for unknown or non-existent by-right activities without substantiation. G80

For the purposed of this report, all assertions of "significant impact" in the report must be reassessed and credibly substantiated, or removed or revised to "none" or "less than significant" as the facts warrant. A credible and defensible, fact based source with data justification must be made available for review as part of the final EIR. To allow otherwise, is to codify conjecture and supposition, and diminishes the credibility of the CEQA and EIR process. G81

Example - Chapter 7 page 7-1 states "By-right uses would not be subject to discretionary approval, and thus no additional environmental review would be conducted. Therefore these impacts are significant and unmitigated because that would be no enforcement mechanism to guarantee resource avoidance of compliance with environmental regulations." [underlining added] G82

Inappropriate application of CEQA requirements

The EIR states fourteen (14) times) the condition where "CEQA review would not be required, and appropriate mitigation would not be possible." Consider that there are activities at a wide range of privately owned parcels in the County of San Diego that are not relevant to CEQA review. Why must the condition where by-right winery activity that is not subject to CEQA review be singled out unfairly for special regulation by this report? G83

Consider for example typical CEQA Categorical Exemptions that include repair, remodel, or minor additions to existing facilities; construction of a single-family residence; gardening, landscaping, or minor grading for a driveway or sidewalk; and the creation of four or fewer parcels from one piece of land when public services are available and no variances or exceptions are required. G84

The County and project opponents must consider that conditions do exist where there is in fact no impact or Categorical Exemptions apply, thus no CEQA review is required. For example, a built-out winery with vineyards, and many of these facilities do not use pesticides, herbicides, or possess any hazardous materials. G85

Air Quality Impacts

First and foremost analysis of this area of the Tiered Winery Ordinance's EIR aspects relative to air quality impact must also address the benefits of agriculture and farming activities to air quality. All wineries whether with estate vineyards, or purchasing fruit from wine grape vineyards contribute positively to air quality.

Vineyard agricultural production provides a significant contribution to air quality through photosynthesis of grape vines that remove carbon dioxide from the air and transpire oxygen, thereby maintain a life-giving balance between these gasses.

The existence of vineyards and an industry that requires and supports their cultivation, helps to maintain rural environments and limit environmental degradation caused by high density development with its associated infrastructure and permanent traffic loads resulting there from. G86

Enhanced Ministerial Enforcement Alternative Compliance Checklist

On page S-3 the EIR first raises the "Enhanced Ministerial Enforcement Alternative" (EMEA) proposal that involves the adoption of a "Compliance Checklist" for Wholesale Limited and Boutique Wineries. On page 4-3 the EIR states "Enhanced Ministerial Enforcement Alternative involves the adoption of a Compliance Checklist." Invoking an EMEA triggers a Transportation Impact Fee (TIF) assessment as do the Administrative and Major Use Permit processes. A built-out, pre-existing facility should not have TIF retroactively applied to the parcel. G87

Noise

Conclusions of this EIR are based on very limited data collection and do not account for very significant G88

differences in winery practices. For example the EIR's data collection is lacking in the example or crusher destemmer operations that do not account for wineries that operate under climate controlled conditions in enclosed buildings. The EIR conclusions are based upon use of large scale chiller cooler equipment at Major Use Permit Wineries that are in the relevant scale of Wholesale or Boutique Winery operations. G88 (Cont.)

Jobs Employment Impact

Contrary to the EIR's stated conclusions "…winery operations would have little effect on base employment within the San Diego region" (Page 1-19), San Diego County would in fact realize a net employment increase from implementing a tiered winery ordinance as detailed below.

The EIR's conclusions and statements do not reflect a credible understanding of vineyard practices and requirements. Wine grape vineyards are amongst the most labor intensive of agricultural endeavors. Vineyard trellising systems require a substantial investment in terms of materials and installation labor.

San Diego County offers a hospitable growing climate, and newly recognized wine grape growing region (Ramona Valley AVA), however the small agricultural parcels and hilly terrain do not lend themselves to mechanized cultivation and harvest - requiring all operations to be done by hand – both a labor intensive and costly endeavor, and hence offering maximum employment opportunities for this crop type. Wineries go hand-in-hand with vineyards both are mutually supportive/necessary as is a marketplace for the final product (wine).

A 2009 UC Davis Department of Agricultural and Resource Economics study (http://coststudies.ucdavis.edu/files/grapewinenapa2009.pdf) advised vineyard labor hours at 170 man hours per vineyard acre at a cost of $2,560 per acre. This labor rate is amongst the highest of any agricultural pursuits. For the EIR to state that a minimal impact on local jobs reflects inaccurate understanding of the winery and vineyard business.

Beyond the vineyards, tasting rooms offer employment opportunities for the hiring of additional winery staff. Related associated employment - local wine tourism would facilitate lodging, restaurant, and local retail sales, all facilitating existing and increased employment in these related industries. G89

Vineyards and wineries require specialized materials and equipment presently not available in San Diego County requiring imported from other Counties and states. A local industry would result in local supply houses that did not exist before. G90

Local Government revenues would be bolstered by sales taxes and transient occupancy taxes from increased tourism lodging. G91

Sincerely,

Kristi Mansolf, Secretary

for CHRIS ANDERSON, Chair
Ramona Community Planning Group

RAMONA VALLEY WINERY ASSOCIATION

31 August 2009

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Attention: Lory Nagem

Subject: Comments to Draft Environmental Impact Report
Tiered Winery Zoning Ordinance Amendment
POD 09-012

Dear Ms. Nagem;

Please extend our thanks to your department and the consultants that the county hired to assist in the preparation of this draft environmental impact report which evaluates the potential environmental impact associated with the tiered winery ordinance which our organization proposed for the county's consideration in 2006. H1

We have reviewed the document and would like to provide constructive feedback for the next draft of the report by focusing on the areas of the report which identified impacts that would result from the ordinance that are considered significant and have no opportunities for mitigation. We believe that a better understanding of vineyard and winemaking practices, and the people who engage in them would find that the impacts are not significant, and that there are a multitude of mitigations for all potential impacts. H2

SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

Common themes of each analysis of impact in the report:

- Throughout the report, there is a constant and repeated assumption of the disregard for existing law on the part of grape growers and winery owners, and assumes that without a discretionary permit process, no enforcement of existing county, state and federal law can be applied. The fact is that (as the report found) compliance with existing law ensures that any impacts associated with the proposed ordinance would be less than significant and additional candidates for mitigation would therefore be unnecessary. However, the RVWA and the RVVA strive to always identify additional mitigations that (a) make sense, and (b) will ensure that any negative impacts are minimized, and any positive impacts are maximized. H3 H4
- The report assumes that no mitigation can exist for any issue identified in the report because this report evaluates the effect of a county-wide ordinance, and is not project-specific. In fact, many mitigation candidates are available that would operate county-wide, starting with the extensive limitations and conditions written into the proposed ordinance, which have been largely disregarded in the draft report. H5

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- Virtually every significant effect identified in the report reached the conclusion only because the authors concluded that they could not estimate number of new wineries and vineyards that might start new operations as a result of the ordinance, and without any estimates, the impact must be "significant". This approach is unsupported and inadequate. The report must make reasonable and well founded assumptions and estimates, and if significant impacts cannot be demonstrated, it is inappropriate to say otherwise. H6

- The draft winery ordinance generated by county staff as the basis of this report departs in many instances from the more-restrictive ordinance proposed by the RVWA, which was approved in 2008 by the San Diego County Planning Commission and Board of Supervisors. If these more-restrictive provisions had been left intact, fewer findings of significant impact would have been found. In other areas, the staff has added additional restrictions which were not proposed and approved which do not have the effect of mitigation of the impact of the ordinance, but some only serve to restrict activities and mandate the application of expensive and unduly burdensome requirements on the smallest of projects. H7

2.1 Air Quality, 2.5 Noise, and 2.6 Transportation/Traffic

All of these findings depend upon one issue: additional traffic (from construction and operations of wineries).

<u>Incorrect or Unsupported Assumptions or Conclusions</u>

1. Assuming that the traffic studies conducted during the preparation of this report are valid, the take-off numbers should be divided by at least 8. All of the air quality, noise, and traffic impacts depended upon the maximum number of vehicles triggering the monitoring devices at three representative wineries, and then assumed that each additional winery that would be allowed to make direct sales to the public under the proposed ordinance would trigger the same level of new traffic. In fact, many (if not most) of the expected trips to wineries will **not** be new separate trips from people who would otherwise be staying home – but stops made by the existing travelers on the back country roads, and local neighbors making stops during existing trips. Additionally, a separate trip should not be charged for each vehicle visiting each winery. If four boutique wineries are opened, for example, one trip would be expected to be made with four stops. H8 H9

   This reality means that, say, no more than half of the cars visiting new wineries are in fact new trips. The other half would have made the weekend trip to the back country anyway, or would be existing local traffic adding a stop to an existing trip to visit a winery.

   In addition to the assumption that only one-half of the trips are new, those new trips would share stops between multiple wineries, say, at least four wineries on one trip. This consideration was only briefly identified and summarily dismissed in the report saying "nevertheless, the impact to existing LOS on regional Circulation Elements could be significant depending on the location, site conditions, and development proposed." No further support was provided for this assumption.

   When consideration is given to the existing trips and the shared (multiple stop) trips, this means that the total addition of new trips caused by the winery ordinance should be no more than 1/8 of the assumptions in the report. This correction should be applied to all traffic-related findings in sections 2.1, 2.5, and 2.6.

2. Table 2.5-3 is the basis for the report's conclusion that the noise impact of additional traffic associated with the proposed ordinance is significant. This table unreasonably assumes that dozens of new maximum-production level boutique wineries will begin operations in the back-county as a result of the ordinance and gives no credit to the fact that many of the trips will be existing and shared (multiple stops). Therefore, each of the lowest threshold numbers shown in the table is short by a factor of eight, and a threshold for a meaningful impact is not close to being met.

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Mitigation

1. The proposed ordinance already provides mitigation to traffic levels by applying production limits and by requiring that a minimum percentage of the grapes used to produce wine on the property be grown on the parcel on which the winery is located. H14

Due to the high cost of agriculture-zoned land in San Diego County that would be amenable to the development of a vineyard, combined with existing local, state, and federal laws that hinder a property owner's ability to develop new vineyards (open space requirements, and multiple species conservation considerations, for example) most new projects that will be associated with this proposed ordinance will be on existing small farms, not new large-acreage projects. The average farm size in all of San Diego County is nine acres. The preponderance of farms in the county are five acres or less. H15

Assuming an average of three acres of wine grapes are planted on each of these small farms that elect to produce and sell wine under the proposed ordinance, approximately 500 cases of estate wine will be produced from each winery, or one-tenth the maximum allowed for a boutique winery under the ordinance. This is a very likely scenario for the typical winery that will be benefitted by the proposed ordinance. H16

If half of the 500 case per year production is sold directly from the winery (the other half typically being sold subsequently through wine club memberships initiated from direct visits, and at wholesale through resellers such as wine bars, markets, and restaurants), there would not likely be a traffic level in excess of an average of 32 cars per week per winery. (3 acres x 3 tons/acre x 150gal/ton / 2.4 gal/case x 12 bottles/case x 50%sold from winery / 2 bottles/car / 52wks/yr). H17 Under the 1/8 adjustment shown above for new trips vs. existing and combined trips, the impact of each new winery under the ordinance is likely to be only a handful of cars per week per winery: not enough to ever make a significant negative impact on air pollution, traffic noise, nor congestion. H18

Even if each of these small three acre wineries purchase the maximum amount of grapes allowed from off-premises, and produce up to 2,250 cases of wine each year, the calculation would yield 130 cars per week (times 1/8 = 16 new round-trips per week per winery). H19

The point is that if the ADT analysis in the report (60 per week day and 160 per weekend day) is used for each possible boutique winery that begins to make direct sales, they will be (happily) sold out in a matter of weeks each year. The individual and the cumulative impacts would be less than significant, to say the least. H20

If the report's ADTs are assumed for a maximum production-level winery (5,000 cases / 12,000 gallons), the total number of vehicles would be 16,120 per year. However, if half of the production is sold directly from the winery at as few as two bottles per vehicle, 15,000 vehicles would visit each year, but when normalized for existing and shared trips, (times 1/8) only 1,875 new round-trips would be generated per winery. This is equal to only 10.3 ADTs per winery (1,875 * 2 / 365), or the same as would be attributed to one new single family dwelling. H21

The following table illustrates the full range of possible traffic activity that might be reasonably expected at a boutique winery operating under the proposed ordinance, using the assumptions outlined above. H22

The first scenario assumes that 100% of the winery's production comes from on-premises ("estate") grown fruit, and assumes that retail sales will only occur on weekends. This profile is likely to be the most common implementation of the ordinance. The second scenario assumes that all of the estate fruit is used, plus three times that amount is purchased from other vineyards. H23

Production Acres	Tons/Acre	Tons	Gallons	Estate Cases	Max Cases Allowed
1	3	3	450	188	750
2	3	6	900	375	1500
3	3	9	1350	563	2250
4	3	12	1800	750	3000
5	3	15	2250	938	3750
6	3	18	2700	1125	4500
7	3	21	3150	1313	5000
8	3	24	3600	1500	5000
9	3	27	4050	1688	5000

Production Acres	**100% Estate Cases**	Bottles	50% Available Retail	2 bottles per car	car visits per week		per weekend day
1	188	2250	1125	563	11		5
2	375	4500	2250	1125	22		11
3	563	6750	3375	1688	32		16
4	750	9000	4500	2250	43		22
5	938	11250	5625	2813	54		27
6	1125	13500	6750	3375	65		32
7	1313	15750	7875	3938	76		38
8	1500	18000	9000	4500	87		43
9	1688	20250	10125	5063	97		49

Production Acres	**25% Estate Cases**	Bottles	50% Available Retail	2 bottles per car	car visits per week	visits per weekday	per weekend day
1	750	9000	4500	2250	43	4	11
2	1500	18000	9000	4500	87	9	22
3	2250	27000	13500	6750	130	13	32
4	3000	36000	18000	9000	173	17	43
5	3750	45000	22500	11250	216	22	54
6	4500	54000	27000	13500	260	26	65
7	5000	60000	30000	15000	288	29	72
8	5000	60000	30000	15000	288	29	72
9	5000	60000	30000	15000	288	29	72

H23 (Cont.)

2. The report dismisses Transportation Impact Fees as an available mitigation, when the entire purpose of TIF is to mitigate for the costs to improve or maintain the county's road system as growth develops. A building permit for a winery tasting room is, in fact, subject to TIF (see ordinance 9919 dated 27 February 2007). This draft report says "Requiring individual wineries to contribute TIF fees at the time of building permits or change in occupancy status toward the improvement of Circulation Element roadways, including SR-67, would also *fully mitigate cumulative impacts*" (emphasis added). H24 H25

The report contradictorily concludes that TIF fails to mitigate any traffic increases associated with the proposed ordinance because "*Not all* of the potential growth represented by the Proposed Project was included in the SANDAG growth projections and addressed in the TIF program. In addition, the TIF program does not address *every road* in the unincorporated County of San Diego" and "cumulative impacts to roads where the TIF program is *difficult to enforce* would remain significant and unmitigated" (emphasis added). No support is provided in the report whatsoever to explain why a TIF applied to a boutique winery tasting and sales area wouldn't provide mitigation of the impact on traffic by the activity, or why the program would be difficult to enforce. H26

3. Non-county maintained roads – Since the county may require that any non-county maintained road with an excess of 2,500 ADTs be dedicated and improved to county standards, a tool is already available to address an impact if a winery's operation on a non-county maintained road would push the level of service over the threshold. H27

2.2 Biological Resources and 2.3 Cultural Resources

All of these findings are based on grading that might occur under the current San Diego County exemption from a grading permit requirement for the disturbance of less than 200 cubic yards of material. H28

Incorrect or Unsupported Assumptions or Conclusions

1. A huge number of existing local, state, and federal laws and regulations already apply to these issues, and there are enforcement and penalty provisions associated with each. H29

2. There is no characteristic associated with the type of people who grow grapes or make and sell wine that would make them inclined to break environmental laws. In fact, California grape growers and wine makers pride themselves and have a reputation for the use of innovative approaches and techniques in their operations to preserve and protect the unique biological and cultural resources located on their property. Almost invariably, it is the presence of these resources that enhance the recognition of the brand and enjoyment of visitors to the property. H30

3. The draft has a repeated issue with the current San Diego County 200CY grading permit exemption and concludes that any grading whatsoever under the exemption will certainly result in the destruction of biological and cultural resources. If the drafters want to see a change in the grading exemption, it is improper to use this EIR as the "whipping boy" on that issue, as the issue has no more application to this proposed ordinance amendment than it would to any other small scale exempt grading activities in the county.

Mitigation

1. Continuing education programs supported by county, state, or federal staff to assist in the identification and understanding all relevant laws and regulations and the review of materials designed to assist in the identification of the biological and cultural resources would be very helpful to reduce any operators' possible ignorance of the law.

2. The report dismisses Transportation Impact Fees as an available mitigation, when the entire purpose of TIF is to mitigate for the costs to improve or maintain the county's road system as growth develops. A building permit for a winery tasting room is, in fact, subject to TIF (see ordinance 9919 dated 27 February 2007). This draft report says "Requiring individual wineries to contribute TIF fees at the time of building permits or change in occupancy status toward the improvement of Circulation Element roadways, including SR-67, would also *fully mitigate cumulative impacts*" (emphasis added).

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2.4 Hydrology and Water Quality

The report concludes that the proposed ordinance will result in additional agriculture operations in the ag-zoned areas of the county, and "pollutants entering surface water bodies during the (Summer) growing season could potentially violate water quality standards". It also finds a significant impact when dirt roads use increases, sending "contaminants related to automobiles" into the waterways by way of transportation of sediments. H33

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1. Many existing local, state, and federal laws and regulations already apply to every hydrology and water quality issue raised in the report, and there are enforcement and penalty provisions associated with each. H34

2. There is no characteristic associated with the type of people who grow grapes or make and sell wine, or the content of this proposed ordinance that would make them inclined to break environmental laws. H35

3. The report speculates that vineyards and wineries may contaminate groundwater with "herbicides, pesticides and other complex organics; petroleum products including Methyl Tertiary Butyl Ether (MTBE) and volatile organic compounds; and metals", but does not provide any basis for this conclusion whatsoever. In fact, MTBE is outlawed under current state regulations and would not be present at a new vineyard or winery. VOCs are not used in any amounts that would have any impact to groundwater whatsoever, and the disposal of such materials is strictly controlled. H36 H37

4. The report concludes that vineyards and wineries will pollute area water bodies until 2012 when current new, expanded mandatory testing programs generate their first formal report, and that until then, the absence of the report will cause pollution. Pollution is not caused by the absence of a report. H38

5. The report finds a significant impact to water quality because the ordinance may cause increased traffic on unimproved roads. It does not quantify the potential impact, so it leaves an impression that dirt roads and the maintenance of dirt roads cause significant impacts to the environment. If that were the case, wouldn't dirt roads be illegal? This impact (HY-2) is not supported and should be withdrawn.

Mitigation

1. Herbicides and pesticides: Any San Diego County grower who applies any material carrying an EPA identification number on the label must obtain an operator ID before purchase and application and must report at least monthly on the exact application of the materials to the San Diego County Agriculture Commissioner. county, state and federal laws regulate the amount, methods and frequency of application of any of the materials. A county inspector visits each operation periodically and no advance notice is required for the inspections and interviews.

2. All growers in the county (including vineyards) are already required to implement best management practices to ensure that no pollutants leave the farm in irrigation or storm water discharges. Additional levels of testing and monitoring have been recently initiated in San Diego County through the mandate that any producer of any crop valued in excess of $1,000 per year set up a monitoring, testing and reporting program, or enroll in a group to conduct such testing and reporting. This requires enrollment, for example, by any producer of at least one third of an acre of wine grapes at a modest production level of 3 tons per acre.

The report reminds us that "Currently, no discharge is allowed to leave a farm," and "all growers in the county are required to implement best management practices to ensure that no pollutants

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The report reminds us that "Currently, no discharge is allowed to leave a farm," and "all growers in the county are required to implement best management practices to ensure that no pollutants H42

leave the farm in irrigation or storm water discharges. The revision of the RWQCB Conditional Waiver No. 4 will provide *increased* enforcement and monitoring to prevent discharges" (emphasis added). H42 (cont.)

This proposed winery ordinance may be in effect as early as mid-2010. The report recognizes that the increased enforcement and monitoring from the updates to the Conditional Waiver No. 4 program will be available no later than 18 months later, in January 2012. There may be a very small number of existing limited wholesale wineries that will be in a position to implement any new liberties under the proposed Boutique Winery category as early as late 2010, and the lead-time of investment, infrastructure, vineyard development, vine maturity, winery development, and aging of wines ensures that it will be several years before any measurable increase in the number of boutique wineries will occur. By that time, the enhanced enforcement and monitoring associated with the 2007 revisions to Conditional Waiver No. 4 will have been in effect for several years. H43 H44

3. Most vineyard and winery owners in the State of California participate in the California Sustainable Winegrowing Alliance program, studying, reviewing, and reporting on practices that can be implemented to ensure the best possible use of natural resources in their projects (see www.sustainablewinegrowing.org). In July 2009 the Ramona Valley Vineyard Association hosted a well-attended workshop outlining the program's objectives and how to start implementing good practices immediately. Most of the participants recognized that they were already following many of the recommended approaches, and were looking forward to adding more practices as the opportunities arose. By adopting and implementing the Alliance's Code of Sustainable Winegrowing Practices participants can ensure that they remain the best stewards of the land possible. H45

The mission of the Program includes:

- Establishing voluntary high standards of sustainable practices to be followed and maintained by the entire wine community
- Enhancing winegrower-to-winegrower and vintner-to-vintner education on the importance of sustainable practices and how self-governing will enhance the economic viability and future of the wine community , and
- Demonstrating how working closely with neighbors, communities and other stakeholders to maintain an open dialogue can address concerns, enhance mutual respect, and accelerate results

The vision of the Sustainable Winegrowing Program is the long-term sustainability of the California wine community. To place the concept of sustainability into the context of winegrowing, the program defines sustainable winegrowing as growing and winemaking practices that are sensitive to the environment (Environmentally Sound), responsive to the needs and interests of society-at-large (Socially Equitable), and are economically feasible to implement and maintain (Economically Feasible). H46

4. Private Roads: The winery ordinance proposed by the Ramona Valley Winery Association, and approved by the San Diego County Planning Commission and Board of Supervisors included a requirement for any winery allowed to make direct sales to the public on the premises to participate in any non-county maintained road maintenance agreements that relate to the access to the winery property. H47

5. The report says that water quality will be impacted because "wholesale limited wineries could expand their operations from the existing annual limit of 7,500 gallons to produce up to 12,000 gallons of wine". The winery ordinance proposed by the RVWA made no such increase. Therefore, if the increase is found to result in a significant non-mitigatable impact, this consideration should be removed. H48

2.7 Water Supply and Groundwater Supply

Incorrect or Unsupported Assumptions or Conclusions

1. The report states that while the research is four years old, for imported water, "no water shortages are anticipated". Virtually all locations for vineyards and wineries contemplated under the proposed ordinance primarily use private wells, drawing from groundwater, and the report states that "Groundwater supplies for the areas outside of the SDCWA's service area have never been accurately quantified." The draft EIR provides not so much as an anecdotal report that agriculture in general or vineyards in particular deplete groundwater reserves in the county's A-70 and A-72 zones. The report recognizes that vineyards, wineries, and tasting rooms have modest water requirements, and that other alternative uses of the properties would likely have a larger water usage. Therefore, it would not be unreasonable to consider that the proposed ordinance might result in a net increase water supplies. However, nevertheless, the report concludes that the proposed ordinance will have a non-mitigatable significant impact on water supply. H49 H50

   In order to conclude that the proposed ordinance will have a significant impact on water supply, the report simply says that since it cannot estimate the number of new wineries that may result from the ordinance, the impact must be significant. It does not establish what would be considered an impactful amount of water usage, but assumes that *any* water requirements for any activity would result in a significant impact. This conclusion is not supported. H51

Mitigation

1. In Southern California, all water is treated as a precious resource. All San Diego County vineyards use the very restricted drip irrigation system which applies only the required water at the individual vines' locations. No overwatering or runoff from irrigation results. No vineyards depend on surface water, and therefore use electrically-driven pumps to bring the water to the surface. As electricity costs are always a significant component, the vineyard owners are naturally motivated to minimize the amount of water removed from the groundwater supply. H52 H53

2. All wineries in the San Diego area direct their winery rinse water onto adjacent landscaped areas, gardens, and orchards, rather than send the rinse water into sewer or septic systems, thereby re-using the water and correspondingly reducing water requirements for surrounding plantings. No regulations mandate this practice; it's just the smart thing to do. H54

PROJECT ALTERNATIVES

Enhanced Ministerial Enforcement Alternative

The objective of the proposed winery ordinance is to remove the onerous impediments currently being faced by the smallest wineries in their efforts to introduce and market their wines in San Diego County. Therefore, a self-certifying checklist is not objectionable if it is used to document the winery operator's understanding of the conditions and limitations under which he would be operating by right of zoning. However, if that checklist is imbedded with requirements that the operator hire professionals to prove that he is complying with the conditions and adherence to county, state, and federal law, the objectives of the proposed project would not be met. It would apply the same burdensome requirements as are applied to current major use permits – and that is what this proposed ordinance is supposed to remove for the smallest of projects. H55 H56

It would be inappropriate for a small winery operator to be compelled to obtain and finance what would be equivalent to an "opinion of counsel" that no regulations are being violated in the performance of the liberties envisioned by the ordinance. For example, the draft checklist contained in the report would require that the winery owner hire an expert to inspect the property H57

for endangered species or cultural relics. This is inappropriate, as these types of inspections would only be relevant to an advanced ministerial use permit when a property owner is requesting clearance to use the property in a fashion that will be a significant departure from the type of zoning in which the property is located. H57 (Cont.)

Any such certification would be appropriate only if it was limited to a certification that the property owner understands what the county, state and federal laws require of him in regard to the subject matter, and that the owner agrees to abide with all relevant laws and regulations, or be subject to violation of the conditions of the operation. H58

The Ramona Valley Vineyard and Winery Associations object to any checklist that would require a limited wholesale winery or boutique winery owner to hire various professionals to write expensive reports that would be subject to acceptance or rejection by county staff struggling to apply ever-changing standards that might apply to an area in which they are not expert. H59

If any form of a checklist would be included in the zoning regulation whatsoever, the Ramona Valley Winery Association would request participation in the drafting of the checklist, and the checklist would need to include all conditions and limitations of the ordinance section under which operations are being conducted, and not be limited to the topics covered in this draft report. H60

Limited Five-Year By-Right Alternative

This alternative does not meet the objectives of the ordinance. The establishment of a vineyard and/or winery requires a decade of investment of time, money, skill and patience before the first bottle of wine is ready for release to the public. If the ability to market and sell the wine at the vineyard/winery is not to be relied upon, the industry will not have the tools it needs to become established in the first place. H61

Any ordinance is subject to review and revision at any time. Imbedding a sunset provision at five years will serve to ensure that the objectives of this proposed ordinance are hindered at the outset. H62

Thank you for this opportunity for review and comment.

Regards,

Ramona Valley Vineyard and Winery Associations – Ordinance Committee

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Re: **Draft EIR for Tiered Winery Zoning Ordinance Amendment**
Comments by San Diego Citizenry Group

Dear Ms. Nagem

Coast Law Group, LLP represents the interests of San Diego Citizenry Group ("SDCG") as they relate to the proposed Tiered Winery Zoning Ordinance Amendment ("Project"). This letter is to provide comments regarding the Draft Environmental Impact Report ("DEIR") prepared for the Project under the California Environmental Quality Act ("CEQA").

1. Introduction

The Project is a zoning ordinance amendment that would create or expand two "by-right" land uses - "boutique wineries" and "wholesale limited wineries" (together as "Wineries") - in the County's A70 and A72 agricultural zones.

The Project would, as intended, promote winery development by precluding discretionary use review of all future Wineries.[1]

As a result - and because CEQA applies only to projects that require discretionary approvals - environmental impacts of individual Wineries (many of which will require no discretionary review at all) will never be reviewed in the future, and there will be no opportunity to mitigate or avoid such impacts.

In addition, the DEIR repeatedly cedes that "... the number, location, or size of specific future projects [i.e., Wineries] are not currently known," such that, while environmental impacts of the Project are (admittedly) significant, their true scope and extent are neither understood nor disclosed in the DEIR. The Project would thus commit the County to suffer substantial but

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[1] *See e.g.,* DEIR, p.2.4-13 ("One of the primary objectives of the Proposed Project is to streamline and clarify the approval process in order to encourage growth of the wine industry in San Diego. Indeed, the Proposed Project is anticipated to stimulate growth of the wine industry in the County and increase demand for locally produced grapes, resulting in new wineries, increased capacity of existing wineries, and increased consumer demand, including additional visitors that may be attracted to new or expanded wineries....").

ultimately unknown environmental consequences, and accordingly defies (at least on the basis of information disclosed in the DEIR) any evaluation of whether the Project's perceived benefits justify its actual costs.

This blind commitment - in addition to being bad policy - violates CEQA. As stated in *City of Carmel-By-The-Sea v. Board of Supervisors* (1977) 71 Cal. App. 3d 84, 96: "CEQA *requires* the decisionmaker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project." (Italics added). I1 (Cont.)

Further, to facilitate this required balancing, CEQA mandates that an environmental impact report ("EIR") disclose, in detail, each of a proposed project's significant environmental effects. Here, however, the DEIR repeatedly asserts that the nature of this Project (i.e, approving an unknown number of future Wineries "by right" in unknown locations throughout A70/A72 zones' 441,000 acres) prohibits full knowledge and disclosure of the Project's significant impacts. The DEIR accordingly concludes, based on an admitted *lack* of information, that many of the Project's impacts will be significant and unmitigated. As discussed in detail below, however, this approach violates CEQA and its informational purposes. I2

In addition, and as further discussed below, the DEIR is deficient because it reflects that "best efforts" were not used to ascertain information regarding the Project's impacts and those of foreseeable future Wineries; because it fails to identify mitigation measures for the Project's significant impacts; because it fails to provide information sufficient to make findings required by Public Resources Code § 21081; because it contains insufficient analysis and information regarding the Project's impacts on private roads; and because substantial evidence does not support its conclusions that impacts (including those relating to pesticide use, water supplies, groundwater quality, paleontological resources, and public safety) will be less than significant. I3

2. The DEIR Fails to Adequately Discuss the Project's Significant Impacts.

"The EIR is an informational document with the stated purpose of providing public agencies and the public with '*detailed information* about the effect which a proposed project is likely to have on the environment ....'" (Italics added) (*Rio Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 368; *See also* Pub. Resources Code § 21102.1). An EIR is therefore required to "include a *detailed statement* setting forth ... [a]ll significant effects on the environment of the proposed project." (Emphasis added) (PRC § 21100).

The purpose of this requirement is to provide information "sufficient to allow decision-makers and the public to understand the environmental consequences of the Project." (*See* Kostka & Zischke, Practice Under the California Environmental Quality Act (CEB 2009) § 11.28, p.553; 14 CCR § 15151 ("An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences."); *Rio Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 375 ("At a minimum, an EIR 'must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project."); *Californians for Alternatives to Toxics v. Dept. of Food and Agric.* (2005) 136 Cal.App.4th 1, 13 ("As a general matter the EIR must present facts and analysis, not simply the bare conclusions or opinions of the agency. The discussion of impacts is acceptable if it I4

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provides sufficient information and analysis to allow the public to discern the basis for the agency's impact findings. Thus the EIR should set forth specific data, as needed to meaningfully assess whether the proposed activities would result in significant impacts.")).

Accordingly, "an EIR cannot simply label an impact significant without first providing a discussion and analysis." (Kostka & Zischke, Practice Under the California Environmental Quality Act (CEB 2009) § 14.3, p.687). Such a backward approach fails to disclose a Project's actual environmental consequences, and would thus allow the lead agency "to travel the legally impermissible easy road to CEQA compliance." (*Id.*; *See also Berkley Keep Jets over the Bay Comm. v. Bd. of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1371). I4 (Cont.)

Here, the DEIR repeatedly labels the Project's impacts significant, but it does so, not based on detailed statements of the Project's environmental consequences, but instead on an admitted *lack* of information. For example, as to the Project's significant impacts to "candidate, sensitive and special status species," the DEIR concludes:

> ... Substantial adverse impacts may result, either directly or though habitat modifications, to candidate, sensitive, or special status species if a single or multiple wineries develop as proposed. Because the number, location, or size of specific future projects are not currently known, specific impacts to candidate, sensitive, or special status species from their development are unknown.
>
> ... Therefore, ... the project could impact candidate, sensitive, or special status plant or wildlife species and the adoption of the proposed ordinance amendment would have a **significant impact**.

(DEIR, p.2.2-19). The DEIR accordingly does not analyze the Project's actual impacts to at-risk species, but instead, based on a lack of information, "simply labels the impact significant." I5

This backward approach is employed throughout the DEIR for nearly all of the Project's numerous identified significant impacts, including (without limitation) for impacts related to: Air Quality (AQ1,2 and 3) (*e.g.* DEIR, p.2.1-27, "Because future development of an unknown number of new or expanded winery operations ... at unknown locations could impact air quality, adoption of the proposed ordinance amendment could result in significant direct and cumulative impacts ... ¶... Therefore, these impacts are significant and unmitigated.); Biological Resources (BR1-BR5) (*e.g.*, DEIR p.2.2-22 ("Because the number, location, or size of specific future projects are not currently known, specific impacts to wetlands from their development are unknown. ¶ Because there is the potential for the development of a new winery or the expansion of an existing winery to impact wetlands regulated by federal and state agencies, adoption of the proposed ordinance would have a significant impact."); Cultural Resources (CR1-3); Hydrology and Water Quality (HY1-HY4); Noise; Traffic (TR1, 2); and Water Supply (WS1-3) (*e.g.*, DEIR 2.7-10 ("... the location and number of new or expanded water service connections that could be required from ... [wineries] operating by right under the amended Zoning Ordinance are not known .... Therefore, with respect to imported water supplies, the Proposed Project could result in significant impacts")). I6

Having taken this "legally impermissible easy road" - of simply labeling unknown impacts I7

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significant - the DEIR fails to inform the public and decisionmakers of the nature and extent of the Project's true environmental consequences. It accordingly fails CEQA's informational purpose, and it is inadequate as a matter of law .

A revised draft EIR must therefore be prepared and circulated to properly disclose the Project's significant environmental consequences. I7 (Cont.)

3. The DEIR Does not Reflect the County's "Best Efforts To Find Out and Disclose All that it Possibly Can" regarding the Project and Reasonably Foreseeable Future Wineries.

In preparing an EIR, an agency must "use its best efforts to find out and disclose all that it possibly can." (14 CCR § 15144 ("While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it possibly can."); *Forestville Citizens for Sensible Growth v. County of Sonoma* (2009) Cal.App.Unpub. LEXIS 4178, p.30; *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal. App. 4th 342, 370) ("[The EIR] reasoned ... that it was impossible to discuss the environmental effects such units would have because 'the nature and extent of future. indirect development is not known at this time.' The FSEIR therefore simply declined to consider the possible effects the Project might have on housing in surrounding communities. This discussion, in and of itself, is inadequate.").

Relatedly, "[a]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change ... [the initial project's] environmental effects." (*Rio Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 372).

Here, however, as discussed below, the County did not use "best efforts" to ascertain or disclose "all that it possibly can," and it failed to perform required analyses regarding environmental effects of reasonably foreseeable future Wineries. I8

a. Best Efforts Were Not Used To Analyze Impacts of Existing Wholesale Limited Wineries Converting to By-Right Boutique Wineries.

The DEIR acknowledges that, as a result of the Project, existing Wholesale Limited Wineries[2] will convert to by-right Boutique Wineries[3]. The DEIR states: I9

[2]Currently, Wholesale Limited Wineries are allowed by-right in the A70/A72 zones and can produce up to 7,500 gallons of wine per year. This category of winery does not allow for on-site tasting rooms. The Proposed Project would continue to allow such wineries by-right, but would allow expanded production of up 12,000 gallons.

[3]Boutique Wineries require an administrative permit. Permitted Boutique Wineries can produce up to 12,000 gallons/year and are allowed to sell and provide tastings to the public on-site. The Project would eliminate the requirement that Boutique Wineries obtain discretionary administrative permits, and would thus allow tastings and retail sales (and related traffic and other impacts) by-right.

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> Currently, there are more than 30 Wholesale Limited Winery operations within the County of San Diego's jurisdiction, and a significant number of these are in the Ramona community. It's reasonable to expect that a number of existing Wholesale Limited Winery operators would seize the opportunity to offer wine tasting and sales if allowed by right as proposed ....

(DEIR, p.2.6-11). The DEIR thus reflects a reasonable assumption that, as a result of the Project, existing Wholesale Limited Winery operators will "seize the opportunity" to expand and convert to by-right Boutique Wineries.[4]

The "best efforts" standard, along with the mandate that an EIR analyze future actions that are a reasonably foreseeable consequence of the proposed project, consequently require that the County use "best efforts" to ascertain and disclose impacts of existing Limited Wholesale Wineries expanding/converting to by-right Boutique Wineries.[5]

The DEIR, however, reflects that no such efforts were made. For example, as to the Project's traffic impacts, the DEIR does not discuss individual or cumulative impacts of each of the reasonably expected conversions, but instead proceeds under the impermissible assumption that: "Because this is a zoning ordinance amendment, there is no way at this stage to know which specific future wineries may result in impacts." (DEIR, 2.6-19). This assumption - employed throughout the DEIR - is neither correct nor sufficient. Indeed, the DEIR itself reflects that, as a result of the Project, known existing Wholesale Limited Wineries will convert to by-right Boutique Wineries. CEQA thus requires an analysis of the existence, nature and extent of the impacts of these foreseeable conversions.

I9 (Cont.)

b. Best Efforts Were Not Used To Ascertain or Disclose Impacts of the

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[4]This assumption is reflected in the County's survey of existing wineries. The survey could have requested information regarding whether the existing 30+ Wholesale Limited Wineries would, if allowed by-right, convert to a Boutique Winery under the proposed zoning amendment. Indeed, absent an assumption that all existing Wholesale Limited Wineries will convert, CEQA would *require*, at the very least, that the County's survey reflect "best efforts" to ascertain such information. The survey, however, did not even ask the question. Consistent with omission, the DEIR assumes (and is required to assume) that, as a result of the Project, existing Wholesale Limited Wineries will convert to Boutique Wineries. (DEIR, p.2.6-11). The DEIR must therefore analyze the impacts of each such reasonably foreseeable conversion.

[5]Compliance with this requirement is uniquely important for this Project. As discussed, the Project would preclude CEQA review and mitigation for by-right Wineries. As a result, unless accomplished prior to implementation of this zoning Project, the impacts of foreseeable future Wineries may *never* be reviewed or mitigated. This distinguishes the current Project from every reported case that has applied the requirement that an EIR analyze reasonably foreseeable future actions. In those reported decisions, the relevant "future action" required additional and project-specific environmental review. Here, in contrast, there is no such safety net. If impacts of foreseeable future Wineries are not reviewed or mitigated now, they likely never will be. Consequently, if called upon to review the sufficiency of the DEIR, a reviewing court will strictly enforce both the "best efforts" standard and the mandate that an EIR analyze reasonably foreseeable future actions.

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Foreseeable Conversion of Pyramid Vineyards to a By-Right Boutique Winery.

Pyramid Vineyards is currently a Wholesale Limited Winery in Ramona. (DEIR, Appendix B). Pyramid Vineyards, however, has publicized its intent to convert to a Boutique Winery when the County approves an ordinance allowing such wineries by right. (Attachment 1). The DEIR, consequently, is required under the "best efforts" standard, as well as CEQA's mandate that an EIR analyze future actions that are a reasonably foreseeable consequence of the proposed project, to analyze and disclose the impacts of Pyramid Vineyards' reasonably foreseeable conversion. The DEIR contains no such analysis.[6]

c. Best Efforts, Generally, Were not Used To Ascertain and Disclose the Project's Impacts.

As discussed above, the DEIR repeatedly curtails analysis of the Project's impacts on grounds that "...the number, location, or size of specific future [Winery] projects are not currently known." (*E.g.*, DEIR, p.2.2-19). The DEIR does not reflect, however, that the County took *any* steps, or conducted any investigation, to either obtain or project information needed for meaningful review. For example, there is no indication the County took any steps to survey which or how many properties would, as a result of the Project, "seize the opportunity" to create or expand by-right Wineries; there is no indication the County took any steps to ascertain or analyze whether properties in particular areas of the A70/A72 zones are likely to "seize the opportunity"; and there is no indication the County took any steps to project worst-case or other data regarding the numbers or locations of future Wineries. The County consequently failed to use best efforts to ascertain and disclose the Project's impacts.

I9 (Cont.)

4. The DEIR Fails To Identify and Adequately Discuss Measures To Mitigate the Project's Significant Impacts.

An EIR is required to identify and describe mitigation measures for each of a Project's significant impacts. (*Rio Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 376).

One treatise explains: "A fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. *Pub. Res. C §§ 21002.1(a), 21061.* To implement this statutory purpose, an EIR must describe feasible mitigation measures that can minimize the project's significant environmental effects. 'A gloomy forecast for environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.' (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App.4th 1018, 1039)." (Kostka & Zischke, Practice Under the California Environmental Quality Act (CEB 2009) § 14.3, p.687; *See also Rio Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 376 ("The core of an EIR is the mitigation and alternatives sections.")).

I10

[6]San Diego Citizenry Group is informed that other Wholesale Limited Wineries plan to expand/convert, upon Project approval, into by-right Boutique Wineries, including the Eagles Nest Winery (on Chablis Road, Ramona) and Wolf & Rose (on Garjan Road, Ramona). Impacts of these foreseeable conversions/ expansions must be analyzed in the DEIR.

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alternatives sections.")).

CEQA's mitigation requirements, moreover, apply to indirect impacts of land use plans and zoning ordinances. CEQA Guidelines, for example, explain: "In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design." (14 CCR § 15126.4). Similarly, in *Rio Farm Bureau*, the court reviewed an EIR for a land use plan, and in that context recognized: "for those mitigation measures which the County cannot formulate precisely absent a proposal for a specific facility," a "firm commitment" can be made "to future mitigation of significant impacts." The court further explained: "Where, as here, devising more specific mitigation measures early in the planning process is impractical, the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated." (*Rio Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 377).[7]

Indirect significant impacts of zoning amendments, like the adoption land use plans, are therefore subject to CEQA's mitigation requirements, including the requirement that an EIR must discuss mitigation measures for every identified significant impact.

I10 (Cont.)

Here, the DEIR concedes that the Zoning Amendment will cause numerous significant impacts, but it fails to identify *any* mitigation measures. For example, Table S-1 purports to "[include] mitigation measures to reduce and/or avoid" each of the significant impacts identified in the DEIR. (DEIR, p.S-1). However, for each such impact, the table simply states: "Mitigation: Impacts of specific future winery projects cannot be determined at this stage, nor can appropriate mitigation measures be identified or enforced." (DEIR, p.S-6 through S-12).

This is inadequate.

I11

Further, and contrary to the DEIR's assumption ("... appropriate mitigation measures [for future winery projects] cannot be identified or enforced"), mitigation measures need not be specific to future, individual winery projects. Rather, mitigation measures "can be incorporated into" the ordinance itself, or, alternatively, the Project could require future Winery development/operation to comply with "specific performance criteria."

For example, as to water supply impacts, the DEIR lists four "typical mitigation measures."

I12

[7]The County's "Environmental Impact Report and General Content Requirements" confirm this rule. (www.sdcounty.ca.gov/dplu/docs/EIR_Format_Content_Reqs.pdf (section 2.1.6, p.29)). It states, for example, that: "When approving projects that are general in nature (e.g., a General Plan), the County must develop and approve whatever general mitigation measures are feasible to lessen or avoid the project's significant impacts. The County cannot defer the obligation to formulate and adopt mitigation until specific development is proposed." . It further states: "If it is concluded that there are no feasible mitigation measures that reduce an effect to a level below significance, the EIR must discuss any infeasible measures that could reduce the significant effect to a level below significance. The EIR must then discuss why these measures are infeasible." (*Id.*)

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(DEIR, p. 2.7-14).[8] It does not, however, analyze these or other measures in the context of this proposed zoning amendment. It instead explains such measures "could" be imposed later through discretionary review of future Wineries, but that - as to those Wineries which would not undergo discretionary review - "appropriate mitigation would not be possible." (*Id*). The DEIR thus assumes mitigation for the Project's water supply impacts could only be considered in the future through discretionary review of individual Wineries, and consequently that mitigation for certain Winery projects (i.e., those that would not undergo future discretionary review) "would not be possible." This is incorrect. Mitigation can be incorporated in the ordinance. As just one example, the four "typical" measures identified for mitigating water supply impacts could be incorporated as criteria for developing/operating "by right."

The DEIR therefore can and is required to identify measures to mitigate each of this Project's numerous significant impacts. The DEIR should be revised accordingly and recirculated. I12 (Cont.)

5. The DEIR Is Insufficient To Make the Findings Required under PRC § 21081.

For each unmitigated significant impact identified in the DEIR, the County is required to find, based on substantial evidence, "that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment." (Pub. Resources Code § 21081). To make this finding the lead agency must be sufficiently informed of a project's actual environmental consequences. Thus, where an EIR fails to provide a "true picture" or a "true perspective" of a project's environmental impacts, an agency's findings of overriding considerations will be rejected by a reviewing court. (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 80)

Here, the DEIR does not provide a "true perspective" of the Project's environmental consequences. To the contrary, as discussed above and as admitted in the DEIR, the nature and extent of such consequences are a complete mystery. (*See e.g.*, DEIR, p.2.4-22 ("Because future development of an unknown number of new or expanded winery operations (Wholesale Limited or Boutique) at unknown locations could cause impacts to surface water quality and erosion/siltation, adoption of the proposed ordinance amendment could result in significant, indirect, and cumulative impacts...").

The DEIR consequently fails to provide sufficient information to support the finding, required under CEQA, that the Project's perceived benefits outweigh its significant environmental I13

[8] The four measures identified in the DEIR include (i) "Voluntary participation by the project applicant in the IAWP to reduce water use by 30 percent (or more) in exchange for a discounted water rate; (ii) "Agreement by the project applicable to the SWAR conditions to receive only 50 percent (or less) of normal water use during emergency water shortages in exchange for a discounted water rate"; (iii) "Prohibition of the conversion of any dryland agricultural or non-irrigated lands to grape production"; and (iv) "Project design that incorporates advanced water conservation to the maximum extent feasible, including but not limited to grape crop selection for restricted irrigation, highly-efficient irrigation technologies to prevent evaporative loss, irrigation and civil water systems that maximize on-site recirculation or recharge for non-potable uses, limited use of toxic compounds (fertilizers and pesticides) combined with runoff catchment and filtration systems to maximize groundwater recharge, and other highly water efficient landscape modification and visitor structure design."

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consequences.

6. The DEIR's Discussion and Conclusion Regarding Impacts of Pesticide Use Are Insufficient.

The DEIR concedes pesticide use and storage in the County will increase as a result of the Project. (DEIR, p.3-22 to 3-23). It concludes, however, that pesticide-related impacts will be "less than significant." (DEIR, p.3-23). The DEIR explains:

> In summary, the main source of hazardous materials associated with the Proposed Project would consist of chemical pesticides, herbicides, fungicides, and fertilizers related to grape growing operations. All use, storage, and disposal of pesticides would be subject to specific applicable regulations, including requirements for application methods and rates and safe handling procedures, pursuant to legal requirements and manufacturer's specifications. The use, storage and disposal of hazardous materials would be subject to the AWM Pesticide Regulation program and/or HMBP requirements if applicable, pursuant to the regulatory threshold quantities prevously described. These requirements and regulatory programs would ensure that impacts related to pesticide use or storage within the project area would be **less than significant.**

(DEIR, p.3-23; *See also* DEIR, p.2.4-13). The DEIR thus presumes pesticide use/storage will comply with existing regulations and with "manufacturer's specifications," and consequently that the Project's pesticide-related impacts will be insignificant.

A nearly identical analysis, however, was rejected in *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal.App.4th 1, 38. The EIR at issue in that case, like the DEIR here, presumed that pesticide impacts would be less than significant as a result of existing regulations and manufacturers' labeling. It stated, for example, that: "All [pesticide] applications must be in compliance with federal and state laws and regulations ... Therefore, the use of pesticides registered by [DPR] according to approved label directions is in compliance with CEQA." The court of appeal, however, held that the EIR's analysis was insufficient. It explained:

> These conclusory statements do not fit the CEQA bill. Compliance with the law is not enough to support a finding of no significant impact under the CEQA..... Nor is there legal authority for the proposition that using registered pesticides according to their labels never results in significant adverse effects.

Californians for Alternatives to Toxics v. Department of Food & Agric. (2005) 136 Cal.App.4th 1, 17). The court thus concluded: "Our review of the EIR reveals that DFA repeatedly deferred to the DPR regulatory scheme instead of analyzing environmental consequences of pesticide use and therefore fell short of its duty under CEQA to meaningfully consider the issues raised by the proposed project." (*Id* at 16).

I14

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The DEIR here, like the EIR in *Californians for Alternatives to Toxics,* does not meaningfully consider the Project's pesticide impacts, but instead defers to existing regulations and to "manufacturer's specifications." This analysis is improper and does not support the determination that the Project's pesticide-related impacts will be less than significant.[9] I14 (Cont.)

7. The DEIR's Finding of Insignificance Regarding "Cumulative Water Supply Impacts" Is not Supported by Substantial Evidence.

The DEIR concludes that the Project's "cumulative impacts to water supply are less than significant." (DEIR p.2.7-13).

The DEIR explains:

> According to the UWMP [Urban Water Management Plan], if supplies are developed as planned, no water shortages are anticipated within the SDCWA service area through 2030; however, the UWMP is due for an update (SDCWA 2007).
>
> The Proposed Project does not amend the General Plan and, as a result, conforms to the growth projections from SANDAG. These projections were used by SDCWA [in the UWMP] in developing the means by which cumulative water demand requirements are met. The adoption of the ordinance, therefore, conforms to the plan, and cumulative impacts to water supply are **less than significant**.

(DEIR, p.2.7-13).

The DEIR's reliance on the UWMP, however, is improper. As noted, the UWMP "is due for an update." Indeed, the DEIR even details *why* the UWMP is "due for an update." The DEIR first discusses the current UWMP of the San Diego County Water Authority ("SDCWA"):

> SDCWA adopted its current UWMP in April 2007...
>
> Based on SDCWA's water supply reliability assessment as contained in its current UWMP, SDCWA concludes that if the SDCWA and member agency water supplies are developed as planned, along with implementation of MWD's Integrated Resources Plan, supplies will be adequate to serve existing and projected demands within SDCWA's service area....
>
> ...
>
> ... In order to project and plan for future water needs, SDCWA has

I15

[9] As noted, the DEIR's discussion of pesticide-related impacts is inadequate, in part, because it improperly relies on "compliance with the law." This deficiency is repeated throughout the DEIR and does support the DEIR's conclusions that impacts will be less than significant.

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> entered into a Memorandum of Agreement with SANDAG to use the most recent regional growth forecast for planning purposes. Because the information in the UWMP is based on regional growth forecasts by SANDAG, the basis of those forecasts is critical to supply and demand projections.... To the extent that development occurs in accordance with the general plans used to prepare the growth forecasts, their long-term impact on water supply and demand were included in the SDCWA's plans.

(Italics added) (DEIR, p.2.7-4 and p.2.7-13). The DEIR then discusses new water supply pressures that arose *after* the UWMP's adoption (including the worsening drought and "restricted pumping for the State Water Project in response to a court order protecting the Delta Smelt"):

> ... [T]he period of low rainfall over the past three years has reduced availabled water supplies and lowered groundwater levels. In 2008, the Department of Water Resources also restricted pumping for the State Water Project in response to a court order protecting the delta smelt.... In March 2008, the SDCWA issued a model drought ordinance to assist member agencies in implementing voluntary and mandatory use restrictions to respond to progressive stages of a drought in the region. While there are varying levels of certainty regarding water supplies across the state, California is experiencing severe drought conditions in some areas....
>
> In July 2008, the SDWA issued this response: "the region's water supplies remain impacted by extremely dry conditions around California over the last year significantly reduced storage in key reservoirs, as well as by an eight-year drought in Colorado River basin" (SDCWA 2008). The SDCWA also reported that pumping restrictions on the State Water Project reduced water delivery by nearly one million AF of water statewide. Pumping restrictions affected approximately 300,000 AF of MWD's supplies....
>
> ... Although the individual and regional UWMP conclude that supplies are available to meet the demand, recent water cutbacks at the state level have affected local supplies in the short-term and increased the call for water efficiency and conservation.
>
> Most recently, in April 2009, MWD announced that water deliveries to San Diego will be reduced by 13 percent and rates will be increased in response to drought conditions. In turn, SDCWA will reduce supplies to member agencies by 13 percent. A news release from SDCWA stated "residents and businesses will face mandatory water use restrictions designed to ensure the region does not exceed its water supply allocation from MWD" (SDCWA 2008b). Subsequently, the SDCWA reported: "Growers and farmers will have agricultural water supplies cut between an estimated 13 percent and 30 percent, depending on the agricultural

I15 (Cont.)

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> water program in which they are enrolled" (2009c). As part of the drought response by member agencies, commercial growers not already participating in the Interim Agricultural Water Program could be required to limit irrigation of crops to certain time periods...
>
> Urban water management planning continues to address changes in state and local conditions. The UWMPs are scheduled to updated in 2010. Based on the 2005 Guidelines, the 2010 updates to the UWMPs will likely address recent developments, including consecutive years of reduced precipitation and cutbacks in the regional imported water supply due to the severity of California's drought and recent case rulings that place limits on the distribution of water from the State Water Project.

(Emphasis added) (DEIR, p.2.7-5 through 2.7-6).

The DEIR thus relies on the UWMP to determine that the Project's cumulative water supply impacts will be less than significant, but then explains, in great detail, why the UWMP is no longer reliable.

The DEIR's "less than significant" determination is consequently not supported by the evidence. This is particularly true given the DEIR's concessions that (i) "There is a lack of certainty of water supplies available to serve the project area from individual water agencies" (DEIR, p.2.7-10); (ii) "Wineries operating by right under the amended Zoning Ordinance are not known and could result in a demand for water where currently none exists" (DEIR, p.2,7-10); (iii) "As with imported water, the number and location of new or expanded wineries which may be relying on groundwater ... is unknown" (DEIR, p.2, 7-12); and (iv) "the [water supply] impacts of specific future winery projects cannot be determined at this stage, nor can appropriate specific mitigation measures be identified or enforced" (DEIR, p.2.7-13).

The DEIR should therefore be amended and recirculated to properly analyze, disclose and provide mitigation for the Project's significant cumulative impacts to water supplies.

I15 (Cont.)

8. The DEIR's Discussion of Impacts to Groundwater Quality Is Inadequate.

The DEIR states: "The primary contaminants of concern that could leach into groundwater supplies as a result of vineyard and winery operations would be from use of fertilizers, herbicides, pesticides, petroleum products, and volatile organic compounds. These contaminants, if present, have the potential to be absorbed and could contaminate groundwater during the growing season." (DEIR, p.2.4-15). The DEIR nevertheless concludes: "Impacts to groundwater from vineyard operations and maintenance would be **less than significant** because vineyards require reduced application of chemicals and irrigation as compared to most other food and ornamental crops." (*Id*).

This conclusion, however, is not supported by the DEIR's analysis or by substantial evidence. The only reasons cited in the DEIR for this "less than significant" determination are: (i) vineyards do not apply "fertilizers, herbicides and pesticides" from "approximately late fall until spring ..., which corresponds to the rainy season in San Diego County" (DEIR, p.2.4-15); (ii)

I16

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vineyards use less water and chemicals than other crops produced in the region (*Id*); and (iii) some but not all Wineries will be required to obtain grading or other discretionary permits, such that their environmental impacts will be reviewed and possibly mitigated under CEQA. (*Id*). These considerations, however, are not substantial evidence that impacts to groundwater quality will be insignificant. I16 (Cont.)

Moreover, the DEIR measures groundwater impacts against the wrong baseline. An EIR is required to measure a Project's impacts against "the conditions on the ground." (*E.g., City of Carmel-By-The-Sea v. Bd. of Supervisors* (1986) 183 Cal. App. 3d 229, 246; CEQA Guidelines section 15125). Here, however, there is no evidence that, at the locations where future Wineries will be developed, the "conditions on the ground" are the referenced "most other food and ornamental crops." Indeed, the DEIR admits the Project will result in development or expansion of vineyards into native and fallow land, or into land used to grow crops which are less water and chemical intensive. I17

Moreover, there is no evidence or analysis regarding whether Wineries' contribution of additional pollutants to existing levels of groundwater pollution (regardless of whether crops replaced by vineyards required more or less irrigation and chemicals) will result in significant impacts.

The DEIR's analysis and conclusion regarding the Project's groundwater impacts are therefore inadequate. This is particularly true given the DEIR's repeated assertion that the number, location and size of new Wineries are unknown. A revised draft EIR should accordingly be prepared and recirculated to adequately analyze, disclose, and identify mitigation for the Project's significant impacts to groundwater quality. I18

9. <u>The DEIR's Discussion of Traffic Impacts on Private Roads Is Inadequate</u>.

The DEIR's analysis of the Project's significant impacts on private roads (found at DEIR pp.2.6-12 and 13, and Appendix D at pp.11 and 32) is inadequate. The DEIR's analysis of these impacts consists of the following relevant information and conclusions:

(i) "The Proposed Project could add traffic to many private roads. Some of these private roads may be dirt and may not meet County of San Diego Private Road Standards and may have steep grades or insufficient width or curve radii.";

(ii) "Given the fact that existing traffic volumes on private roads are small[10] and most private roads can accommodate about 750 ADT (County of San Diego Private Road Standards, Page 8),[11] a significant impact would not occur unless several Boutique Wineries were built, all using a private road as access";

I19

[10]The assertion that "existing traffic volumes on private roads are small", in addition to being vague, is not supported by any fact in the DEIR.

[11]This assertion is unfounded. Page 8 of the San Diego County Standards for Private Roads is entirely silent as to ADT that "most private roads can accommodate."

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(iii) "A significant impact would also occur if increased traffic from one or more Boutique Wineries on a private road exceeds the road's capacity due to the exiting [sic] volume on or design of the private road. Since many Boutique Wineries are expected to be located on private roads, such a scenario is possible, and therefore impacts to private roads are considered significant";

(iv) "[M]any existing Wholesale Limited Wineries can only be accessed via private roads, a number of which are dirt and may not meet County of San Diego Private Road Standards. If these Wholesale Limited Wineries are converted to Boutique Wineries, increased traffic on dirt roads (if regular maintenance is even performed) or on roads with steep grades or insufficient width or curve radii to handle increased traffic from visitors could also result in a significant impact";

(v) "Any private road within San Diego County that serves land in the A70 or A72 Zones could potentially be impacted by approval of the [Project]";

(vi) "[T]he design of private roads varies from area to area within the County. In rural areas such as Warner Springs and Julian (and others), these roads are typically designed as two-lane undivided, unpaved roadways ranging in width between 20 and 30 feet. Other areas of the County have private roads paved with concrete or asphalt"; and

(vii) "[O]nce a private road is determined to carry more than 2,500 trips per day, the County may require that the roadway be dedicated and improved to County of San Diego Public Road Standards. Increased traffic on private roads could be significant."

This information and analysis is insufficient. It provides no useful information regarding traffic and safety consequences of allowing unlimited by-right Boutique Wineries on private roads in general, or on particular private roads that are likely to suffer one or more such Wineries. It thus deprives residents on these roads from being meaningfully informed of the Project's unique impacts on them, and consequently of the need to provide input regarding Project approval and impact mitigation.

Moreover, the DEIR's deficiencies can be remedied. For example, as discussed above, the DEIR anticipates that the Project will result in known Limited Wholesale Wineries converting to by-right Boutique Wineries. (DEIR, pp.2.6-11 and 12). More meaningful data and information can therefore be ascertained by studying specific traffic impacts of these foreseeable by-right Boutique Wineries, many of which (as acknowledged in the DEIR (p.2.6-12)) are accessed by substandard dirt private roads. The DEIR and the appended traffic study, however, omit any such meaningful review. They instead "simply label the impacts significant."

This approach, as discussed above, is not permitted by CEQA. A revised draft EIR should therefore be prepared and circulated to adequately disclose the Project's significant impacts to private roads.

I19 (Cont.)

10. <u>Paleontological Impacts: The Determination That Paleontological Impacts Will Be</u> I20

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Less Than Significant Is Not Supported by Substantial Evidence.

The DEIR concludes the Project's paleontological impacts will be less than significant. This conclusion, however, is not supported substantial evidence. Indeed, given the DEIR's assumption that the number and location of future Wineries are unknown, it is impossible to conclude, on the basis of substantial evidence, that development of future by-right Wineries (including those that will not require a grading permit because they entail < 200 c.y. of grading) will not "[damage] a unique paleontological resource or site." This is particularly true given that areas in the A70/A72 zones appear to be designated as paleontologically sensitive areas by the County's Paleontological Resources Potential and Sensitivity Map. (*See* County Guideline for Determining Significance-Paleontological Resources, p.27 (www.sdcounty.ca.gov/dplu/docs/Paleo-Guidelines.pdf)). I20 (Cont.)

11. Public Safety Impacts: The Determination that Impacts to Public Safety Will Be Less Than Significant Is not Supported by Substantial Evidence or a Sufficient Analysis.

The Project will bring visitors to drink alcohol at Boutique Wineries (possibly several them) located on rural and substandard private roads. (*See* DEIR, p.2.6-11 ("Many ... trips would be shared trips as a single car may visit several wineries in close proximity); *See also* DEIR,p.2.6-12 ("[a] significant impact would not occur unless several Boutique Wineries were built, all using .. [the same] private road as access.... Since many Boutique Wineries are expected to be located on private roads, such a scenario is possible, and therefore impacts to private roads are considered significant.")) I21

The Project will further significantly degrade traffic flow on substandard and already impacted roadways (private and public) in areas deemed high, very high and extreme fire risks. (*See* http://frap.cdf.ca.gov/socal03/maps/sdfirethreat.pdf).

The DEIR nevertheless concludes the Project's impacts to public safety and emergency services will be "less than significant."

This conclusion, however, is not supported by substantial evidence. The DEIR, for example, contains no analysis, evidence or discussion regarding the Project's potential to cause traffic-related impacts during a wildfire.

Further, the DEIR relies on comments provided by "staff at the ... San Marcos Sheriff Substation" to conclude that "no increase in services would occur from the [Project]." (DEIR, p.3-32, 33). The comments from the Sheriff Station, however, include the following:

> Again, with our wineries being in the county area, we wouldn't necessarily see or handle the traffic end of it, such as DUI's that may be related. We thought if that was or has been significant, we probably would hear from the CHP on it over the years....
> ...
>
> You might think that there would be potential issues due to the alcohol, but I cannot remember any problems at wineries or any DUI's tied to them, although CHP would know more about that since drunks would

I22

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> probably be driving on rurual roads and they ask where they took their last drink when they catch them.

(DEIR, appendix E). These comments suggest, not only a lack of sufficient information at the San Marcos Sheriff's station, but also that better information regarding the Project's alcohol-related traffic impacts can be obtained from CHP. There is no indication, however, that CHP was consulted. Moreover, only 2 sheriff's stations provided input regarding the Project's public safety impacts. (Notably, no input was provided by law enforcement in Ramona, where many if not most wineries are and will be located. (*See, e.g,* DEIR, p.2.6-11)).

The DEIR, consequently, reflects insufficient evidence and analysis (in addition to a failure to use "best efforts") regarding the determination that public safety impacts will be less than significant. I22 (Cont.)

11. Conclusion.

The Project would promote development by precluding discretionary use review of future Wineries. As a result, Wineries will be developed and operated without ever undergoing project-level review, such that - if environmental effects of allowing Wineries by-right are not reviewed and mitigated now - they never will be. The stakes of properly reviewing and mitigating this Project's impacts, consequently, are high. I23

The DEIR, however, is entirely inadequate. It provides insufficient information to the public and decisionmakers regarding the Project's numerous significant impacts; it ignores the requirement that mitigation measures must be discussed for each of the Project's significant effects; it does not analyze impacts of foreseeable future Wineries; and it provides insufficient support for its conclusions that several Project impacts will be "less than significant." The DEIR, consequently, will not withstand judicial review. It must be revised and recirculated to comply with CEQA. I24

Sincerely,

COAST LAW GROUP, LLP

Chris Polychron

CCP:clg

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abc NEWS

Calif. Vintners Push to Open Wine Tasting Rooms

Neighbors try to be a buzz kill for a push by California vintners to open tasting rooms

By JACOB ADELMAN

The Associated Press

RAMONA, Calif.

Don Cohorst has acres of vineyards, a stash of small-batch vintages and a barn he wants to turn into a cozy tasting room for vino-sipping visitors.

He's convinced he can ply those wine lovers with samples of his Syrah and Muscat Canelli and sell them single bottles for as much as $20 — more than twice the price he now gets from several small retailers.

But his plan and those of many other winemakers in California have been scuttled by a growing backlash among residents who don't want tipsy tourists weaving through their quiet communities, possibly putting locals at risk while increasing traffic congestion and noise.

"It creates a heavy liability with bringing in a whole lot of the public, particularly if they have been tasting wine," said Carol Angus, a resident of the Ramona Valley east of San Diego, where Cohorst grows his grapes among the boulder-studded hills.

With wine consumption booming in the U.S., more vineyards are taking a cue from areas like Napa and Sonoma and marketing themselves as destinations for oenophiles.

The number of visitors to California wineries has nearly doubled from about 11 million in 1998 to almost 20 million in 2006, the latest year for which statistics are available from the Wine Institute, a trade group.

Wine tourism contributed $2 billion to the California economy in 2006, up from $1.2 billion in 1998, according to the organization.

Earlier this year, Cohorst and other small vintners persuaded San Diego County supervisors to support an ordinance allowing them to open tasting rooms and sell up to 5,000 cases of wine a year without special permits.

Opponents, however, threatened to sue, arguing the county had not adequately studied the affects on traffic and the environment. The county put the ordinance on hold while planners conduct a study that could take two years to complete.

Napa County sheriff's Capt. John Robertson said tasting rooms have not been a major problem in that area. Some drunken driving cases can be attributed to the sites, but overall wine tasting has not been a significant safety issue, he said.

In addition, many of those wineries charge $10 or more for a few small samples, making tasting rooms expensive places to do much drinking. And true connoisseurs taste then spit the wine into countertop buckets.

Still, residents around the state are concerned.

In Los Olivos, nestled in the Santa Barbara County wine country featured in the 2004 film "Sideways," residents plan to propose a land use ordinance to stop the opening of new tasting rooms.

In rural Placer County in northeast California, residents are battling a proposal similar to the Ramona Valley ordinance. And in the Santa Cruz Mountains south of the San Francisco Bay area, opposition has stopped permits that allow tasting rooms to host weddings, fundraisers and other major events.

Cohorst, 75, is convinced that tasting rooms are needed to sustain his four-acre operation and the nascent wine renaissance in the Ramona Valley.

Its roughly 15 licensed vintners bottled just a few thousand gallons last year, though much more is now in production, said Carolyn Harris, a leader of the Ramona Valley Vineyard Association.

The effort got a boost in 2006, when federal officials recognized the valley as a wine appellation — a wine grape-growing region with a unique combination of soil, climate and topography.

Appellations are an important marketing tool for vintners, who use the designation to distinguish their wine. Napa and Sonoma are widely known appellations among wine connoisseurs.

Cohorst thinks a tasting room will also help him market his wine. He is struggling to make ends meet on the money he collects selling to retailers and has had to finance his 4-year-old operation with assets gained during previous careers as a rocket-parts maker, Christmas tree farmer and steakhouse franchisee.

He believes he could make a decent retirement income if he could sell directly to consumers.

"I'd be making money instead of spending money," he said.

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By Lenny Ignelzi, AP Photo

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Winemaker Don Cohorst talks about the wine making process while standing in his kitchen at Pyramid Vineyards Tuesday Sept. 16, 2008 in Ramona, Calif. Plans by Cohorst and other winemakers in California to open new tasting rooms have been scuttled by a growing backlash among residents who don't want tipsy tourists weaving through their quiet communities, possibly putting locals at risk while increasing traffic congestion and noise.

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Nagem, Lory

From: mahogany_mountain@yahoo.com
Sent: Saturday, July 18, 2009 2:02 PM
To: Nagem, Lory ; Jacob, Dianne; Horn, Bill; Cox, Greg; Slater, Pam; Ron-Roberts
Subject: Re: POD 08-012, Log No. Winery EIR Public Review

Dear Board of Supervisors

We are strongly endorse and recommend that the Board of Supervisors approve the proposed winery ordinance that would allow boutique wineries to provide on-site tasting and direct sales to the public by right, without further delays and studies. J1

In this economy with the current budget deficits, high unemployment and financial woes that California is experiencing, passing the winery ordinance would be a much needed boost to the San Diego County local economy and will create a new source of employment, income and job opportunity for the local people as well as bring in more tax revenue for the state and local government. It's a win-win solution to our economic woes at every level. J2

I'd like to bring to your attention Lodi's $5 billion success story. According to an article in the July 2009 American/Wester Fruit Grower Magazine, a study released in June noting that the full economic impact of the Lodi, CA, wine and vineyard sector and its allied industries totals $5 billion annually. The study titled, "The Economic Impact of Wine and Grapes in Lodi 2009," was prepared by the Stonebridge Research Group LLC of Napa.

Furthermore, the article indicated that the depth and breadth of the wine and vineyard industry's impact was astounding: Lodi's wine and vineyard sector directly and indirectly provides almost 15,000 jobs in the region, accounting for more than $493 millions in wages. More than $325 million in local, state and federal taxes were generated by the wine and vineyard sector and related activities. This includes $170 million in federal taxes and $155 million in state and local taxes. In 1991, the Lodi region was home to just eight wineries. Today there are 75. That figure does include boutique wineries, but still, nearly a 10-fold increase in fewer than two decades. What a remarkable $5 billion success story! J3

The EIR proved that the environmental impacts by boutique wineries are minimal in comparison to other industries or building more residential housing in unincorporated areas. Furthermore, the EIR demonstrated that, in the worst scenarios, the environmental impacts could be mitigated, as winemaking and winegrapes growing by boutique wineries is environmentally friendly. Boutique wineries require very little water compare to other crops and agricultural businesses such as flower fields, avocados, chicken ranches, egg ranches, big animal farms (pigs, horses, cattle, buffalo), apple orchards, etc. J4 J5 J6

When will the BOS vote on the ordinance? J7

1

Thank you again for everything that you have done. We sincerely hope that you will make the right decision that will nurture the wine and vineayard industry to grow and become a viable industry that would create jobs and opportunities for San Diego County's residents. We look forward to hearing from you soon. J7 (Cont.)

Thank you.

Kim Hargett

--- On Fri, 7/17/09, Nagem, Lory <Lory.Nagem@sdcounty.ca.gov> wrote:

> From: Nagem, Lory <Lory.Nagem@sdcounty.ca.gov>
> Subject: Winery EIR Public Review
> To: dholtxd@myway.com, laurili3@aol.com, lori-garrow@cox.net, dlvalente@gmail.com, avogang@sv-mail.com, motomatt3z@aol.com, dbartick@4-warddesign.com, rileycellars34@hotmail.com, rc210053@ncr.com, MarquetteD@aol.com, ghargett@uci.edu, sandmu@hughes.net, peggy@aztec.sdcoxmail.com, dtroi01@aol.com, mahogany_mountain@yahoo.com, MRHarget@semprautilities.com, Vcrepedit2@aol.com, vivianne@5gifts.com, jyork@frameworkhealthcare.com, wm2mranch@yahoo.com, andrew@fireflymosaics.com, jamesdoyle@cox.net, pstykel@yahoo.com, SeniorCoalition@hughes.net, bud-florence@usa.net, Carolyn@chuparosavineyards.com, carolannangus@gmail.com, Kathy.alward@averydennison.com, dadeur1@gmail.com, rutherfordranch4us@yahoo.com, cordianowinery@yahoo.com
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LETTER K

Lory Nagem
San Diego County DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Lory,

Please consider the following issues when reviewing the EIR on the winery zoning changes. K1

Allowing retail wineries without neighborhood input is a problem. The board should keep some type of permitting process in place to ensure unique neighborhood unique problems are addressed. K2

Putting 2 or 3 wineries with wine tasting on a private road will make a big impact on the neighborhood; the two alternatives in consideration don't recognize this problem. There should be some written limitations regarding this area. K3

The private road problem has not been addressed at all by the EIR. The EIR simply states it's not appropriate for an EIR to look at private road issues. But this is one of the main stumbling blocks for the whole zoning change. K4

Next, I think it's important to recognize that the alternatives offered in the study are not very realistic. "Just trying it" for five years is a mistake as it will result in the rollout of the fundamental problems being discussed. Once the wineries are in place and the environmental damage is done – it will be too late to turn back.

The alternative about including the check list does not provide enough protection for neighbors and neighborhoods. A checklist implies a fundamental right to a winery, while a permitting process implies an impartial review.

Best regards,

Tom Ramsthaler
17055 Garjan Lane
Ramona, CA, 92065

Lory Nagem
San Diego County DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Lory,

Please consider the following issues when reviewing the EIR on the winery zoning changes.

Allowing retail wineries without neighborhood input is a problem. The board should keep some type of permitting process in place to ensure unique neighborhood unique problems are addressed.

Putting 2 or 3 wineries with wine tasting on a private road will make a big impact on the neighborhood; the two alternatives in consideration don't recognize this problem. There should be some written limitations regarding this area.

The private road problem has not been addressed at all by the EIR. The EIR simply states it's not appropriate for an EIR to look at private road issues. But this is one of the main stumbling blocks for the whole zoning change.

Next, I think it's important to recognize that the alternatives offered in the study are not very realistic. "Just trying it" for five years is a mistake as it will result in the rollout of the fundamental problems being discussed. Once the wineries are in place and the environmental damage is done – it will be too late to turn back. K5

The alternative about including the check list does not provide enough protection for neighbors and neighborhoods. A checklist implies a fundamental right to a winery, while a permitting process implies an impartial review. K6

Best regards,

Tom Ramsthaler
17055 Garjan Lane
Ramona, CA, 92065

LETTER L

30 August 2009

From: Dennis Grimes
18261 Chablis Road
Ramona, CA 292065

To: County of San Diego
Department of Planning and Land Use
Attn: Ms. Lori Nagem
5201 Ruffin Road, Suite B
San Diego, CA 92123

Subj: Public Comments regarding Draft EIR Tiered Winery Ordinance (POD 08-012)

The right initiative at the right time:

During this unprecedented economic downturn the County-wide Tiered Winery Ordinance promises to enable the beginnings of a new industry that will encourage water-wise agriculture lands, and lend synergy to a host of tourism friendly businesses including restaurants, lodging, and retail. L1

The County Supervisors were correct to fund this enabling this CEQA compliant EIR after the project opposition threatened a lawsuit in 2008 setting back this promising initiative. This project will help invigorate a flagging local economy, contribute to a public revenue stream that will support public services, as well as benefiting visitors and the County's residents overall. L2

Introductory analysis and comments:

This is a thorough and complete CEQA compliant report, however the vast majority of its impact assessments are overstated towards the negative. These overstatements can be corrected with the addition of new information, revised assumptions, and analysis. L3

Specifically, this draft report comes to many conclusions of "significant and unmitigated," and "cumulative significant effects," but does not substantiate these severe conclusions. If no significant impact exists, it must stated as "no impact" or "no significant impact" as the facts dictate. L4

Reviewing this EIR as a tax payer and business owner, it is important that EIR must be an legally significant and authoritative document that articulates the CEQA impacts of the San Diego County tiered winery ordinance. It must also display an accurate and complete understanding of the wine industry, wine tourism, and current agricultural vineyard practice, technology, and methodologies. L5

Specific Section and Page cited comments follow:

Section S-1 Table Summary of Significant Effects

2.1 Air Quality – The table contains unsubstantiated assessments of "significant and unmitigated" alleging the impacts are unknown and therefore no mitigation factors were identified. For example, later in the report it is alleged that the primary Air Quality impact is from winery visitor traffic. It is important to point out that these prospective visitors and county residents would b engaging in a wide range of activities they currently engage in (since small winery visits are presently not an option). These activities, already occurring, would include weekend backcountry drives, visits to area recreational and entertainment venues, etc. these L6

visitors would not be sitting in their apartments or homes doing nothing – thus the 2.1 AQ issues at a high level, are a wash, and "less than significant." L6 (Cont.)

2.2 Biological Resources.

- **Grading concerns moot**. Activities that are more than 200 cubic yards require permits evoking oversight. Environmental impact from vineyard preparation is generally minimal, layout accommodates natural land contours precluding the need for excessive amounts of soil movement. L7
- **Wetlands and Riparian impact moot**. From a practical context, this is self regulating – how ideal! Wine grape vines do not thrive in overly wet soils, nor do overly wet soils product quality wine grapes. No vineyards would be planted in riparian areas obviating the biological threat to riparian areas. L8
- **Wildlife movement impact moot.** Vineyards do not present physical barriers to wildlife movement. Vineyards like orchards are long term entities often productive beyond 25 years. They help prevent or delay high density development and provide a wildlife friendly habitat. L9
- **Cultural and Historic Resources threat moot.** It is a documented fact that these resources actually benefit from the presence of wineries. Witness that the Napa wine region has no less than 63 wineries with historically significant and preserved structures on their properties. Reference on next page. These structures serve as an additional tourist draw to their wineries. L10
- **Water quality and runoff issues moot.** Practically speaking, this is self regulating. Farmers will not let quality soils leave their properties since it is counterproductive to their agricultural production. Increased traffic volumes to Boutiques are insignificant and wouldn't create any measurable wear on unpaved roads, and if roads are paved, then there would be no impact. Wineries would not let their guests drive over poor roads. L11
- **Noise issue is moot.** The low volumes and low speeds of traffic related to wineries is insignificant relative to existing highway traffic noise. Traffic would be , and visitors would be engaged in other activities if the wineries were not present or allowed. Life doesn't stop or begin simple based upon the existence of wineries. L12
- **Traffic impacts moot overstated.** Methodologies used and analysis provided resulted in overstated impacts for Small and Boutique wineries. Tradeoff benefits of fewer per-capita road miles from residents not driving to Temecula wine country are also not addressed. Presently San Diego County Residents make up the bulk of Riverside wine tourists. L13

Page 1-19 Correction. Contrary to EIR statements that establishment of wineries and vineyards would have limited impact on base employment, they would a beneficial impact on jobs and related businesses in the County. Wine grape growing is one of the most labor intensive of crops requiring constant manipulation during the growing season and must be hand harvested in this are a due to small parcels. Many existing water-intensive crops will be converted to other water-wise crops (like wine grapes) if this industry is allowed to begin in this county. The tiered winery ordinance is the key enables for this environmentally appropriate industry.

Figure 1-5 Correction. The figure must note that ALL Wholesale Limited Wineries are also required to be grape growers by existing and future ordinances. They should be correctly and concurrently noted as both WLW's and grape growers.

Table 1-6 Omission. This table needs to include acres of organic grapes. Organically grown grapes importantly do not contribute to pesticide or herbicide use or runoff. This is very important for determining environmental impact.

Section 2.0 Significant Environmental Effects of the Proposed project

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Section 2.0 Significant Environmental Effects of the Proposed project

Page 2.0.1 Assessments. The assessments that Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation/Traffic and Water Supply and Groundwater Supply are all overstated and require re-assessment and subsequent restatement to "none" or less than significant" for the following reasons. L17

1. **Cultural resources** - wineries historically preserve and protect historic buildings and cultural aspects of their properties as a unique and valued tourism draw. so how can it be alleged that a significant unmitigated impact exists? L18

Threat to Historic and Archeological Resources

The EIR identified approval of the associated ordinance as a threat to historic buildings and artifacts. This conclusion is ludicrous and flies in the face of fact some examples are offered below. Historic buildings are in-fact sought after preservation candidates at wineries both in the US and globally. Please note the following domestic examples: L19

- The Napa California wine region has no less than 63 wineries with historically significant and preserved structures on their properties that serve as an additional tourist draw to their wineries. These wineries protect and maintain their historic assets. http://www.napavintners.com/wineries/historic_buildings.asp. L20
- Another tourism study emphasizes the value of historic buildings to lodging and winery industry Author **Melanie K. Smith in her book "Tourism, culture and regeneration"** (Published Dec 2006, ISBN: 9781845931308) speaks extensively of the value of preservation and use of historic buildings as a means of developing tourism destinations and attracting tourists to a destination. L21
- Author Sue Cambie in her June 2009 article entitles **"Iconic Buildings and Tourism: Where to Next?"** speaks to the effectiveness of historic buildings as a branding tool and the relationship between architecture and tourism. L22
- Author **Milena Ivanovic "Cultural Tourism"** (Published April 2009 ISBN-13: 9780702171857) states that any singular historic building does not have the tourism draw of a cluster of historic buildings such as a historic village. The likelihood of a winery demolishing a single or even less a cluster of historic buildings is unlikely and flies in the face of above information. L23

For the EIR to assert wineries are a threat to county historic elements is simple ludicrous and without reasonable basis. The Lodging and winery industry are a credible force in the preservation and reuse of historic buildings and sites. L24

2. **Water Quality** – vineyards can be dry farmed but are typically drip irrigated preserving precious area water resources. Limiting water to vines actually produces wine grapes with high concentrations of color and flavor resulting in premium wines. It is important to note that wine grapes use 1/100th of the water required by avocados. Drip irrigation avoids any run off or water consumption related to flood irrigation. A portion of irrigation water is naturally returned to the tater table. Many vineyards are organic operations using no pesticides, herbicides, or hazardous chemicals. So how can it be alleged that a significant unmitigated impact exists? L25
3. **Noise** – winery operations and vineyard operations are seasonal are limited activities. Noise produced by machinery is limited, of seasonal use, and in many cases non-existent because they are used indoors or distributed on large dispersed multi-acre parcels. The two smallest categories of by-right wineries. L26

Conclusions of this EIR are based on very limited data collection and does not account for very significant differences in winery practices. For example the EIR's data collection is lacking in the example or crusher destemmer operations that do not account for wineries that operate under climate controlled conditions in enclosed buildings. The EIR conclusions are based upon use of large scale chiller cooler equipment at Major Use Permit Wineries that are in the relevant scale of Wholesale or Boutique Winery operations. L27

4. **Transportation/traffic**

The report needs to address the alleged impacts from the different winery types separately so that larger scale operations of Small and Full/Larger Wineries data and impacts are not assigned to the smallest categories for wineries (Wholesale Limited and Boutiques). L28

A. Chapter 2.6 Transportation/Traffic

Problematic ADT analysis: The ADT analysis offered in the LL&G traffic engineering report and EIR was based upon unsound analysis of established Major Use Permit (MUP) Wineries. These wineries have name recognition, long time presence, and event advertising rights that draw in larger groups of guests. L29

Regardless of the conduct of a specific event, there is guest recognition and caché of the MUP Winery as a event destination and the annual increased draw that offers. It is for these reasons that using the ADT data and projections from Meghini and Hart MUP wineries invalid basis for analysis. Using these severely overstated numbers as the sole basis for the EIR's traffic analysis and conclusions brings the entire Section 2.6 findings and conclusions into complete question. L30

Tiny Boutique Winery operations that are not allowed public events, catering, or parties at their facilities are in a totally different business and traffic volume category. Boutiques experience a literal handful of guest autos on a given operating day. L31

Unsubstantiated private road impact alleged: There is no specific analysis or rational offered to justify the position that there are significant and unmitigated impact to private roads.

Inconsistent conflicting traffic impact conclusions are offered: Pages 2.6-16 & 2.6.17. offer inconsistent and conflicting traffic impact conclusions. For example, in the case of Ramona, the report states an additional 10 or more wineries would be result in a "significant cumulative impact" however the EIR section states that 10 wineries could be constructed "**without** significant impact" in the Northern Mountain Communities (e.g. Warner Springs). The report notes that traffic to Warner Springs would be through Ramona "**without** significant impact" to the roadway segment in Ramona,

Continuing, on p Pages 2.6-16 & 2.6.17 the North Mountain Community and Julian subparagraphs state there is sufficient reserve road capacity in Ramona to support operations of 10 weekday & 24 weekend wineries in Warner Springs and Julian for these areas but no capacity to support wineries in Ramona proper? How can the analysis allow through traffic and not allow local traffic on the same roads.

On page 2.6-19 the EIR states the proposed project creates "significant and unmitigated impacts" to the circulation element and private roads. Again, this

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Tiny Boutique Winery operations that are not allowed public events, catering, or parties at their facilities are in a totally different business and traffic volume category. Boutiques experience a literal handful of guest autos on a given operating day.

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On page 2.6-19 the EIR states the proposed project creates "significant and unmitigated impacts" to the circulation element and private roads. Again, this L35

conclusion is based upon flawed ADT projections and effectively denies this valuable project for San Diego County. L35 (Cont.)

At the overstated ADT levels, these TIF fees would exceed $200K in most areas virtually equivalent to the current show-stopping MUP fees for example a very typical $280+K for the last County issues full Winery MUP for Hawk's Watch in Warner Springs. Small businesses cannot and will not sustain fee amounts that can't be financially serviced in a remaining lifetime's Return On Investment (ROI). TIF fees would surely apply to Small Winery Administrative permits and Large winery Major Use permits assuring that no new wineries would be established in the County. L36

For perspective and reality, the EIR (page 2.6-16) effectively states that Ramona cannot support any wineries at its current road performance standard. Let's consider a current County development example – Montecito Ranch in Ramona is going to allow a huge 400+ residential development with only partial mitigation of an immense area traffic impact, but block a Winery Ordinance intended to nurture agriculture and the smallest of wineries, fails all logical and "common sense" analyses and conclusions. L37

The EIR traffic analysis also fails to mention current initiatives designed to improve the design and future performance of Ramona, Julian, and Warner's Springs primary circulation element - Highway 67 and also the engineering study initiative supported by the area's Congressman and County supervisor. L38

B. Appendix D Traffic Impact Analysis

Appendix D Executive summary **page i** incorrectly states that the "report focuses on the establishment of new boutique wineries since these would generate the greatest amount of traffic." Of the three new winery categories "Small Winery" (listed in Section 6910.c) which is allowed ten times the annual production volume (120,000 gallons) of either Wholesale Limited/Boutique Wineries and unlike WL/B's are allowed events including weddings, parties as such would clearly result in the most traffic volume of the three new winery types. L39

The ramifications of this error are that any mention of Wholesale Limited or Boutique Winery traffic volumes that are based upon this report assumption/conclusion must be corrected in the final EIR draft. L40

Appendix D Executive Summary **page i.** is analytically faulty on several levels. To assume that a small Boutique Winery with their small tasting rooms and limited wine selections would have the same traffic volume as an existing full-size Major Use Permit wineries such as the cited Menghini Winery, in Julian – yet the report states the intention to do so. L41

a) Appendix D page 15. The choice of Hart Winery as a representative Boutique winery for traffic data is invalid because Hary Winery is located in an established winery area (Temecula) with an established wine tourist draw - which San Diego County is certainly does not possess. L42

b) Appendix D page 21 The Menghini tube counts cited in the study and any assumptions or conclusions based thereupon need to be corrected for four residence property that are beyond the tube count area on Julian Orchards Lane. L43

c) My research from personal visits to "mom & pop" Boutique wineries in nascent wine regions similar to San Diego County indicate a maximum number of weekday ADTs of 2-12 and weekend ADTs of 2-25. Which conflicts greatly with the assumed worst case backcountry destination winery - Menghini at weekday ADTs of 40 and weekend ADTs of 160 the stated values/worst case assumptions in the report. L44

Since Menghini Winery is full-size winery, and is also in a tourist-heavy "Backcountry: Destination" location that would invalidate using its characteristic data the worst case assumption for tiny Boutiques. This Major Use Permit winery is also allowed multiple yearly events and the cache, advertising clout, and legitimacy that a major event winery maintains. L45

The Executive Summary states that "There are no published trip generation rates for "wineries." The most accurate and credible way to gather this information rather than use the Menghini Winery, full-sized Major Use Permit winery traffic data, would be to poll County officials in Amador and Calaveras County staffs or actual Boutique wineries there for actual traffic counts. These Counties are going through identical winery ordinance analyses/development and possess identical nascent/beginning wine industries identical to San Diego County. L46

ADT data reflected in the EIR is grossly overstated and reflects traffic volumes at existing Major Use Permit (MUP) wineries which are not an accurate or appropriate data comparison for Boutique wineries. MUP wineries have significantly greater production volume permissions and event permissions than neither Wholesale nor Boutique winery operations are allowed. The marketplace advertising and reputation resulting from MUP wineries events placed them in a different category from small growers and Boutique wineries with respect to anticipated wine-tourist draw, and hence different traffic patterns. L47

Appendix page i identifies Menghini Winery as a worst case ADT example of 40 weekday and 160 Weekend yet estimates of 30 vehicles/day during event months and 15 vehicles/day during less busy months weekend and week days volumes being equal. Again this is for a "backcountry tourist destination." L48

Appendix D page 15 incorrectly cites Temecula's Hart Winery as a representative "Suburban Winery." San Diego County is decades and possibly forever from achieving a Temecula-like wine destination status.

Appendix D Executive Summary **page ii** states "Payment of the County's Transportation Impact Fee (TIF) would partially mitigate direct impacts and fully mitigate cumulative impacts is a functional non-starter for this EIR and Ordinance. Current Major Use Permit processing and studies fees are in excess of $250K effectively prohibiting any new wineries or any type. TIF fees at the analytically faulty "worst-case rates" for a Boutique Winery would be $213K in Ramona (2x160x$665= $213,000) effectively equating the financially impossible MUP fees.

Page 2.1-10 Air Quality Assessments irrelevant. As noted in Figure 1.3 all but one or two wineries are located in rural and semi rural areas. Why is the Air Quality analysis quoting the East Valley Parkway (North County, Escondido) monitoring station that is located in a high density urban environment adjacent to a major interstate, major area highway, and multi-lane

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heavily traveled surface streets? The location of this station makes it totally irrelevant to Air Quality analysis for the location of the wineries under the EIR or proposed ordinance. L51 (Cont.)

Page 2.1-12 Air Quality Assessments not applicable. PM_{10} emissions in the SDAB result primarily from urban activities, suspension by vehicle traffic, and atmospheric reactions this is largely not applicable for rural areas where wineries and vineyards exist. L52

Page 2.1.13 Air Quality Assessments not applicable. This data pertains to urban Escondido which is not relevant to rural area where wineries and vineyards are located. L53

Pages 2.1-12 through 2.1.-13 CO, PM_{10}, $PM_{2.5}$, NO_2, SO_2 and lead are being met in the San Diego Air Basin and projected not to exceed standards in the foreseeable future so - How can this EIR state the air quality impact of this project is significant and unmitigatable? L54

Pages 2.1-17 through 2.1.-18 Construction impacts. Report must state that built-out winery and vineyards facilities have no Air Quality impacts. L55

Page 2.1-19 Concerns for Air Quality impact of concurrent adjacent winery construction can easily eliminated by phasing permit issuance. L56

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Page 2.1-23 Use of Major Use Permit Winery traffic data (weekday 40 DAT and weekend 160 ADT) is inappropriate and results in inflated impact assessments for boutique wineries. Boutique wineries are smaller facilities a with limited product offerings and no events. They are in a totally different marketing and business category as use permitted Small and full Wineries. Summer ad winter operation variations are not accounted for either. L58

Page 2.1-25 For Greenhouse Gas (GHG) assessments must include fact that winery visitors typically car pool in because this is a social activity, Vehicles with 2/4/6 persons in them are the norm. Not a single person arriving in a 17 MPG vehicle. Emissions calculations would be significantly less as would impact assessment. L59

Page 2.1-26 The impact of wineries and vineyards would be similar to existing agricultural operations - Why are wineries and vineyards singled our for GHS impacts? L60

Page 2.1-27 The report's GHG impacts of wineries are offset by their own vineyards that product the agricultural product used by wineries. Vineyards consume CO_2 and release O_2. The County lists 180 acres of GHG offsetting grape vineyards. L61

Page 2.1-27 Conclusion overstates the Air Quality of new of expanded wineries, and by-right wineries as "significant and unmitigated."

Table 2.1-3 on Page 2.1-31 As previously stated, use of Escondido East Valley Parkway Monitoring station is located in a urban area and nor representative of rural area where air quality is higher.

Section 2.2 Biological Resources

Page 2.2-1 Wineries located on properties not subject to MSCP restrictions e.g. previously developed properties need to be exempted from impact assessments of this section. Areas not currently not subject to MSCP should also be exempted.

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Table 2.1-3 on Page 2.1-31 As previously stated, use of Escondido East Valley Parkway Monitoring station is located in a urban area and nor representative of rural area where air quality is higher. L63

Section 2.2 Biological Resources

Page 2.2-1 Wineries located on properties not subject to MSCP restrictions e.g. previously developed properties need to be exempted from impact assessments of this section. Areas not currently not subject to MSCP should also be exempted. L64

Pages 2.2.9 through 2.2-13. Environmental concerns here are moot. Marshlands, riparian areas, vernal pools meadows, etc are areas of continual or seasonal wetness. These areas are not suitable foe wine grape cultivation. Since Limited Wholesale and Boutique Wineries must grow a significant portion of their grapes on the property they would not locate or develop on properties that had these characteristics, therefore there is NO threat to Biological Resources. This is common sense and self regulating. The EIR must be required to note this its conclusions. L65

Page 2.2-16 Wineries and vineyards are not barriers to wildlife movement, They cultivate large parcels with an open trellis vineyard rows matrix that hosts wildlife and allows its passage. L66

Page 2.2-18 Overstated BR-1 impact on Species. By-right development does not automatically result in species impact and existing facilities have zero future impact they are already there. L67

Page 2.2-19 and 2.2-20 Overstated impact on BR-2 this conclusion assumes all winery locations are in riparian zones. This is counterintuitive and an insult. Riparian zones are NOT suitable for wine grape cultivation, vineyards and associated by-right wineries would never be located in these areas of the County. Impact should be correctly listed as "none" or less than significant." L68

Page 2.2-22 Overstated impact on BR-3 this conclusion assumes winery locations are in wetland zones. This is counterintuitive and an insult. Wetland zones are NOT suitable for wine grape cultivation, vineyards and associated by-right wineries would never be located in these areas of the County. Impact should be correctly listed as "none" or less than significant." L69

Page 2.2-25 through 2.2-27 Disagree with BR-5 conclusion and Section 2.2.4 conclusions. Wineries and vineyards do not impact riparian or wetlands ad previously discussed and would not impact fish or wildlife species for that reason. These EIR conclusions are without merit whatsoever. RCP conclusion that development by choice will be undeveloped lands . The majority of vineyard development in the future will likely be crop conversion from water-intensive crops to water-wise crops including wine grapes if there is a winery industry to sustain the vineyard production. L70

Page 2.2-28 Conclusion is based upon conjecture unsubstantiated by fact. L71

Figure 2.2-1 Need to plot known wineries on this map to determine actual impacted areas rather than preceding pages and pages of conjecture. If no impact, then needs to be stated as such in EIR. L72

Figure 2.2-2 Need to plot known wineries on this map to determine actual impacted areas rather than preceding pages and pages of conjecture. If no impact, then needs to be stated as such in EIR. L73

Section 2.3 Cultural Resources

The impacts presented in this section are wholly overstated and without merit. Refer to information in discussion of Section 2.0 above. L74

Page 2.3-13 Conclusion is based upon conjecture and therefore invalid. Refer to information in discussion of Section 2.0 above. L75

Section 2.4 Hydrology and Water Quality Does not account for organic vineyard operation. This sections states the primary ground water threat is from pesticides and petroleum products which are in limited presence at wineries and vineyards and organic vineyards use no pesticides. L76

Page 2.4-17 HY-2 conclusion overstated. States impact of dirt road maintenance, if adjacent roads adjacent to a winery are paved then what is the dirt road maintenance impact (Answer: none)? L77

Page 2.4-20 HY3 & HY-4 conclusions overstated. Use of drip irrigation precludes runoff. Organic operations have no source of hazardous run off. Wineries off paved roads would not cause traffic induced erosion/sedimentation. L78

Page 2.4-22 Conclusion overstated and based upon conjecture. Simply because a project is not subject to oversight does not mean it will result in significant and unmitigated impacts. A development on a mesa or plateau is not likely to impact a riparian area or a marsh which would be located in a low-lying area. L79

Section 2.5 Noise. Vineyards are agricultural operations as such are subject to different Noise regulations than urban or residential areas. L80

Page 2.5-4 Analytical statement is flawed. Limited Wholesale wineries are allowed by-right and in operation throughout the County. The slight increase in traffic from a Boutique winery will not result in "significant and unmitigatable" impacts. The proposed project will not expose people to potentially significant direct and cumulative noise. Agricultural areas in the County are amongst the quietest areas in the county. Traffic analysis used Major Use Wineries as their traffic data source. There operations are not equivalent of a smaller Boutique operations on several levels, market presence, events, size, volume, etc. and use of data collected by those methods are not appropriate or representative. ADTs for Boutique wineries are substantially less. L81

2.6 Transportation and Traffic

Page 2.6-10 Conclusion overstated and based upon flawed analysis and inappropriate data. The Conclusion states there is no way to know what specific wineries will result from the ordinance, therefore the impact is "significant and unmitigated." The new by-right Boutique winery traffic analysis is based upon a worst case scenario derived from data collection at Major Use Permit Winery, the largest of its type. The report states that private road traffic will be "significant and unmitigated" but offers no credible data other than the major Use Permit Winery ADTs. L82

Section 3.0 Environmental impacts found not to be significant.
No issues with this section other than to state that there are correctly, many more effects currently deemed as "significant and unmitigated." in the report that need to be reassessed, re-categorized, and added to this section. L83

Additional points and corrections:

1. Relevant to Air Quality, Sections 2.1, 2.6, and 2.8 the report must acknowledge the off-setting Air Quality benefits that accrue from agricultural activity (photosynthesis: carbon dioxide absorption, oxygen release) at wineries and vineyards as they relate to any visitor traffic. L84
2. Relevant to construction impacts, Sections 2.1 through 2.8 must acknowledge that no additional environmental impacts result from existing Wholesale Limited Wineries that subsequently becomes a Boutique winery in that their buildings and vineyard facilities have been previously built-out - the operations are identical excepting the tasting room facility and function. L85
3. Relevant to organic farming operations, Section 2.1 through 2.8 must acknowledge that there are winery and vineyard operations in the County that are organic and do not use pesticides, herbicides, or hazardous chemicals. L86

4. Relevant to equipment noise Section 2.5 must acknowledge that there are wineries that operate their winemaking equipment in enclosed, temperature-controlled buildings that eliminate seasonal external operating noise. And the report must acknowledge that the noise of small package cooling units at Boutique wineries are comparable to small residential air conditioning units and quieter than the chiller united cited at Menghini Winery L87

5. Relevant to traffic impacts, the report needs to clearly state in Sections 2.1 through 2.8 that other similar by-right agricultural or nursery operations create traffic and are not traffic or operating hour limited . L88

6. Relevant to traffic the report needs to correct the mis-statement that Boutique Wineries have the largest traffic impact – in face Small Wineries A "Small Winery" has greater traffic impact than a Boutique or Wholesale Limited Winery, because s Small winery is allowed events. L89

7. Relevant to noise, existing San Diego County Noise ordinances and their existing Code Enforcement process has the authority and means to prevent or mitigate noise impacts that may be attributed to any type/size of Winery operations. This effectively fully mitigates noise issues for the purposes of this report. L90

8. Finally, if the County is to establish a viable winery and vineyard industry, the County staff and Supervisors must ensure this EIR does not impose any show stopping fees or regulations that small family owned businesses cannot negotiate, and that a Statement of Overriding Considerations (SOC) is issued for any substantiated impacts determined un-mitigatable. As this draft currently stands, there are many Significant Impacts unnecessarily categorized if proper analysis was applied. It is in the best interest of all concerned that impacts be properly categorized. L91

LETTER M

To: Lory Nagem
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

From: Linda Eastwood
P.O. Box 118
Ramona, CA 92065

August 25, 2009

Re: Objections to adoption of POD 08-012, Log No. 08-00-004; Tiered Winery Zoning Ordinance Amendment

The following comments relate **to our objections to passage of this winery amendment and any others that affect us and our property on a private easement road.** M1

The limitations on any winery tier or those of the County ordinances and regulations, or findings of the EIR do not offer mitigation of any issues relating to Private Roads. M2

1. Limitations on boutique wineries do not mitigate potential problems.

Limitations and restrictions of boutique wineries (noise, lighting, number of attendees, amount of site grown grapes, parking, hours of operation **as stated in this proposed amendment are unenforceable, unsatisfactory and unacceptable as mitigations.** M3

The EIR associated with this amendment found that limitations on the "By-Right" designation of this project do not mitigate problem issues on private roads nor do they fully mitigate issues related to public roads. M4

2. We object to an alcohol retail business in an established residential neighborhood

A70 denotes limited **agriculture** use. Anyone would agree that planting grapes is an agricultural endeavor. An **establishment providing sampling, dispensation and consumption of alcoholic beverages to the public is not an agricultural endeavor; it is a retail/commercial endeavor and should be treated as such regarding zoning and fees as applied to businesses. Such an establishment** M5

does not belong on a private easement road in an established residential neighborhood. M5 (Cont.)

We object to any type of winery on private roads where the A70 land use has, over many years, become an established residential neighborhood without row crops and/or animal husbandry for commercial gain. M6

The parcels on our private road have lain fallow for over 20 years until a winery proponent moved in 3 years ago, cleared the land (without any clearing permit) and planted a vineyard. **Thus, these parcels became and are an established residential neighborhood, accessed by a private easement road.** The use as an established residential neighborhood has not robbed the county of any precious farm/agriculture land and zoning prohibits such a travesty occurring in the future. M7 M8

When we purchased our property over 20 years ago, we were told it was agricultural land and that agriculture was allowed and might occur. We both had spent our youth years on large farms and certainly had no objections considering the definitions applied to agriculture at the time of our purchase. **Had we been told that our parcel would have a retail business of any kind next door, especially one that dispensed alcoholic beverages, we would not have purchased the property.** People, by choice, do not generally purchase residential homes next to businesses since **businesses and their customer traffic are not compatible with desires for privacy, safety, security, peace and quiet associated with a home purchase.** M9 M10

3. This amendment adds to the current decrease of property values.. M11

Property values are currently depressed because of government ineptitudes and unethical business practices. **This "By Right" amendment, if passed, adds more loss of market value for properties adjacent to any commercial entities that are encouraged and allowed by this amendment.** The only reasonably expected prospective buyer would be one who has desires for the establishment of his/her own winery. M12 M13

4. This amendment places wine production noise in established residential neighborhoods

Wineries require 24/7 cooling in some months to preserve their product. Our bedroom is close enough for sleep to be disturbed by sound from air conditioning to cool wine and other machinery to process wine. If those disturbances are placed 400' from our residence to prevent such noise, it will not be 400' from the next adjacent property's residence. Additionally, noise from increased traffic on our private dirt road and from loud, possibly inebriated guests at a winery is not a welcome daytime or night time annoyance. If we wanted to M14 M15

hear our neighbors we would not have purchased a home on acreage in a rural area. M15 (Cont.)

5. **This amendment is a disfranchisement of private property rights.**

If this amendment is passed, the county is giving the right of public access on a private easement provided by the properties of two parcel owners. That is a disfranchisement of private property rights to satisfy one of four property owners on this road wishing to reap economic value from a commercial venture to the detriment of their neighbors' expense and enjoyment of home and property ownership. M16

6. **This amendment would increase vehicular noise, air contamination, and nuisance to adjacent properties on private easement roads in established residential neighborhoods.**

Increased vehicular traffic by the public on the private easement dirt road also adds noise not to mention dust. The EIR has determined that the **amendment would result in increased traffic on public roads and private roads that access a winery causing a significant impact to noise, air quality, dust and erosion affecting surface waters and drainage adversely.** The measurement of those undesirable attributes on public roads can't even begin to equal the impact on private roads. M17

We have a requested speed of 10 mph on the road. That speed keeps dust at a minimum and more importantly preserves the surface of the road. Others, traversing the road, have respected that requested speed until the wannabe winery moved in.

For the last 3 years we have suffered excessive dust daily from a few ADTs to as many as 20-plus vehicles coming in to the winery and going out. Many vehicles have purposefully sped and even stopped on the uphill grade of the road to spin their wheels as evidenced on surveillance camera videos. The most frequent offender is the wannabe winery owner. Enough is enough!

The road is now a surface of powder, pitted and rutted, providing a visual of bumps and grinds when a vehicle exits.

Trash and litter has been deposited on the road in front of our house and at least twice from vehicles exiting the winery. Our fenced back yard which we regard as our private personal space has had intrusion to deposit what was an "in-your-face" message related to garbage dumped in our front yard. There have been other instances of vandalism as well. All incidents have occurred because we do not want abuses of the road or property or a retail establishment on the road. These things were unheard of or imagined until 3 years ago and all have been initiated by self-proclaimed "high-class" people. M18

7. **The passage of this amendment endangers residents, the public, and increases liability of property owners.**

The uphill grade portion of our road is 10 to 11 feet wide, has drop-offs 13' deep on each side and passes over buried culverts beneath it. The culverts drain a seasonal stream that drains water from 3 properties and a state highway. The conditions of the road surface, uphill/downhill grade, road width and side drop-offs are **not suitable for public transit especially if they have been or are imbibing**. M18 (Cont.)

If a wildfire such as the Witch Creek Fire occurred, the evacuation of residents who supply property for the road, winery customers and party attendees would be impaired. M19

The road needs to be widened and paved for the safety of the general public, and protection of the environment. If alcohol is involved, safety issues are an even greater risk.

The improvement by a professional licensed and bonded road contractor is the only acceptable solution to bringing this road to appropriate road safety for public transit. The improvement, maintenance, and liability should be at the expense and responsibility of the winery proponents since they are the ones causing the damage and liability and expect to profit as a result of the increased traffic on the road.

The unprofessional maintenance of the road by the neighboring winery proponent or any other resident is not acceptable if the road is opened to public traverse to access a winery. Such maintenance would increase liabilities and blame if a mishap occurs.

All properties on this road are liable if a mishap occurs on this road. Homeowners' insurance policies may not cover such events. **My own insurance company has been cautious in their reply when queried regarding this circumstance and would, I believe, be more inclined to refuse coverage if alcohol is involved.** M20

8. **Federal and State Licensing do not mitigate problems related to alcohol in an established residential neighborhood.**

Licenses may allow a maximum of three (1-ounce) tastes before a bottle is purchased. **The bottle can then be opened and its contents consumed at tables or while wandering the winery property or surrounding property**. Licensing may require the winery to "confiscate" the wine that has not been consumed from an open bottle before the customer leaves the premises. However, the winery cannot control this. If there are 60-plus people (allowable by the amendment M21

limitations or by an admin permit for an Event), the winery probably would not even know if such infraction occurred. Basically, all a winery could do is request the customer's compliance with this arrangement. **There is no mitigation concerning a winery customer becoming a nuisance to neighboring property owners. The amount of alcohol consumed before intoxication occurs varies per individual and the percent of alcohol in the beverage. Additionally, in view of multiple tasting rooms, potentially in excess of 17 in Ramona within a year, a winery hopping taster could become very intoxicated without having to spend a dime.** M21 (Cont.)

9. This amendment and the AVA encourages the establishment of vineyards and increased water usage in an area of serious ground water depletion. M22

We are in a serious drought condition in this area. We do not have a lot of excess water even when drought conditions are not mandated. The parcels in and around the area of our property obtain water from private wells since the Ramona Municipal Water District does not supply water in this area. **The parcels have not been in agriculture until the winery person moved in. A proliferation of grape growing, regardless of claimed low water requirement for vineyards, depletes ground water more than has been the norm in all the years we have owned this property.** M23

A water well specialist has said our well is supplied by cracked rock formation. This information came to us when the well on the wannabe wine property went totally dry and we had problems with our own well. The EIR, stating a significant impact to groundwater supply, stated that this type of aquifer provides a smaller supply of water, low storage capacity and the water table can decline more quickly than that of other types of aquifers. M24

10. This amendment will bring increased traffic to substandard roads. M25

The EIR has found there could be a substantial number of ADTs resulting from the passage of this amendment posing significant impact to the roadways and properties in the area. Previously, the winery proponents have said their study allowed for 2 ADTs, a low count favorable to their cause. Their information was obtained from a wine store on Main Street in Julian. The majority of people do not go to Julian to buy wine nor do people go out of their area on a weekend jaunt for pleasure to buy wine at the equivalent of a liquor store. Many, of course, do go to real wineries, where grapes are grown and supposedly processed by real-life vintners as shown by the EIR Mengheni and Orfila survey findings thereby adding much traffic to area roads, public and private.

The county knew that increased traffic would result on public and private roads with the passage of a boutique winery amendment before spending M26

taxpayer monies for an EIR. They chose to try to get it through illegally and displayed dishonesty and duplicity in true political fashion.

A friend has wanted to split his property to make parcels available to each of his children. He did not do so as the site specific EIR would have cost $50,000.00. A developer has to pay for the EIR required for his development and the bigger the development, the more money is required. **The EIR associated with this Tiered Winery Amendment was required to avoid illegal passage of an amendment by the supervisors in favor of wineries and should have been paid for by the wineries, instead of being paid for by taxpayer funds**. M26 (Cont.)

The EIR found that the Levels of Service on Ramona's roads are unsuitable for existing traffic as well as the increased traffic that would result if this amendment is passed. Supervisors also had to be aware of these facts prior to the EIR and chose to ignore numerous fatality statistics. Even so, the traffic study done on Highway 67 for the purpose of the requisite EIR, in my opinion, was not done to give a realistic count. **The study was done on Saturday, January 10, 2009. On a weekend at that time of the year, just after major holidays when trips are not a high priority, traffic would be minimal compared to later dates when people are more ready to be out and about.** M27 M28 M29

The EIR stated a maximum of 2 weekday wineries and zero weekend wineries are appropriate for the Level of Service on Ramona's roads. At the time of the EIR, Ramona had 17 Wholesale Limited Wineries that could in one year become Boutique Wineries allowing tasting and retail sales if this amendment passes.

Now, it has been reported that Diane Jacob has a special project initiated to do something about the improvement of Ramona's public roads. Even Duncan Hunter has been enlisted in a second effort. Wine seems to be more influential on our leaders than people dying in accidents on substandard roads as has been occurring for years. M30

11. There should be no Boutique Wineries on private roads unless all parcels on the road agree.

Before any "By-Right" designation or any Administration permit is given by this proposed amendment to any winery involved in retail activities on a private road, a 100% agreement of all parcel owners on the private road should be obtained in writing. M31

Most people who are in favor of this amendment, other than grape growers, do not live on private roads and are not subjected to the nuisances, liabilities, loss of property market value, depletion of groundwater supplies of their wells, noise and deteriorated air quality. We cannot understand the M32

reasoning or justice of such people having influence on the controversial issue of wineries on private roads.

<u>The ruling should be decided in a General Election by voters who own parcels on private roads.</u>

M32 (Cont.)

Linda Eastwood

cc:San Diego County Board of Supervisors
1600 Pacific Highway
San Diego, California 92101

LETTER N

August 31, 2009

Lory Nagem
Department of Planning and Land Use
Project Processing Counter
5201 Ruffin Road, Suite B
San Diego, CA 92123

RE: POD 08-012, LOG NO. 08-00-004; SCH NO. 2008101047 "Tiered Winery Zoning Ordinance Amendment," Dated July 16, 2009

Dear Ms. Nagem:

My name is Jim Beggs and I am the property owner at 18282 Chablis Road, Ramona CA 92065.

A. Introduction

The Draft Environmental Impact Report (DEIR) for the "Tiered Winery Zoning Ordinance Amendment" ("Project") is not a legally defensible document. It contains many fatal flaws in its analysis and its methodology. It determines many areas to have impacts less than significant, to which a fair argument can be made that they are significant and thus must be studied in detail. It determines that there are many areas for which there is no mitigation possible. The by-right part of the Project will mean that the environmental impacts of those individual retail wineries will never be studied. For these reasons it is recommended not to continue to spend time and money on this DEIR and instead drop the Project which is covered by the DEIR and leave the zoning ordinance as is. N1

B. Fatal Flaws in section 3.0 of the DEIR

A list of fatal flaws by section number is provided.

3.1.2 Land Use and Neighborhood Character

This analysis uses section 7.3 along with sections 2.2 and 2.5 of the General Plan (GP) to justify retail winery operations as being anticipated by the GP. This is a leap of logic which could also be used to claim that a restaurant in A70/72 zoned parcels as being anticipated by the GP. The justification being that a restaurant, especially one serving Italian cuisine, would turn the growing of tomatoes into a high yield crop. Simply put, this is not a legally defensible supposition. The discretionary permit process was used to provide a path to land uses which would have potentially significant impacts. Retail wineries today require a discretionary permit for just such a reason, for potentially significant impacts including, but not limited to neighborhood character. N2

The Project is more likely to make A70/72 zoned neighborhoods appear as retail in nature than primarily agricultural. Only some of the grapes which go into producing up to 12,000 gallons of wine per year need be grown on the property. Since the production of wine, serving of wine, and its retail sale is not primarily agricultural, allowing this activity is not consistent with the stated purpose of A70/72 zoning[1]. Worse yet is that the Project will in effect allow for an outdoor (possibly even indoor) restaurant because it will allow for the winery owner to have outdoor tables and to cater food. N3

1 The orderly plan for A70 was to "create and preserve areas intended primarily for agricultural crop production" (z2000.pdf, 2700)

Therefore the impact to land use and neighborhood character is potentially significant. In terms of land use, there is a direct land use conflict as previously stated, as there is no reasonable argument to be made that the GP anticipated by-right retail uses for A70/72 with the kind of significant impact to the environment produced by a wine tasting room, sales etc. Just as important, the traffic generated by such an operation would not fit the neighborhood character of A70/72 zoned parcels. N3 (Cont.)

3.1.3 Contamination and Hazardous Materials

There will be residences utilizing a well downstream of vineyards developed as a result of this Project. There is no control of pesticide, herbicide or fertilizer usage in these vineyards. The run-off during rainy periods will flow downstream, end up in the soils and groundwater. Thus the downstream wells will be significantly impacted. Such contamination must be studied and mitigated. N4

3.1.4 Paleontology Resources

The Project area contains numerous paleontological resources. There are rules in this Project which will induce farming of grape crops in such areas. Clearing of the land for such use is not considered grading unless dirt is moved, which will not be required for the planting of grape crops. Clearing of the land could include moving rocks, turning up soil, and other types of activities which could potentially disturb paleontological resources. This provides a potentially significant impact to paleontology resources, and as such needs to be studied and mitigated. N5

3.1.5 Public Safety and Emergency Services

a) Public Safety

This DEIR must provide an estimate of the number of additional persons being brought into the Project area (~144,000 acres) so that their potentially significant impact to public safety could be understood as required by CEQA law (ie. to maintain acceptable service levels, response times or other objectives for any of the public services). It is not adequate to contact public safety personnel in the Project Area and determine from their responses the number of additional public safety personnel required to keep the public safety as a result of this Project. They would have no idea (and were probably not informed) of what the cumulative impact of the Project will be to the area of public safety. It would be more appropriate to study the public safety personnel requirements of some place like Temecula, Sonoma Valley and/or Napa Valley with current impacts similar to that which would be found as a result of this Project.

This impact has not been adequately studied, and in this regard the DEIR is fatally flawed. N6

b) Emergency Services

This DEIR must provide an estimate of the number of additional persons being brought into the Project area (~144,000 acres) so that their potentially significant impact to emergency services could be understood as required by CEQA law (ie. to maintain acceptable service levels, response times or other objectives for any of the public services). This impact would then have to be mitigated, perhaps as part of existing Board Of Supervisor's policy (see http://www.co.san-diego.ca.us/cob/docs/policy/K-9.pdf).

It was a fatal flaw of the DEIR to not contact emergency service organizations which service the Project area to find out "... acceptable service levels, response times or other objectives for any of the N7

public services" for the number of additional persons being brought into the Project area as a result of the Project. The DEIR should additionally study emergency service parameters in areas analogous to the Project area, such as, but not limited to, Napa and Sanoma Valleys.

This impact has not been adequately studied, and in this regard the DEIR is fatally flawed. N7 (Cont.)

3.2.3 Emergency Response Plans

It has already been determined that the traffic impact will be significant (see 2.6.2.1 Road Segment Operations, Level of Service, Congestion and others). Any emergency response plan which involves evacuation of homes/towns must take into account road segment levels of service, congestion and other attributes important to evacuation routes. A fair argument can be made that the by-right retail wineries in the Project will interfere with existing emergency response plans since they would have been formed with outdated assumptions. The potentially significant impact of this Project on existing emergency response plans must be studied and mitigation measures must be identified. N8

3.2.9 Public Services & 3.2.10 Recreation

The DEIR is fatally flawed in this area as it did not properly analyze which public services are provided in the Project area, with supporting evidence showing how the Project's impact on these services will not be in the significant range. For example, how was it determined that there will be no significant impact to the park systems in the Project's area? Park facilities are designed for a certain level of service to the community, and a fair argument can be made that they will be significantly impacted by the extra people brought into the Project area by the by-right retail wineries allowed by the Project. These people may want to remain in the Project area and have a picnic in the park after buying wine from these by-right retail wineries, or otherwise enjoy these or other recreational facilities. N9

3.2.13 Wildland Fires

The Project area (see www.sdcounty.ca.gov/dplu/docs/ORD_DRAFT__Boutique_Wineries_AG_Zones_Map.pdf) contains quite a few High to Very High fire hazard zones ("hazardous fire areas") (see http://frap.cdf.ca.gov/socal03/maps/sdfirethreat.pdf). As the DEIR has determined there are many road segments in the Project area which only have the capacity to carry the ADTs produced by a very limited amount of by-right retail wineries (See Appendix D of the DEIR). Many of these severely impacted road segments are in hazardous fire areas. A fair argument can be formed that since there is no control (eg. via a permit) over where and how many by-right retail wineries can be established within the Project area, there is a significant risk of loss, injury or death to residents and by-right retail customers during a wildfire event. This risk will be due in large part to the traffic jams, on these severely impacted roads, resulting during evacuation.

Therefore the potentially significant impact of wildland fires must be studied in the EIR, and mitigation measures must be identified. It is suggested that Project area fire chiefs be contacted to help identify potential mitigation measures. N10

C. Issues not addressed which are special to Private Roads N11

1. It was stated in the DEIR that "[t]he County of San Diego does not provide guidelines for

determining significant impacts on private roads." This is a fatal flaw in the DEIR which must be corrected. Guidelines must be chosen since the Project will mostly impact private roads. Then the DEIR must evaluate impacts to private roads using some reasonable, legally defensible, criteria for determining significant impacts on private roads. It must study private roads as if every A70/72 parcel they serve will contain a by-right retail winery as proposed in the Project. For example, in this light it should be revealed the true cost to the Project Proponent for taking these impacted roads over as public roads according to the County's >2500ADTs rule. The DEIR is fatally flawed because it does not study the potentially significant impacts to private roads. N11 (Cont.)

2. The Project Proponent (ie. County of San Diego) must address the numerous private road issues which will face private property owners who share a road easement in common with the retail wineries promoted by-right/by discretionary permit in the Project. These issues have already been raised in the many correspondences provided during public review periods of the many variant proposed Boutique Winery ordinances of the last few years. Such as, but not limited to: a) liability for private road easement holders in common with by-right/by discretionary permit retail wineries; b) private roads constructed without consideration of road safety construction standards, particularly with regard to the level of service being required by the Project; and c) ensuring that a fair share of the cost of private road maintenance is covered by retail wineries which establish themselves as a result of the Project. N12

3. Section 2.6.2.1 indicates that private roads in the Project area do not carry through traffic. This is not true, for example Whirlwind Road in Ramona is a private road which carries through traffic. It is a fatal flaw of the DEIR to not properly consider this fact. N13

D. Procedural Due Process in this Project EIR process

"Apart from the substantive content of a regulation, it must be adopted and administered in a way that treats affected interests fairly, giving them notice and a reasonable chance to be heard before a tribunal that is accessible and **impartial**." (emphasis added; http://www.pace.edu/LawSchool/landuse/challe.html#fnB18). As the Project Proponent, it cannot be seen how the County of San Diego will act as an impartial tribunal (ie. the decision making body) in this Project EIR process. It is asserted that there is a violation of procedural due process in this Project EIR process. It must be noted that the Board Of Supervisors (BOS), who will serve as the decision making body, has in the past passed into law the by-right retail winery (see its repeal http://www.sdcounty.ca.gov/cob/ordinances/ord9940.doc) component of this Project. It should also be noted that the County of San Diego is funding the EIR for this Project.

The approach taken here of having the Project Proponent also being the Lead Agency as well as the decision making body paying for the Project EIR and the salaries of the Project Proponent appears highly unusual. It would be interesting to receive a response from the Lead Agency with facts supporting the legality of such an arrangement. This would be an important step to provide the public with a reassurance as to the approach of this Project EIR process. N14

E. Recommendations

It is recommended that the Project be abandoned due to the numerous unmitigated significant impacts found in the DEIR. It will undoubtedly be found that the economic/environmental costs of the ones

admitted by the DEIR to have no mitigation, let alone those which are not admitted to or which do have available mitigation, are too great to move forward with this Project. The wine industry in San Diego County has already been handed a gift from the Board Of Supervisors (BOS) by lowering the requirements for establishing a retail winery in the Project area from a Major Use Permit to an Administrative Permit. Due to the lower cost, the Administrative Permitting process should not get in the way of retail wineries establishing themselves in areas which can accommodate them without a significant impact to the environment.

Another reason to abandon this Project is to save any further costs associated with this DEIR. Due to its many fatal flaws, there is still much more work to be accomplished to arrive at a legally defensible DEIR.

N14 (Cont.)

Respectfully Submitted,
Jim Beggs

LETTER O

Lory Nagem
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Re: POD 08-012, Log No.08-00-004
"Tired Winery Zoning Ordinance Amendment",
Dated July 16, 2009

Ms. Nagem,

The DEIR, Draft Environmental Impact Report for the "Tired Winery Zoning Ordinance Amendment is fatally flawed for the following reasons. O1

It fails to study the impacts for private roads and easement roads which is where the majority of the "Boutique tasting Rooms" will be located. That is an unacctable consequence for the neighboring properties. The liability for any and all incidents will fall upon all of the properties connecting to the private easement roads. O2 Putting neighbors at risk of law suits resulting from public commercial enterprises with "by right" zoning is unfair. Item #7" Minimize the potential for conflicts between winery operations & adjacent land uses" fails to address any of the impacts to neighboring properties. O3

Significant impacts, which are numerous go unmitigated and is a violation of CEQA and the intent of informing the public of potential impacts that will have an adverse effect on their life and property. O4

Cumulative impacts are not addressed and cannot be because the document states that there is no way to determine where and how many wineries and tasting rooms will result from this amendment. O5

Candidate, Sensitive, & Special Status Species
SIGNIFICANT IMPACTS - UNMITIGATED ie; Stephans Kangroo Rat resides in Ramona

Riparian Habitat/ Sensitive Natural Community
SIGNIFICANT IMPACTS - UNMITIGATED

Wetlands
SIGNIFICANT IMPACTS - UNMITIGATED

Wildlife Movement
SIGNIFICANT IMPACTS - UNMITIGATED

Historic Resources

O6

SIGNIFICANT IMPACTS - UNMITIGATED

Archaeological Resources
SIGNIFICANT IMPACTS - UNMITIGATED

Human Remains
SIGNIFICANT IMPACTS - UNMITIGATED

Surface Water Quality
SIGNIFICANT IMPACTS - UNMITIGATED

Erosion/Siltation
SIGNIFICANT IMPACTS - UNMITIGATED

Hydrology & Water Quality
SIGNIFICANT IMPACTS - UNMITIGATED

Noise Exposure
SIGNIFICANT IMPACTS - UNMITIGATED

Permanent Increase to Ambient Noise
SIGNIFICANT IMPACTS - UNMITIGATED

Water Supply
SIGNIFICANT IMPACTS - UNMITIGATED - note the RMWD letter re: 2020 GPA

Groundwater Supply
SIGNIFICANT IMPACTS - UNMITIGATED -note the RMWD letter re: 2020 GPA

This amendment will have untold impacts to Community Character which will also be SIGNIFICANT - UNMITIGATED.

O6 (Cont.)

I have attached several photos from a property owner in Alameda County. This quiet ranch area where children play, visit neighbors, ride horses and have lived peacefully, raised crops, families, horses, live stock and trusted neighbors has been SIGNIFICANTLY IMPACTED - UNMITIGATED since the passage of a "by-right" amendment passed approximately 2 years ago. I have been contacted by numerous individuals and groups in Northern California that are experiencing the UNMITIGATED SIGNIFICANT IMPACTS to their lives. Folks in rural areas are the best of neighbors until a small group of vintners and elected officials have decided that the County and a few individuals want more MONEY in their coffers at the expense of property owners who have not had the opportunity to express concerns about the impacts that wine tasting rooms might have on their lives and property. Alameda County, Placer County, Los Olivos County and Santa Cruz Mountain County are just a few that are experiencing SIGNIFICANT IMPACTS - UNMITIGATED caused as the result of "by-right" zoning.

O7

This DEIR is in violation of CEQA and is fatally flawed and should not be accepted by our Board of Supervisors. O7 (Cont.)

Respectfully submitted,

Carol Angus
19212 Highland Hills Dr.
Ramona, CA 92065

LETTER P

DR. L.A."BUD" WIEDERRICH
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September 1, 2009

RESPONSE TO 2009 DRAFT EIR

1) AIR QUALITY

The Draft Document concludes, stating: "There is a **significant** and **unmitigated** impact on Air Quality if this usage is allowed **by right** for either Wholesale or Boutique wineries without an Administrative Permit."

Nowhere in the document do they mention the fact that a portion of, if not all of these vehicles visiting wineries are already planning to be on the road for an adventure of some kind producing emissions even if they were not intending to visit a winery. P1

Nowhere in the document did they mention that the vineyards are producing oxygen through natural photosynthesis back into the environment mitigating the problem. P2

2) BIOLOGICAL RESOURCES

The Draft Document concludes, stating: "There is a **significant** and **unmitigated** impact on Biological Resources if this usage is allowed **by right** for either Wholesale or Boutique wineries without an Administrative Permit." P3

I have owned a Wholesale Limited Winery for approximately 5 years and a vineyard for 10 years and rest assured all the birds, animals and insects are still intact. As far as plants are concerned, there has been a major improvement as the amount of fuel that existed prior to the vineyard has been removed reducing the chances of wild fires significantly. Also, it is very likely that the oxygen provided back to the environment is greater than the weeds and brush that was removed for the vineyards. However; this was never even considered by the authors of this EIR. P4

3) CULTURAL RESOURCES

The Draft Document concludes, stating: "There is a **significant** and **unmitigated** impact on Cultural Resources if this usage is allowed **by right** for either Wholesale or Boutique Wineries without an Administrative Permit."

Nowhere in this document is it mentioned that Historical or Archeological findings and buildings are a plus for wineries as they are usually restored and a major draw improving the ambiance.

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4) HYDROLOGY & WATER QUALITY

The Draft Document concludes, stating: "There is a **significant** and **unmitigated** impact on Hydrology & Water Quality if this usage is allowed **by right** for either Wholesale or Boutique Wineries without an Administrative Permit."

Nowhere in this document does it appear that any studies have been done to arrive at the conclusion that the majority of vineyards and wholesale wineries are basically operating without the use of insecticides or Herbicides which it turns out to be mostly true. The items mostly used are all natural and considered to be in most cases organic. P7

Vineyard operations are typically considered to be extremely clean for several reason with regard to water quality. P8

a): Vineyard owners are typically very conscientious when it comes to quality of their fruit for obvious reasons. Quality of fruit equals quality of wine. This is why everything used on them is generally organic. P9

b) Watering the vines is not a totally common occurrence in many regions and in those regions where it is common, it is with drip irrigation causing no runoff.

c) With regards to water runoff related to rain, I can only speak for myself but I cannot imagine any vineyard owner not being concerned over erosion as it creates it's own problems that vineyard owners cannot allow to happen. Myself, I have created catch basins for any runoff from rain disallowing any water leaving my property, understanding of course there are situations where this is not possible on certain properties. P10

5) NOISE

The draft document concludes, stating: "There is a **significant and unmitigated** impact on noise if this usage is allowed **by right** for either Wholesale or Boutique Wineries without an Administrative Permit."

The Draft Document mentions unmitigated noise as the noise generated by **ALL THE TRAFFIC** traveling to and from these tasting rooms and attempts to make an issue of the noise generated by the equipment used by the winery. The Document fails to compare the noise generated by the equipment used in the winery to other sources of noise not considered an issue which are generated by everything from teenagers boom boxes to loud motorcycles airplanes, tractors, lawnmowers, gas driven weed-wackers, etc. which occur daily in neighborhoods all over. P11

6) TRAFFIC

The Draft Document concludes, stating: "There is a **significant and unmitigated** impact on traffic if P12

this usage is allowed **by right** for either Wholesale or Boutique Wineries without an Administrative Permit."

The Authors of this document relied upon the **OPINION** of one gentleman traffic engineer who approved the choice of 3 wineries which are:

1) All 3 Major Use Permitted wineries which are allowed events which create more ADT's than would occur at a Boutique Winery.

2) Mike Menghini from Menghini Winery is very involved in civic events and issues and possibly makes multiple daily trips himself related to these events and issues and unrelated to tasting room trips.

3) Alex McGeary from Shadow Mountain manages and builds vineyards throught the local region which requires him to make many daily trips unrelated to tasting room trips.

P12 (cont.)

I have no personal experience with Hart Winery and cannot comment other than to state that this vineyard should never been included in this study as it is totally unrelated. P13

It must be pointed out and commented on that the discrepancy mentioned in the Draft Document related to ADT's given by the owners and the ADT's recorded by the machines used by the investigators can more than likely be due to the comments stated in items 2 & 3 above. It can be reasonably assumed these increased trips would not occur in Boutique Wineries and therefore should be changed to a lower amount. P14

7) **WATER SUPPLY / GROUND WATER SUPPLY**

The Draft Document concludes, essentially stating, there is a **significant and unmitigated** impact on the Water Supply or Ground Water if this usage is allowed **by right** for either Wholesale or Boutique wineries without an Administrative Permit. P15

It has been repeatedly stated in this project that wine grape growing probably requires less water than any other crop. It is true that once a year when wine making occurs, there is an increase in water usage. However; as stated this only occurs once a year for a very short time period and sould not even be considered an impact. P16

MY CONCLUSION

AIR QUALITY:

Nothing in the manufacture of wine, wine grape growing or tasting rooms to be used in conjunction with Botique Wineries has a significan effect on the quality of air without mitigation by virtue of the fact that vines produce oxygen through photosynthesis which mitigates any carbon gases produced by the vehicles the folks traveling to these tasting rooms. P17

It must also be understood that a trip to a tasting room in an outing that if not taken part in would more than likely be an outing of another type which would more than likely result in producing green house gasses anyway. P18

It would be unreasonable to think the folks that would be going to a tasting room are just going to sit at home doing nothing if there weren't any tasting rooms to visit. They would certainly be going out to do something anyway. P18 (cont.)

BIOLOGICAL RECOURCES:

With respect to bird and animal species, it must be understood that it is virtually impossible to shoot or destroy all the birds that are attempting to eat grapes. Today, vineyard owners utilize tools such as electronic distressed bird calls or netting to keep birds off their crops. As far as nesting is concerned, these birds will build their nest in the vines as well as the existing trees and other shrubs on the property. The Botique Wineries we are discussing are usually private residences as well or raise something other than grapes and are intended to be a place people like to visit, not like the vineyards you would see in the flat lands near Bakersfield.

Any owls or birds of prey are welcomed at the vineyards and in my vineyard I have many including golden hawks. It is a well known fact that these birds are meat eaters and do not eat crops but eat the rodents that eat crops.

As far as rodents are concerned especially mice and rats, we do not try to promote their growth as they only transmit disease in most cases.

Other species come and go at will without any disruption in their lifestyle whatsoever.

It is completely unreasonable to think that any Boutique Winery or Vineyard in this region would completely rape the land and plant nothing but grapes. Who would travel to a tasting room at a baron vineyard without personality of any kind? It's just plain silly to think anyone would.

It is also unreasonable to think that a tasting room would in any way cause an impact on any biological recourse whatsoever. P19

CULTURAL RECOURCES:

It is a well known and documented fact that wineries and vineyards seek out old buildings and antiques as part of their motife or theme and any such building or archeological findings would be a benefit and certainly not be destroyed. It is beyond me to even consider that anyone would think there was a possibility of such recourses being destroyed. P20

HYDROLOGY & WATER QUALITY:

It is unfortunate that the authors of this document think that anyone who is going to invest the time and money in a venture such as a vineyard or winery would jeopordize their entire project by poluting their own well.

Anyone selling grapes is concerned about the quality of their product as is any winery owner or wine maker and would do anything they could not to polute their fruit and ultimately wine. Most everyone in the business tries to be as organic as possible. Besides, there is a mechanism in the making that will be functioning before this document which will address the issues of Hydrology and Water Quality. This issue needs no duplication. P21

NOISE:

The conclusion with regard to this issue is just mind boggling. Every neighborhood in this county and every county in the country listens to sounds created by **BOOM BOXES, WEED WACKERS, LAWN** P22

MOWERS, LEAF BLOWERS, LOUD MOTORCYCLES, POPULAR LOUD MUFFLERS ON TEENAGERS CARS, LOUD RADIOS AND PA SYSTEMS AT COMMUNITY PARKS, WORK CREWS (CITY,COUNTY OR PRIVATE) WORKING IN OUR NEIGHBORHOODS AND ON OUR STREETS, AS WELL AS AIRPLANES AND HELLICOPTORS. The audacity of the authors to even consider noise of the vehicles traveling to Boutique Wineries an impact requiring mitigation is just mind boggling.

As far as the noise generated from the winery or vineyard is far less than any of the above noises as well and neither of these categories should be considered and removed from the Draft Document.

P22 (Cont.)

TRAFFIC:

I believe that considering traffic an environmental impact requiring mitigation for Wholesale or Boutique Wineries is descrimination. Wholesale and Boutique Wineries are businesses just like Pharmacies, Shoe stores, Restuarants (including fast food restaurants), grocery stores, jewelry stores, etc.,etc.,etc. but none of them are required to mitigate the traffic traveling to them. Why Wholesale and Botique Wineries? I understand that TIF fees are required for shopping centers, etc., however; the amounts charged these centers and the amounts charged for a small business like a Wholesale or Boutique Winery are out of proportion. TIF fees charged a small business such as a Wholesale or Boutique Winery are deal breakers for these businesses.

P23

WATER SUPPLY/ GROUND WATER SUPPLY:

Probably the single most important part of this issue any governmental agency or politician should consider is the demands placed on projects in every community/city when a permit is applied for regarding landscaping. Most cities require extensive landscaping when applying for a permit for a project requiring extreme amounts of water. Instead of these unreasonable demands, they should encourage or demand for that matter, landscaping with desert plants and rock instead of grass or ground cover. These unreasonable demands requiring too much water is an example of government doing the complete opposite of what they are required to do. If less water was used on landscaping, it could be used on agriculture which is a lot more important than landscaping.

Most cities charge sewer services on water used on landscape. This is an unfair charge and burden since this water is not entering the sewer. If there were no extreme requirements for extensive landscaping and this was up to the individual, there would be far more income staying in the hands of individuals rather than in government coffers. This is an unfair tax. Furthermore, cities and municipalities would have more money in their coffers by not spending money on unnecessary landscaping. Win, Win for everyone.

One could argue, this region would more than likely not be in a drought if the landscaping demands were requiring rock and desert plants instead of ground cover requiring large quantities of water.

P24

OPINION

In my opinion, there is enough logic and reason for the Board of Supervisors to come to the decision to pass this Ordinance allowing Wholesale Limited and Boutique Wineries by right of zoning to do business without a Major Use or Administrative Use Permit.

This should be allowed in all areas of A-70 or A-72 agriculture zones no matter the location. If any issues arrise, they can be delt with on an individual basis.

Given the fact that the State of California is almost bankrupt, this is no time to make decisions that are going to make problems any worse than they already are.

I believe it is incumbent on this Board to step up to the plate and make this decision now!!

P25

Respectfully Submitted,

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