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Mr. Ray Ryan, Chairman   
Amador County Planning Commission  
810 Court St   
Jackson, CA 95642

May 27, 2020  
By e-mail transmittal

Re: Proliferation of Event Centers and Tasting Rooms on R1A parcels

Dear Chairman Ryan and Members of the Commission:

There has been a substantial recent increase in applications for conditional use permits to allow tasting rooms in conjunction with winemaking facilities on R1A-zoned parcels. From 2006 through 2016 (11 years), the county approved a total of nine such tasting rooms. In the past year alone, there have been multiple applications for tasting rooms on R1A-zoned parcels. One of these was approved at your May 12 Commission meeting, and three more are to be considered at your June 9 meeting.

We are concerned that these applications are being approved without adequate and legally required consideration of their environmental impacts (noise, traffic, light and glare, emergency services, water), economic impacts (effect on the viability of established wineries and other businesses in the county), impacts on the quality of life of neighboring residents, and the likelihood of converting agricultural lands to commercial uses. We are especially concerned that cumulative environmental impacts are not being addressed, as required by the California Environmental Quality Act.

**All projects are not created equal**

Some of the recent applications are for small, relatively discrete tasting rooms, with applicants requesting permission to hold fewer functions than could be legally permitted under existing code. Others appear to be full-blown, commercial event centers masquerading as tasting rooms.

Ard Aven, for example, has requested permission to have a tasting room open three days per week from 10 am to 5 pm and hold a modest four tasting events per year with from one to 49 participants. Compare that with Blood Gulch, which is requesting permission to operate a tasting room with up to **350 visitors per day from 10 am to 10 pm daily, plus special events with up to 125 participants three times per week, as well as 12 events per year with up to 450 participants (no more than 4 per month)**. Clearly the latter application is for a major event center, not simply an adjunct tasting room intended to introduce customers to wine produced by the proprietors.

Yet, all of these applications seem to receive the same review process and level of scrutiny from the Amador County Technical Advisory Committee and at times, the Planning Commission, sliding through on CEQA checklists and initial studies that indicate no potentially significant impacts based on conclusory comments that are not backed up by any data or substantial evidence. How is it possible that facilities with such obviously different levels of intensity and potential impact are treated identically with regard to economic impacts, quality of life impacts on neighbors, or cumulative environmental impacts (noise, traffic, sensitive receptors, light and glare, air quality, water supply, emergency services, etc.)?

**Level of CEQA review must consider mandatory findings of significance, including cumulative impacts to satisfy zoning code requirements and state law**

We believe that Mitigated Negative Declarations often are not legally adequate for major event centers like Blood Gulch. The county should require traffic studies, analyses of impacts on nearby residences, analysis of potential land use conversions, and cumulative impact analyses for these large-scale facilities that have the potential to drastically alter community character, as well as increase the risk of wildland and structural fires, traffic accidents, groundwater depletion, difficulty of emergency fire evacuation problems.

CEQA includes mandatory findings of significance to guide lead agencies in the proper level of CEQA analysis required for individual projects. CEQA Guidelines section 15065 (a)(3) and (a)(4) state,

(a) A lead agency *shall find* that a project may have a significant effect on the environment *and thereby require an EIR to be prepared* for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: (emphasis added)

(3) The project has possible environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

We believe that the county’s continued reliance on MNDs violates CEQA when it comes to larger tasting rooms and event centers in agricultural areas. To properly analyze the traffic and emergency services impacts of Shenandoah Valley projects, for example, requires disclosing current levels of service for key intersections (Highway 16 and Highway 49 intersection, for example), accident reports, and medical aid call numbers, as well as the potential number of visitors to all wineries in the area on an average day and on busy weekends and holidays, taking into account existing commercial uses, existing use permit conditions, and the by-right uses allowed by all wineries in the A zone district. The county is not doing this analysis now.

For example, under section 19.24.036 “AG district--Use regulations,” every AG zone district winery with an 02 winegrower license is allowed, by right, to have

Compensated or noncompensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year;

Social gatherings or weddings for up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month, and

Indoor or outdoor amplified music until ten p.m.

The CEQA analyses carried out for every larger project in, affected by, or affecting the Shenandoah Valley need to take these by-right uses into account in a full cumulative impact analysis.

In addition, the current review process for evaluating these proposals does not adequately address changes in the intensity of use on particular parcels, nor their effect on adjoining properties. There are 644 parcels in Amador County that are 10 acres or larger, designated AG in the county general plan and zoned R1A. The owners of any of these can grow grapes, produce wine, and then apply for a Conditional Use Permit for a tasting room with events. Do we really want to keep “rubberstamping” these applications?

Section 19.50.020 of the County Zoning Code, “Required findings for discretionary approvals in the Agricultural-General general plan land use classification,” states the following:

Approval of any discretionary action that divides a parcel, increases the legal parcel density or intensity, or *requires approving a discretionary use permit* in the Agricultural-General (AG) land use classification is subject to the county making all of the following findings concurrent with project approval: *(emphasis added)*

A.    Feasible measures will be implemented to mitigate the project’s significant adverse impacts, if any, on adjoining or nearby agricultural lands and operations.

Without an adequate level of CEQA review, the county cannot make findings of fact based on substantial evidence in the record.

**Notice to nearby property owners not adequate**

In addition, the standard notice provided to adjacent property owners for small tasting rooms with limited hours and events is *not* sufficient for proposed developments that could draw hundreds of people to party 12 hours a day every day of the year. These are not agricultural uses where limited commercial activity is permitted to enhance agricultural uses and supplement agricultural income. They are *commercial uses* as defined in the Amador County Code.

**Conclusion**

We urge you to reject the staff recommendations regarding the Blood Gulch event center. We urge you, instead, to require full environmental impact reports for this project (and similar projects in future) to ensure that the full disclosure of the project’s impacts takes place consistent with the requirements of CEQA. Without that full disclosure of impacts, neither you nor the public can make informed judgments as the project’s merits.

The county needs to distinguish between true tasting rooms and event centers masquerading as tasting rooms, and apply more-intensive impact analysis requirements for the latter. There should be clearer guidance on where these facilities would be compatible with surrounding uses, and where they would not. Large and active commercial uses should be located on commercially-zoned land—not in areas with R1A zoning meant to promote rural residential use and working farms.

Further, we would urge the county to consider developing a specific plan for the Shenandoah Valley to better account for unique local conditions. Such a plan would help define goals and a vision of what we want the valley to look like in future so that we can avoid it becoming a gridlocked Napa Valley that no one wants.

Very truly yours,

Mara Feeney, M.A. Community and Regional Planning  
Director, Foothill Conservancy

P.S. - Attached is a newsletter article Foothill Conservancy published in 2016 on this same issue.

