



Planning Department <planning@amadorgov.org>

RE: FW: Comment on Blood Gulch on 6-9-20 Planning Commission Agenda

Tom <tomi@volcano.net>

Mon, Jun 8, 2020 at 3:07 PM

To: Amador County Planning Department <planning@amadorgov.org>, Chuck Beatty <CBeatty@amadorgov.org>

Cc: andyrupts@volcano.net, GGillott@amadorgov.org

Dear Commissioners,

The attached comments are on the Blood Gulch Event Center proposal which is on your 6-9-20 Agenda.

Tom Infusino



6-8-20 Comments on Blood Gulch.pdf

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June 8, 2020

Amador County Planning Commission
810 Court Street
Jackson, CA 95642

Re: Blood Gulch Tasting Room and Event Center on your June 9, 2020 Agenda

Dear Commissioners,

I am writing to you on behalf of the Foothill Conservancy to further express its concerns regarding the harm to the Shenandoah Valley neighbors associated with the premature approval of the Blood Gulch tasting room and event center. I have a bachelor's degree in planning and have been a practicing land use attorney since 1989.

The Foothill Conservancy urges the Planning Commission to: (1) Direct the Planning Department to review and report on compliance with conditions of approval at existing tasting rooms and event centers in the Shenandoah Valley and Fiddletown area, (2) Direct the Planning Department to develop data showing the reasonably foreseeable number of visitors allowed "by right" on any given day in existing tasting rooms in the A zone in general and the Shenandoah Valley and Fiddletown areas, specifically, and (3) to postpone approval of the Blood Gulch project pending your review of the Planning Department's reports.

If the reports indicate that the cumulative effects of the validly approved and conditioned tasting rooms and event centers, along with the by-right tasting rooms, may harm local residents and/or the environment, then the Foothill Conservancy encourages the Planning Commission to recommend to the Board of Supervisors that it amend the general plan with a specific area plan for the Shenandoah Valley. The objectives of this plan would include preserving agricultural uses in this unique area, maintaining the rural quality of life, protecting the environment, and providing relief for the residents of the Shenandoah Valley. The plan would also clarify for the marketplace the number and types of businesses that can be sustained by the area's current service and infrastructure capacities, while informing government choices to increase those capacities.

I. Blood Gulch Event Center

As you know, the proposed 20-acre Blood Gulch event center is already occupied by a 3,000 sq. home in the R1-A District for Single-family residential agriculture. The additional proposed construction includes tasting room of 3,616 sq. ft., with 1,600 sq. dedicated to sales. Additional

new construction includes a 1,600 sq. ft. residential/meeting area pavilion, and a 2,500 sq. equipment barn. Paving includes a concrete pad for temporary event tents and a 44 space parking lot. (Staff Report, pp. 7-8.) The applicant proposes to host up to 350 customers per day for wine tasting, and will be open for business every day of the week *in a residential zone*, from 10:00 in the morning to 10:00 at night. The event center will host up to three special events *each week*, with up to 125 guests arriving and leaving around the same time. This is **10 times** the maximum number of events currently allowed any other tasting room in the R1-A zone district. (Blood Gulch MND, p. 50.) In addition, there may be up to twelve major events annually with up to 450 guests. That is **3 times** the number of guests currently allowed any other tasting room in the R1-A zone district. (Blood Gulch MND, p. 50.) Up to four of these major events could happen in one month. (Staff Report, p. 3.) There are single family homes on properties north, south, and west of the site. (Staff Report, p. 9.) Thus neighbors may have to forfeit the quiet enjoyment of their own back yard daily, and safe driving on local roads every weekend of the month. Those losses might have to be endured up to three months in a row, just from the effects of this one project alone, not to mention the cumulative effects of the two dozen other similar projects in the area. (Blood Gulch MND, pp. 50-54.) The project will rely on wells for water. Either the on-site septic system or alternative sewage disposal will be used. (Staff Report, p. 8, MND, p. 4.) As of March 1, 2020, the Health Department found the plans for the food service facilities incomplete. (Staff Report, p. 18.)

II. The Foothill Conservancy asks the Planning Commission to prudently use its many sources of authority to balance the interests of business development with the interests of local residents to be free from the harms of too many tasting rooms and event centers in one area.

Page G-3 of the 2016 General Plan summarizes the relevant role of the Planning Commission:

“The Planning Commission holds public hearings and reviews development applications. The Commission makes recommendations to the Board regarding interpretation, updates, and maintenance of the General Plan, county code amendments, zoning changes, variances, and environmental studies and analysis for these projects and actions pursuant to the California Environmental Quality Act (CEQA). The Planning Commission also makes decisions, applying legislative policy established by the Board of Supervisors, on use permits.”

With regard to the Blood Gulch proposal, the Planning Commission can use its authority to protect neighbors from harm.

A) The zoning code gives the Planning Commission effective authority to condition use permits for businesses to protect neighbors from harm.

The Amador County Zoning Code allows wineries with tasting rooms and event centers in the R1-A zone district when the project applicant secures a use permit. (Amador County Zoning Code, sec. 19.24.045, subd. (D)(4).)

For nearly 60 years the Amador County Zoning Code has authorized the issuance of use permits. The current Amador County Zoning Code gives the Planning Commission the authority to place appropriate conditions on use permits for tasting rooms and event centers to protect the “health, safety, peace, morals, comfort and general welfare” of people in the neighborhood. The Planning Commission has the authority to hold the permittee financially responsible for damage to persons, property, and roads proximately caused by the use of the tasting room or event center. The Planning Commission has the authority to require permittees to provide evidence of compliance with permit conditions. Ultimately, if the applicant does not agree to conditions sufficient to protect neighborhood residents, the Planning Commission can deny the permit application. (Amador County Zoning Code, sec. 19.56.040.)

If a permittee is in violation of the conditions on its permit, the Planning Commission has the authority to revoke the permit. (Amador County Zoning Code, sec. 19.56.060.) A permit is a privilege reserved for those who comply with its conditions.

B) Planning Commissioners can condition use permits to conform to the general plan to protect neighbors from harm.

Since the approval of the 2016 General Plan and its Implementation Plan, discretionary development proposals must be evaluated to determine consistency with the 2016 General Plan. (2016 General Plan, p. I-1; Implementation Plan, pp. P-15 to P-30.) As noted above the Planning Commission has the authority to condition a permit approval to protect health, safety, and general welfare. This includes the authority to condition a permit to conform to the requirements of the Amador County General Plan. The Planning Commission can deny any discretionary permit that is not consistent with the provisions in the Amador County General Plan. (*Spring Valley Lake Association v. Victorville* (2016) 248 Cal.App.4th 91 [Project set aside as inconsistent with one general plan policy]; *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 379-380; *Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Board of Supervisors* (App. 3 Dist. 1998) 62 Cal.App.4th 1332.).

C) Environmental review also gives Planning Commissioners the authority to mitigate impacts from use permits to protect neighbors from harm.

The Planning Commission has the authority to condition permit approvals with mitigation measures to substantially reduce or avoid potentially significant project impacts or cumulative impacts identified in an EIR or mitigated negative declaration. (CEQA Guidelines, secs. 15041, 15126.4, 15130, 15091, 15092.) The Planning Commission, with the assistance of the Planning Department, has the authority to monitor the implementation of the zoning code, permit conditions and mitigation measures. (Amador County Zoning Code, sec. 19.56.040; CEQA Guidelines, sec. 15097, 2016 General Plan, p, G-4.)

The Planning Commission has the authority to use the EIR process to identify a feasible alternative location for a project that substantially reduces the impacts of the project. (CEQA Guidelines, sec.15126.6.) For example, if the Blood Gulch event center really wants to be open for business until 10 pm every night, have events of 125 people up to three times per week, and

hold major events with 450 people in attendance up to 4 times a month, locating the event center in a city or county commercial zone that is served with public water, sewer, power, nearby emergency services, appropriately sized roads, and modern traffic signals; and that buffers noise or is distant from residences, would reduce the project's impacts.

If there remain any significant and unavoidable impacts of the proposed project, the Planning Commission has the authority to deny the permit application, if it finds that the benefits of the project do not outweigh the harm. (CEQA Guidelines, secs. 15042, 15093.) The more event centers there are, the harder it gets to justify them in the face of harm. As there get to be more and more tasting rooms and event centers, the marginal benefits of an additional tasting room or event center decline. (At some point, who needs another one?) At the same time, with each additional event center, the total harm continues to increase. (At some point, who wants to endure another one?).

D) The Planning Commission has the authority to prepare general plan amendments to balance the interests of business development and rural quality of life.

In addition to the powers and duties conferred on the Planning Commission by state conservation and land use law, the Planning Commission has the duty to prepare a comprehensive and long-term general plan. (Amador County Code, sec. 2.48.060.) Planning Commissioners can look at land use issues in depth and advise the Board of Supervisors on the need to amend the general plan to add or modify policies, implementation measures, or specific plans. (2016 General Plan, pp. G-15 to G-16.) A district Supervisor nominates a commissioner who can provide trusted guidance. The Board of Supervisors approves commissioners because the Board trusts and values their informed opinions on land use matters, often above the advice of any other member of the public.

In summary, the Planning Commission has authority under the zoning ordinance, the California Environmental Quality Act (CEQA), the general plan, and the Amador County Code to address the challenges of tasting rooms and event centers. This authority includes reviewing and approving permits, monitoring compliance with permit conditions and mitigation measures, evaluating the cumulative effects of multiple projects, and advising the Board of Supervisors regarding general plan amendments needed to better administer these uses. The Foothill Conservancy hopes that the Planning Commission will voluntarily choose to prudently investigate the relevant issues for the benefit of both good neighborhoods and responsible permittees.

III. Many questions need answers before the Planning Commission can determine if the Blood Gulch permit may be approved, and if so, under what conditions.

A) Many questions need to be answered to determine if the Blood Gulch event center is consistent with the 2016 General Plan.

The general plan is at the top of the land use hierarchy. As a result, the evaluation of all discretionary project approvals, including use permits, begins with determining if the project is

consistent with the 2016 General Plan. (Implementation Plan, pp. P-15 to P-30.) It does not matter if the County allowed or approved similar projects under the prior 1974 General Plan. It does not matter if the proposed project is otherwise consistent with the Amador County Code and CEQA. If the project is inconsistent with even one specific, fundamental, and mandatory provision of the 2016 General Plan, it cannot be approved until either the project and/or the General Plan are modified to bring about that consistency.

As stated in the 2016 General Plan,

“County decisions affecting land use and development must be consistent with the General Plan. An action, program, or project would be considered consistent with the General Plan if, considering all of its aspects, it would further the goals and policies set forth within the General Plan and not obstruct their attainment.” (2016 General Plan, Introduction, p. I-1.)

The consistency determination must be supported by substantial *evidence* in the record, and analysis that shows the reasoned pathway from the evidence to the conclusion. Professional opinion alone is not substantial evidence, unless it is supported by facts in the record.

In Attachment 1, we review General Plan policies for which there is not yet clear evidence in the record and/or a clear, reasoned explanation to demonstrate that the project is consistent with the 2016 general plan. We identify an 11-page list of such policies from the land use, circulation, economic development, conservation, safety, and noise elements of the 2016 General Plan.

Some of these issues (like water conservation and noise reduction techniques) could partly be resolved by providing more detailed commitments regarding the project in the form of conditions of approval.

Other general plan consistency issues require the Planning Commission to explain its reasoning on basic policy choices. These issues include traffic safety, fire safety, the reservation of groundwater for agricultural uses, the appropriate location of new commercial development, and greenhouse gas emission reduction. It is essential for the Planning Commission to squarely address these policies one on one. By confronting these issues, the Planning Commission meets its responsibility to advise the Board of Supervisors on these important planning matters.

We encourage the Planning Commission to take the additional time necessary to address these issues.

B) Some key questions need to be answered to determine if the Blood Gulch event center proposal is consistent with the County Code.

Once the Planning Commission is satisfied that the Blood Gulch event center proposal is consistent with the 2016 General Plan, the Commission must next determine if the proposal is consistent with the Amador County Code; especially the zoning and use permit requirements. Again, the determination must be supported by a reasoned explanation of the route from the substantial evidence in the record to the conclusion. A Planning Commissioner must do more

than just accept assertions by the staff. A Planning Commissioner's job is to look at the evidence and the explanation to confirm that code requirements are met, or will be met upon compliance with the conditions. It is also the Planning Commission's job to have staff follow up in the future to assure that conditions are being followed by permit recipients to protect neighbors and their property from harm.

In Attachment 2, we identify some questions that need to be answered to determine if the proposal is consistent with the code.

The first important question is does the applicant actually operate a winery in Amador County, and will half of its wine sales at the tasting room location be from that Amador County winery?

Another fundamental question is **why should the Blood Gulch proposal be allowed to serve *three times as many people at events, and hold ten times as many events each year as previous permittees in the R1-A zone district?*** What has changed so dramatically in the R1-A zone district over the last decade to justify such a huge increase in the number and scale of events?

A third key question: Is the primarily use of the operation to promote the sale of Amador County wine, or to host large events? **Is this primarily a tasting room with secondary event center, or an event center with a secondary tasting room?** The latter is not permitted in the R1-A zone district.

A final key question is, after a decade of monitoring these tasting room and event center permits in the R-1A zone district, has the Planning Department determined that the conditions and mitigation measures are effective? If there has been no monitoring, then it needs to start now. If the conditions and mitigation measures have not proven effective, then they need to be improved before another permit is issued.

We encourage the Planning Commission and the Planning Department to take the additional time to collect the evidence and confirm that the proposed project is consistent with the Amador County Code.

Note that many of the requirements of the 2016 General Plan are not yet memorialized in the Amador County Zoning Code. Following the update of a general plan that makes some provisions of a zoning code obsolete, a zoning code must be updated in a reasonable time to conform to the new general plan. Bringing the two documents into conformity reduces confusion over applicable requirements, and streamlines the permit review and approval process.

According to the Implementation Plan, the County was supposed to finish the Zoning Code Update 12 to 24 months after approval of the 2016 General Plan. (Implementation Plan, p. P-5.) Obviously, that target date has long since passed. (While the county may have delayed the Zoning Code update while the Foothill Conservancy litigation challenging the plan was pending, that litigation was settled two years ago.) If the Planning Commission mistakenly follows the incomplete or inaccurate requirements of the obsolete zoning code, by not following the additional requirements of the 2016 General Plan, the action would not merely threaten the

validity of the permit approval. It would also be very persuasive evidence that the update of the zoning code is unreasonably overdue. Such a ruling could have much broader adverse economic consequences, as a broad spectrum of development approvals might have to wait years while the Zoning Code is updated. We strongly encourage the Planning Commission to ensure that the Blood Gulch event center permit follows **both** the requirements of the 2016 General Plan, **and** the parts of the Amador County Code that are consistent with that general plan.

C) Many questions need to be answered to determine if the Blood Gulch event center Mitigated Negative Declaration is sufficient.

Again, the determination that a project's impacts are no longer potentially significant must be supported by an explanation of the reasoned route from the substantial evidence in the record to the conclusion. We would not need a Planning Commission if all the Commissioner's did was accept the staff's word. As Commissioners, your responsibility to your community is to "trust but verify." If you determine that there is substantial evidence in the record that the project may have significant impacts, despite the proposed mitigation measures and conditions, you cannot approve the project as proposed. You must: (1) secure additional mitigation measures to reduce the impacts, or (2) complete an environmental impact report and override the potentially significant impacts, or (3) deny the project.

In Attachment 3, we review the Staff Report and Mitigated Negative Declaration.

Many key questions revolve around mitigation monitoring and reporting. Where is the monitoring data collected since 2007 to demonstrate that the proposed mitigation measures have been effective at other tasting rooms with event centers in the R1-A zone district? Are County staff trained to do technical sound and vibration monitoring? Do monitoring staff work on weekends when major events are likely to be held? Why is there no requirement that these monitoring reports be periodically provided to the Planning Commission?

If you do decide to adopt the Mitigated Negative Declaration and approve the project, you must approve a mitigation monitoring and reporting program. This program needs sufficient detail to ensure that the mitigation measures will be regularly and professionally monitored, by qualified staff, and that the results are regularly and publicly reported to the Planning Commission and Board of Supervisors. Only with this level of follow up can the Planning Commission, the Board of Supervisors, and affected neighbors be certain that the permit recipient is protecting health, safety, and the environment.

We also take issue with the MND's unsubstantiated conclusions that project and cumulative impacts to traffic safety, emergency evacuation, noise and vibration, groundwater supply, energy, GHG emissions, and land use planning are insignificant. We provide substantial evidence and fair arguments that the proposed projects may have significant residual impacts despite the proposed mitigation measures and conditions of approval.

We strongly encourage the Planning Commission and the Planning Department to take the time to make improvements to the Mitigated Negative Declaration, to protect the interests of both the permit applicant and neighbors.

IV. Requests

1) With regard to tasting room and event center permits in general, the Foothill Conservancy asks that the Planning Commission begin receiving reports from the Planning Department on its monitoring of permittee compliance with conditions of approval. We request that the Planning Commission direct Planning Department and or Code Enforcement staff to gather the list of tasting room projects and conditions for the Planning Commissioners to review. We ask that you direct the Planning Staff to send out letters to the permittees giving them 60 days to present documentary evidence of their compliance with their conditions to the Commission. Also, we ask that you place a notice in the newspaper of record and on the County website letting neighboring property owners know that they can send any concerns regarding a tasting room or event center to the Planning Department. Please have the Planning Department present the results of this effort at a Planning Commission meeting in September.

If permittees are complying with their conditions, then the Planning Commission can proceed to issue additional permits with confidence that the program is working well. On the other hand, if evidence of compliance with the conditions does not arrive, or neighboring property owners provide evidence of ongoing violations, then the Planning Commission can direct staff to send out notices of violation. If violations are not cured, then permit revocation processes can begin. In this way permits are reserved for those who make the effort to comply with their conditions for the benefit of their neighbors.

2) If the review of the tasting rooms/event centers reveals that the concentration of these uses in the Shenandoah Valley may be harming the health, safety, peace, morals, or general welfare of residents, then the Foothill Conservancy asks the Planning Commission to recommend to the Board of Supervisors that it prepare and adopt an specific plan for further development of tasting rooms and event centers in the area, after the appropriate level of land owner input, agency and service district consultations, and environmental review.

3) With regard to the Blood Gulch proposed project, we ask that the Planning Commission table the matter until the Planning Department has the chance to: (A) Bring the proposal into consistency with the general plan, (B) Collect additional evidence of code compliance, (C) Improve the mitigation measures and monitoring, and (D) Report to the Commission on the overall effectiveness of the permit program.

If it turns out that some of the existing event centers are not in compliance with their permits and will be closing, this could reduce the level of cumulative impacts and create capacity for new permittees. On the other hand, if it turns out that the Blood Gulch proposed project may have cumulatively significant impacts, as evidenced above, then we strongly encourage the Planning Commission either to deny the proposed project, or to direct Planning Department staff to have an environmental impact report completed prior to project approval.

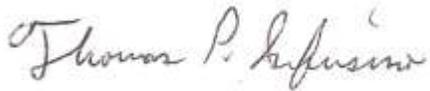
4) If the Planning Commission chooses to approve the proposed project, the Foothill Conservancy asks that the Planning Commission adopt the necessary mitigation measures and conditions to protect the health, safety, peace, morals, comfort, general welfare, and environment of neighbors

in the area, and to bring the proposed project in to conformity with the requirements of the 2016 General Plan.

V. Conclusion

For the past several years, concerns have been repeatedly raised about the proliferation of tasting rooms and event centers, especially in the Shenandoah Valley. Too often, the permit applications get approved despite these concerns. In spite of the Commission's well-intentioned conditions on individual project, the sheer additive effect of the number of projects makes problems worse. Regrettably, the Board of Supervisors has not yet seen fit to provide the Planning Commission with new tools to improve the situation for permittees and their neighbors. Thus, it is time for Planning Commission and the Planning Department to make more effective use of its existing tools to craft solutions for the benefit of responsible permittees and their neighbors in the area.

Sincerely,

A handwritten signature in cursive script that reads "Thomas P. Infusino".

Thomas P. Infusino, for

Foothill Conservancy

Attachment 1:

How is the Blood Gulch Proposal Consistent with the 2016 General Plan?

Below are policies from the 2016 General Plan. Thoughtful explanations are necessary for the County to demonstrate that the proposed project conforms to these policies. Following each policy is a request for an explanation of how the proposed project conforms to the policy.

If the proposed project does not conform to policies in the 2016 General Plan, the County has the option to deny the proposed project or to amend the general plan. As explained in the 2016 General Plan on pages G-15 to G-16:

“[P]roposals which differ from the established general plan or zoning requirements must request to modify these standards. For instance, on the parcel above, if the property owner wished to construct a restaurant or service station, the parcel’s general plan designation and zoning district would first have to be changed. Such changes require approval by the Planning Commission and the Board of Supervisors, which is considered a legislative action. The Board and the Planning Commission would evaluate the proposal and make a decision whether or not to amend the general plan or zoning code, as well as whether to approve or deny the proposal based upon its merits, applying policies defined in the general plan and knowledge of local conditions and needs. This decision requires the Board and/or the Planning Commission to exercise considerable discretion, thus a disclosure of potential environmental impacts under CEQA and public hearings are required.”

2016 General Plan, p. LU-27

Policy LU-1.1: Protect existing land uses and public facilities from encroachment by incompatible land uses.

Please explain how a major tasting room and event center, operating every day and night seven days per week, serving up to 450 people at once, with its traffic safety and water supply implications, is compatible with neighboring residential and agricultural uses.

Policy LU-1.3: Encourage development patterns which support water quality objectives; protect agricultural land and natural resources; promote community identities; minimize environmental impacts; enable viable transit, bicycle and pedestrian transportation; reduce greenhouse gas emissions; and promote public health and wellness.

Please explain how a tasting room and event center that depends upon tourists coming in cars is consistent with reducing greenhouse gas (GHG) emissions, when the transportation sector is the largest single

source of GHG emissions in California, and there are already over 40 such tasting rooms in the County. An evaluation of GHG emissions is required by the Implementation Plan for the 2016 General Plan. (Implementation Plan, p. 18.)

2016 General Plan, p. LU-28

Policy LU-2.1: Direct development to areas with existing urban services and infrastructure, or to areas where extending of urban services is feasible given distance from developed areas and topography, capacity, or land capability.

Please explain how putting an event center serving up to 450 people per event in an area without public water, public sewer, and traffic lights, and distant from emergency services, is consistent with directing development to areas with existing urban services and infrastructure?

Policy LU-2.2: Target future commercial, industrial, and residential growth to Town Center and Regional Service Center locations, including the communities of Martell, Pine Grove, Buckhorn, and River Pines.

Please explain how putting yet another major event center on agricultural land in the Shenandoah Valley is consistent with targeting future commercial growth to Town Center and Regional Service Center locations. There are available locations for an event center in an existing Town Center or Regional Service Center that would be consistent with this policy (e.g. Kmart in Martell, vacant parcels in the Martell Business Park). Why not locate the event center there to comply with Policy LU-2.2? There is even underutilized commercial property in local cities (e.g. old Prospect Motors in Jackson). Applying this policy might have been easier had the Zoning Code been amended on schedule. (Implementation Plan, p. 5)

Policy LU-3.1: Ensure that effective public safety facilities, staffing, and equipment are provided to maintain service levels as the county's population and development change.

Please specify what the proposed project is contributing to fund additional public safety facilities, staffing, and equipment in the neighborhood, to deal with this development change. The equipment and personnel needed to respond to medical and fire emergencies for 450 people at an event center are different and greater than the needs to put out a fire at a single family home or a field. Is the project's

funding of the local fire district sufficient to compensate for the project's increased burden on the district?

2016 General Plan, p. LU-29

Policy LU-4.2: Consider infrastructure availability and expansion in the evaluation of individual projects.

2016 General Plan, p. C-24

Policy C-3.1: Guide future development to areas of the county with the ability to obtain adequate wastewater service and treatment capacity.

Please explain how the Planning Commission is “considering infrastructure availability” and directing development to areas with wastewater treatment capacity by approving a major visitor-oriented commercial project where there is no public water and no public sewer.

Policy LU-6.1: Ensure that new development is able to meet water supply, wastewater disposal, and public service standards.

Please explain how the county will ensure that a major commercial operation, serving up to 450 people per day, is consistent with meeting water supply public service standards, when the project is dependent on uncertain groundwater?

On page C-6, the 2016 General Plan confirms the uncertainty of local groundwater supplies, stating,

“Groundwater from individual wells represents a major water source in the county. In most of Amador County, groundwater-bearing units and aquifers are poorly defined. The majority of available groundwater is transient and found in fractured rock. This fractured bedrock aquifer has not been adequately studied, and no information is available concerning the capacity of the aquifer.”

“The Cosumnes Groundwater Subbasin underlies southwestern Amador County. The Cosumnes Subbasin is in overdraft; in other words, more water is leaving the groundwater basin than entering it.”

2016 General Plan, p. LU-31

Policy LU-12.1: Ensure that appropriate levels of emergency services, including fire protection, can be demonstrated for new development.

Please explain how the Planning Commission determines the appropriate level of emergency services for a new development. What is the standard? Is it response time? Does it factor in the equipment or personnel needed to fight a structure or wildland fire on the site? Does it factor in the presence of people in addition to property? How does the proposed project meet these standards? This evaluation is called for in the Implementation Plan. (Implementation Plan, p. 15.) This evaluation might have been easier had the service standards been completed. (See Implementation Plan, p. 9.)

Policy LU-12.3: Continue to ensure that the County's development code addresses evacuation and emergency vehicle access, water supplies and fire flow, fuel modification for defensible space, and home addressing and signing.

How will the proposed project provide sufficient emergency water supplies for fighting fires since there are no fire hydrants in the vicinity? Will the pond water be used? Does the applicant need to take any steps to make this pond water accessible for firefighting?

How will the proposed project address evacuation and emergency vehicle access? An event center for 450 people may pose a great challenge should there be a need to evacuate the area due to fire, while trying to get equipment in to fight the fire at the same time. Mandatory evacuation with multiple roads and a state highway in Pine Grove on Day 3 of the Butte Fire in 2015 caused gridlock, even after many people had already voluntarily left the area. It is reasonably foreseeable that multiple centers would be hosting events along Shenandoah Road when the time comes for fire evacuation in summer or fall. How is approving another event center ensuring an appropriate level of emergency services in the area?

2016 General Plan, p. CM-11

Policy CM-1.1: The County's Level of Service (LOS) standard is LOS C for rural roadways.

*Does the County have peak period traffic counts on Shenandoah Road from tourist season (e.g. spring, summer, and fall) weekends? Was LOS C maintained? Will the proposed project substantially contribute to a failure to maintain LOS C? **We strongly recommend that the County complete a traffic impact study for the proposed project.** (See 2016 General Plan Implementation Plan, p. 16.) If not, how can the County demonstrate that the project is consistent with keeping the LOS at level C? While CEQA is phasing out the use of LOS for environmental impact reviews, the County's General Plan Standards of LOS C for health, safety, and general welfare still apply.*

2016 General Plan, p. CM-12

Policy CM-1.2: Work with Caltrans and regional and local transportation agencies to address regional issues and opportunities related to growth, transportation financing and infrastructure, and other planning issues.

Caltrans agrees that traffic from Plymouth and Shenandoah Valley on Highway 49 North necessitates safety improvements. (See Attachment 1, Exhibit A, Emails with Caltrans) Will the proposed project contribute to financing this infrastructure improvement? Isn't this just the type of opportunity "related to growth, transportation financing and infrastructure" that the County is supposed to work with Caltrans to grasp? If the county doesn't start collecting the money here and now, where and when will it do so?

2016 General Plan, p. CM-12

Policy CM-2.2: Identify key roads and intersections with historical or projected traffic congestion and/or safety problems and apply creative management measures to improve circulation.

The Draft 2018 Systemic Safety Analysis Report (SSAR) for Amador and Alpine Counties provides data on traffic accidents, their location, their frequency, and their causes. (See Attachment 1, Exhibit B SSAR.) The crash rate along half of Shenandoah Road exceeds the statewide average for rural 2 and 3 lane roads. (SSAR, pp. 8, 83-84.) Personal

injuries and property damage from the 41 collisions in the five year study on Shenandoah Road were estimated at over \$8 million. Thus, the Shenandoah Road qualifies as a road with historical safety problems.

The report also indicates that 22.1% of all collisions in Amador County resulting in death or severe injury were related to Driving Under the Influence (DUI). This is twice the percentage of neighboring Alpine County. (SSAR, p. 7.)

Wine tasting at locations without tour buses and overnight lodging encourages drinking and driving. How is it consistent with Policy CM-2.2 for the County to exacerbate a historic road safety problem by inviting more drinking and driving?

What “creative management measures” is the County planning to do to address this traffic safety concern? Will the County work with the bus system to provide tasting tours from local motels or a central parking area? And who will pay for it? For example, in El Dorado County the bus system runs a shuttle from the Placerville parking structure to the rural road serving Apple Hill during the fall to reduce traffic and make the roads safer.

2016 General Plan, p. E-26

Policy E-8 .3: Provide for and support value-added agricultural activities designed to provide an additional source of farming income while maintaining the land for viable agricultural production.

We understand that vineyards with wineries in the Shenandoah Valley use tasting rooms to supplement their income, making their primarily agricultural operations more economically viable. We do not understand how a visitor intensive and groundwater dependent event center at a location that does not produce wine is keeping land viable for agricultural production or supplementing “farming” income. To conform to Policy E-8.3, shouldn’t the limited water supply and road capacity in the area be reserved for value-added activities at the actual agricultural operations? Please explain how the proposed project is consistent with Policy E-8.3.

2016 General Plan, p. E-26

Policy E-8 .1: Ensure future land uses are appropriately located and scaled to fit in with the county's rural and agricultural context.

2016 General Plan, p. E-27

Policy E-9.4: Direct future development toward "infill" areas (areas of existing urban development), areas contiguous to cities, and areas with infrastructure and services in order to maintain the viability of existing agricultural land.

Policy E-9.5: Review future development for compatibility with existing adjacent and nearby agricultural uses.

Policy E-10.2: Support the continued availability of water supplies to agricultural users.

2016 General Plan, p. C-23

Policy C-1.2: Guide future development to areas of the county where adequate water supplies can be ensured.

Policy C-1.3: Limit reliance on groundwater wells as sources for community water systems. Where possible, encourage connection of developments to existing water supply systems.

The proposed visitor-intensive commercial development is not in an infill area served by public water and sewer infrastructure, but instead will draw groundwater from the County's premier groundwater-dependent agricultural area. Page E-14 of the 2016 General Plan describes the Shenandoah Valley:

"The largest and best known farming area in Amador County is the Shenandoah Valley, an area of gently rolling hills set in a high valley above Plymouth. Soils are deep, and easily support grapes, walnuts, prunes, hay, flowers and livestock. Fields are either dry farmed or drip irrigated with well water."

As noted previously, there is nothing "ensured" about this groundwater source, but there are ample locations in the County and neighboring cities to locate an event center served by a secure source of public water.

Shouldn't groundwater supplies be conserved for agricultural users to comply with Policy E-10.2?

Doesn't the groundwater use of the visitor intensive commercial use make it incompatible with adjacent and nearby agriculture?

Please explain how the proposed project is consistent with Policy E-8.1, E-9.4, E-9.5, E-10.2, C-1.2, and C-1.3.

Policy C-1.4: Encourage new development, renovation, landscape, and agricultural projects to include water conservation measures, including use of graywater, reclaimed, or recycled water for irrigation, water-conserving plumbing fixtures, and low-water landscapes.

2016 General Plan, p. C-24

Policy C-3.2: Encourage recycling and water-saving features in new development, including use of graywater, recycled, or reclaimed water for irrigation, to limit the water flows to septic systems and leach fields.

Please explain how the water conservation features listed in Policies C-1.4 and C-3.2 are included in the proposed project.

Policy C-4.1: Encourage site plan elements in proposed development such as reduced pavement/cover and permeable pavement, as well as drainage features which limit runoff and increase infiltration and groundwater recharge.

2016 General Plan, p. C-25

Policy C-5.2: Encourage the use of LID strategies to help Amador County sustain and improve both surface- and groundwater quality.

Please explain which site plan elements and low impact development strategies referred to in Policies C-4.1 and C-5.2 are incorporated into the proposed development. Applying this policy might have been easier had the Zoning Code been amended on schedule. (Implementation Plan, pp. 4-5)

2016 General Plan, p. C-28

Policy C-9.4: Encourage energy conservation and energy efficient design in new development projects.

2016 General Plan, p. C-29

Policy C-10.5: Require new development projects to incorporate building placement and design features to increase energy efficiency in new structures

Please identify the energy conservation and energy efficient design features in the proposed development making it consistent with Policies C-9.4 and C-10.5.

Policy C-10.2: Develop and adopt a comprehensive strategy to reduce GHGs within Amador County by at least 15 percent from current levels by 2020.

Please state whether the County adopted the GHG reduction strategy and whether it has met the 15 percent reduction target in 2020.

According to page C-28 of the 2016 General Plan,

“The California Global Warming Solutions Act (AB 32) was passed in September 2006. AB 32 requires that statewide greenhouse gas (GHG) emissions must be reduced to 1990 levels by 2020. The Climate Change Scoping Plan (Scoping Plan) was approved by ARB in December 2008 and outlines California’s plan to achieve the GHG reductions required in AB 32. The Scoping Plan contains the primary strategies California will implement to achieve a reduction of 169 million metric tons of carbon dioxide equivalent, or approximately 28% from the state’s projected 2020 emission levels. Future planning efforts that do not encourage reductions in GHG emissions would conflict with AB 32, impeding California’s ability to comply.

“In the Scoping Plan, ARB encourages local governments to adopt a reduction goal for municipal operations emissions and move toward establishing similar goals for community emissions that parallel the State commitment to reduce GHGs. The Plan identifies California’s cities and counties as “essential partners” within the overall statewide effort and recommends that local governments set a GHG reduction target of 15 percent below today’s levels by the year 2020. Though the specific role local governments will play in meeting California’s GHG reduction goals is still being defined, they will nonetheless be a key player.

“Statewide, more than 40% of GHG emissions are associated with transportation. Reduction of GHG emissions will thus primarily require a reduction of motor vehicle fuel consumed and vehicle miles traveled (VMT).”

According to page C-13 of the 2016 General Plan, “Air quality policies guide land use decisions, including, but not limited to decisions affecting proposed development projects and the location of new roads and transit facilities.” The Implementation Plan indicates that the County will evaluate the GHG emissions from development proposals. (Implementation Plan, p. 18.)

Please explain how approving a “proposed development project” serving up to 350 visitors per day, and 450 visitors 12 times per year, primarily arriving by personal vehicles from distant urban areas, is consistent with the State and County policies to reduce GHG emissions?

2016 General Plan, p. S-17

Policy S-2.1: Consistent with state regulations and local code requirements, require new buildings to be constructed to provide fire-defensible spaces, separated from property lines and other buildings on the same or adjacent properties by adequate building setbacks clear of brush and fuel. Require new buildings in areas of moderate to high fire risk to be constructed using building materials and designs that increase fire resistance.

2016 General Plan, p. S-18

Policy S-2.3: Incorporate fire safety site planning techniques within new development applications in high- or very-high fire risk areas. Encourage building envelope or cluster development techniques to increase defensible areas.

Please identify which building requirements and site planning techniques referenced in Policies S-2.1 and S-2.3 will be applied by the proposed project to reduce the risk of fire.

2016 General Plan, p. S-18

Policy S-2.2: Guide new development to areas where adequate fire protection, roads, and water service are available to support fire response.

Please identify the standards that apply for determining if “fire protection, roads, and water services are adequate to support fire response.” Please explain if and how the location of the proposed project meets those standards. If it does not, please comply with Policy

S-2.2 and guide the development to an area that meets fire response standards.

2016 General Plan, p. N-25

Policy N-1.1: Enforce noise standards to maintain acceptable noise limits, especially near noise-sensitive uses. Noise measurement methods are subject to County approval.

Please explain how the qualified County staff intends to measure noise and enforce noise standards at weekend events to conform to Policy N-1.1.

Policy N-1.3: Evaluate potential noise conflicts for individual sites and projects, and require mitigation of all significant noise impacts (including construction and short-term noise impacts) as a condition of project approval.

Policy N-1.4: Protect existing areas with acceptable noise environments, and also those locations deemed “noise sensitive” from new noise sources.

Please identify the measures that will be used to reduce the noise impact of the proposed event center to comply with Policies N-1.3 and N-1.4.

2016 General Plan, p. N-26

Policy N-2.4: Encourage the use of alternative transportation modes such as walking, bicycling, and mass transit to minimize traffic noise.

Please explain what mass transit options will be employed at the proposed project to conform to Policy N-2.4

Attachment 1, Exhibit A: Emails with Caltrans

Tom

From: Tom <tomi@volcano.net>
Sent: Thursday, November 16, 2017 11:03 AM
To: 'Baker, Carl E@DOT'; 'kevin.schroder@dot.ca.gov'
Subject: Pull out for Hwy 49 North past Plymouth

Hi Carl and Kevin,

First, I want to let you know what a great job your crew is doing on the traffic circle in Plymouth. The work is progressing. The traffic is still moving. The businesses are still open. Well done you.

Second, while your crew is out there, I hope you scope out an opportunity to add a pullout lane on Highway 49-north beyond Plymouth in the near future.

Why is there a need for a pullout beyond Plymouth? That is an excellent question.

The Problem.

When traffic flows through a city on Highway 49, two things happen to the traffic. First, as the traffic slows down, the cars trailing behind the queue catch up. Some of these cars want to go faster than the queue. Second, cars from side streets in the town enter the queue. Some of these drivers want to go faster than queue. They signal this by tailgating. Others drivers just want to let the faster cars pass to end the tailgating. In other words, passing through a town jumbles the traffic queue, so for safety there needs to be a way to reorder the queue.

The old solution no longer works.

As you will see, there are two long, wide, and straight gravel shoulders on either side of Highway 49 north of Plymouth. 20 years ago, when the traffic was mostly ranch trucks and old heavy cars, drivers had no problem pulling out into the gravel and letting folks pass. However, now the traffic on weekends has a large component of expensive cars with impatient drivers returning from wine tastings and weddings. Also, today's light hybrids could flip if they tried to pull back onto the road from the gravel in an area where the height differential is large. Thus, the new types of vehicles and the new types of drivers have made the gravel pullouts obsolete.

The nearest pullout is across the river.

Once you pass the gravel area north of Plymouth, there are not even paved driveway entrances that are big enough (and with sufficient sight distance) to safely use as a pullout. The next available pullout is the trailer park in Nashville, on the other side of the Cosumnes River Bridge. That is a long distance to have somebody tailgating a slow driver on a curvy two lane highway. The condition is not safe. I encourage you to drive the segment at the speed limit, or to look at the segment on Google Earth, to get some perspective on the problem.

Passing lanes work elsewhere on Highway 49.

A good example of a city with actual passing lanes on each end of town is San Andreas. As you leave San Andreas on Highway 49 South, there is a passing lane. If you leave San Andreas and proceed west along Highway 12, soon you reach a passing lane. This allows the slower drivers in the queue to pull over and let the faster drivers by. In this fashion, a safe queue is restored. While passing lanes and pullouts are not the same thing, they can serve a similar purpose.

I understand if constraints may make this project impossible.

I understand that a number of constraints may make it impossible to install a pullout north of Plymouth. Caltrans may not have, or be able to acquire, the right of way for the pullout. There may be engineering constraints. The location near the river may result in environmental constraints that limit construction. There may be funding limitations. There may be local plan approvals needed before such a project moves forward. I just wanted to let you know of an opportunity to make your highway safer, because I know how much you care.

Sincerely,

Tom Infusino

P.S. Have a happy Thanksgiving!

Tom

From: Huynh, Sang K@DOT <sang.huynh@dot.ca.gov>
Sent: Friday, February 16, 2018 2:09 PM
To: tomi@volcano.net
Cc: Nguyen, Vu H@DOT; Schroder, Kevin@DOT; Demetras, Michele@DOT
Subject: Pull out for Hwy 49 North past Plymouth

Good afternoon Mr. Infusino,

This is response to your email dated 11/16/2017 to Carl Baker, Caltrans District 10-Chief of Office of Rural Planning, regarding your request of installation of a passing lane/turnout along State Route 49 just north of the City of Plymouth to Amador/El Dorado County line.

Caltrans District 10-Traffic Operations recently finished the traffic investigation regarding the above request, and recommends the installation of turnouts along State Route 49 (each per direction). The recommendation is based on the existing field observation, roadway geometry, traffic volumes, collision data along State Route 49 from City of Plymouth to Amador/El Dorado County line, and engineering judgments. The conceptual report will be initiated to implement the turnouts. The installation of the turnouts will be pending upon the funding availability.

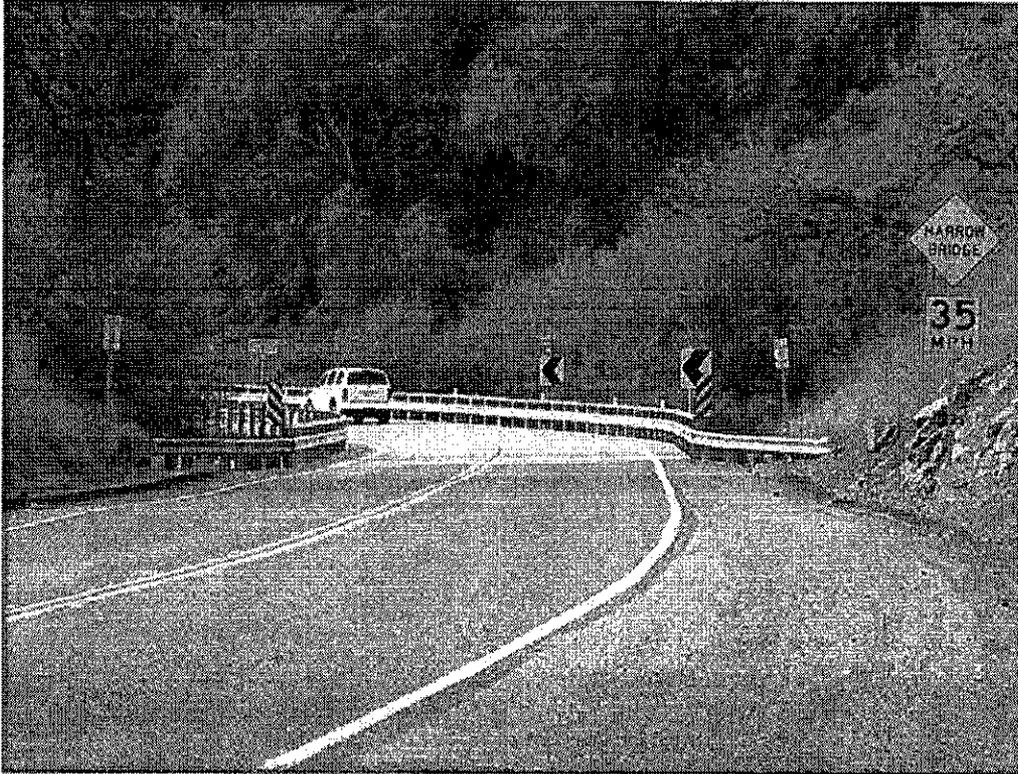
We appreciate your time and concern regarding the safety and operations of our State highway system. If you have any questions concerning the above information, please contact Sang Huynh at (209) 942-6026 or Vu Nguyen, Chief of D10-Traffic Operations at (209) 603-5126.

Sang Huynh
D10-Traffic Operations
209-942-6026

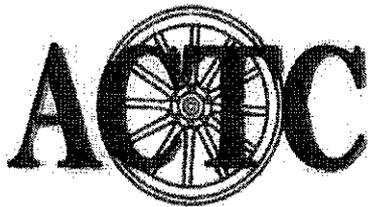
Attachment 1, Exhibit B

Amador and Alpine Counties Systemic Safety Analysis Report

DRAFT SUBMITTAL: MAY 2018



Presented to:



Provided by:

 **MARK**
 **THOMAS**

Table 3.1- Total Crashes and Fatalities Broken Out by Year

	2013	2014	2015	2016	2017
Amador County Crashes/Fatalities	330/4	352/7	360/6	410/11	449/9
Alpine County Crashes/Fatalities	64/1	54/1	70/2	95/4	89/4

Following discussion with the partner agencies, several key factors contributing to collisions were determined. The collision analysis included factors such as the frequency of nighttime collisions, collisions involving inclement weather, driving under the influence of alcohol or drugs (DUI), etc. Identification of primary collision factors can aid in countermeasure selection and provide additional insight as to what trends are occurring at the time of collision for each roadway segment and intersection. The frequency for each of the primary collision factors identified for Amador and Alpine County can be found in Table 3.2 below. Maps showing the locations of the specific collision types identified are provided in Appendix A.

Table 3.2-Additional Collision Statistics

	Amador County % of	Alpine County % of	Statewide Comparison*
Speed Related Collisions	24.6% of all injury collisions	31.9% of all injury collisions	18%
Nighttime Collisions	27.1% of all injury collisions	15.4% of all injury collisions	-
Inclement Weather Collisions	6.5% of all injury collisions	11.1% of all injury collisions	-
DUI Related Collisions	22.1% of all fatal and severe injury collisions	10.8% of all fatal and severe injury collisions	32%
Construction Related Collisions	2.8% of all fatal and severe injury collisions	0% of all fatal and severe injury collisions	1.7%
Collision Involving an Animal	0.9% of all injury collisions	3.7% of all injury collisions	-
Collisions Involving a Truck	0.1% of all fatal and severe injury collisions	3.1% of all fatal and severe injury collisions	7%
Pedestrian/Bicycle Collisions	2.1% of all fatal and severe injury collisions	7.7% of all fatal and severe injury collisions	25%

* Data retrieved from the California Strategic Highway Safety Plan (SHSP) Challenge Areas

3.2 Analysis of Crash Rates

To compare locations and determine high crash concentration locations on which to focus the analysis, a crash rate was calculated for each location using available traffic volumes provided by Caltrans, dated 2016, and Amador County for the period of 2002 through 2006.

As defined in the LRSM, the equation used to calculate the crash rates is:

$$\text{Crash Rate} = \frac{C * 1,000,000}{V * 365 * N * L}$$

Where:

C = Total number of crashes per million vehicle miles (MVM)

V = Traffic Volumes using Average Annual Daily Traffic (AADT) volumes

N = Number of years of data

L = Length of roadway segment in miles

In order to determine what constitutes a high crash rate, roadway segment and intersection crash rates were compared to the statewide average crash rates provided in the 2014 Caltrans report for 'Collision Data on California State Highways'. Tables 3.3 and 3.4 below provide the statewide averages that were used.

Table 3.3- Average Statewide Segment Accident Rates

Area	Lanes	2014 Total Per MVM	2012,2013, 2014 Total Per MVM	2014 Fatalities/Severe Injuries Per MVM	2012,2013,2014 Fatalities/Severe Injuries Per MVM
Rural (Outside City)	2 and 3 Lane2	0.94	0.87	0.44	0.42
Urban (Inside City)	2 and 3 Lane2	1.37	1.19	0.60	0.53

Attachment 2

How is the Proposed Blood Gulch Tasting Room and Event Center Consistent with the Amador County Code?

Tasting rooms and event centers are allowed in various zoning code districts.

Because they fall into the category of, “Retail, office and business and personal service uses, conducted within a building,” tasting rooms and event centers are allowed in the C-1 and C-2 commercial zones. (Zoning Code, sec. 19.24.040.) This makes sense as they are typical commercial uses attracting many customers.

Tasting rooms and event centers are also allowed in agricultural zones. The vast majority of tasting rooms and event centers (38) are in the A and AG zone districts. (Blood Gulch MND, pp. 51-53.) According to the County database, there are a total of 118 parcels in these zone districts that are large enough to qualify for a tasting room and event center. Tasting rooms and event centers are allowed by right in these zones without a use permit under specified circumstances, though building, public works, and health permits and clearances may be required for some activities. This makes sense because the County intends that these related commercial uses will supplement winery and vineyard income, and thus make those agricultural operations more economically viable. The uses allowed include wine tasting, winery tours, sale of wine and grape products, the sale of gifts, picnic areas, art galleries, on-site catering, events up to 125 people on any and every day of the year, events up to 450 people up to 4 times per month and 12 times per year, and amplified music until 10 pm. (Zoning Code, sec. 19.24.036 subd. (G)(32); 19.24.040.)

Tasting rooms and event centers are allowed in the R1-A zone “Single-family residential agricultural district, but only under very limited circumstances. According to the County database, there are over 600 parcels of sufficient size in this zone to qualify for a tasting room and event center. However, only 7 permits for tasting rooms with events serving 100 or more people have been issued since 2007. The maximum number of events per year was 15. The maximum size of the events was 150 people. (Blood Gulch MND, p. 50.)

First, the project must meet zoning code requirements. (Zoning Code, sec. 19.24.045, subd. (D)(4), sec. [19.24.040](#), subsections 27(a) through (f) of the "A" agricultural zone district.) To protect neighboring uses, the parcel must be at least 10 acres, and the building must be 50 feet from all property lines. It must try to seek a road agreement if it is on a private road. To ensure that the operation supplements local farm income, it may only operate under a duplicate 02 license if the master winery is in Amador County. To be consistent with the state code, 50% of all the wine sold on the premises must be from that winery. (Business and Professionals Code, sec. 23358.) Also, the primary use of the tasting room shall be the marketing and sale of wine produced in Amador County (cite?). To ensure that the operation is in good standing with other regulatory authorities, the operation must be in compliance with an up-to-date bond and license. To ensure that the operation is safe and sanitary, the operation must get any required permits and clearances from the departments of Building, Environmental Health, and Transportation and Public Works.

The project must also receive a use permit conditioned to protect the health, safety, peace, morals, comfort and general welfare of the neighborhood. (Zoning Code, sec. 19.24.045, subd. (D)(4); Chapter 19.56.) The project will also be required to implement feasible mitigation measures if necessary to reduce the project's individual or cumulatively significant impacts on the environment. These limitations make sense given the agricultural and residential nature of the area; the potential for land use conflicts over water, traffic, noise, lighting, public safety and other issues; and the fact that such uses are amply allowed for in more appropriate zoning district. The proposed Blood Gulch project is in the R-1A zone.

Finally, the discretionary approval of commercial facilities over 5,000 sq. ft. trigger an applicant-funded economic analysis of the project's impact on existing businesses. (Zoning Code, sec. 19.50.050.) The Blood Gulch proposal includes over 7,700 sq. ft. of new construction, in addition to the existing 3,000 sq. ft. structure. There are 45 similar existing businesses in Amador County. (MND, pp. 50-54.)

We have the following questions regarding the Blood Gulch proposal and the zoning code requirements.

Only 7 permits for tasting rooms with events serving 100 or more people have been issued in the R-1A zone district since 2007. The maximum number of events per year was 15. The maximum size of the events was 150 people. (Blood Gulch MND, p. 50.) **Please explain why the Blood Gulch proposal should be allowed to serve *three times as many people* at events, and hold *ten times as many events* each year in the R1-A zone district.** What has changed so dramatically in the R1-A zone district to justify such a huge increase in the number and scale of events?

Please explain where and when the operation has produced wine at the location or elsewhere in Amador County and whether and how the county has confirmed this. Does the county even check the winery to see if it has equipment for winemaking on site?

Please explain how it is determined that at least half of the wine sold on the premises is from the operation's winery in Amador County.

Please explain how it is determined that the wine tasting room is primarily used to promote the sale of Amador County wine, rather than the hosting of large events? Is it based upon an operations income from the uses? Is it based upon the number of days of particular uses? Is it based upon the split of customers between the uses? The answer seemed more obvious with other 7 permittees in the R1-A zone district, who have no more than 15 events per year serving no more than 150 people. It seems far less obvious for Blood Gulch proposal seeking permission for *3 events per week* serving up to 125 people, and 12 events per year serving up to 450 people. **Is this primarily a tasting room with secondary event center, or an event center with a secondary tasting room?** The latter is not permitted in the R1-A zone district because it is clearly a commercial use.

Does the requirement for an economic impact analysis apply to the Blood Gulch proposal? If so, has the analysis been prepared?

The aforementioned zoning district requirements regarding setbacks, parcel size, and operations are the same for the R-1A zone and the A zone, as they are both from Zoning Code sec. [19.24.040](#), subsections 27(a) through (f). Please provide monitoring reports demonstrating that existing tasting rooms and event centers in the R-1A zone and the A zone are complying with these zoning district requirements.

Please explain if the proposed conditions or mitigation measures on the use permit are similar to the conditions or mitigation measures placed on similar use permits in the past. [It appears that at least 5 use permits for tasting room with events serving 100 people or more were issued between 2007 and 2010. (Blood Gulch MND, p. 50)] If so, please provide the monitoring reports demonstrating that those tasting room and event center permittees have complied with those conditions over the last decade.

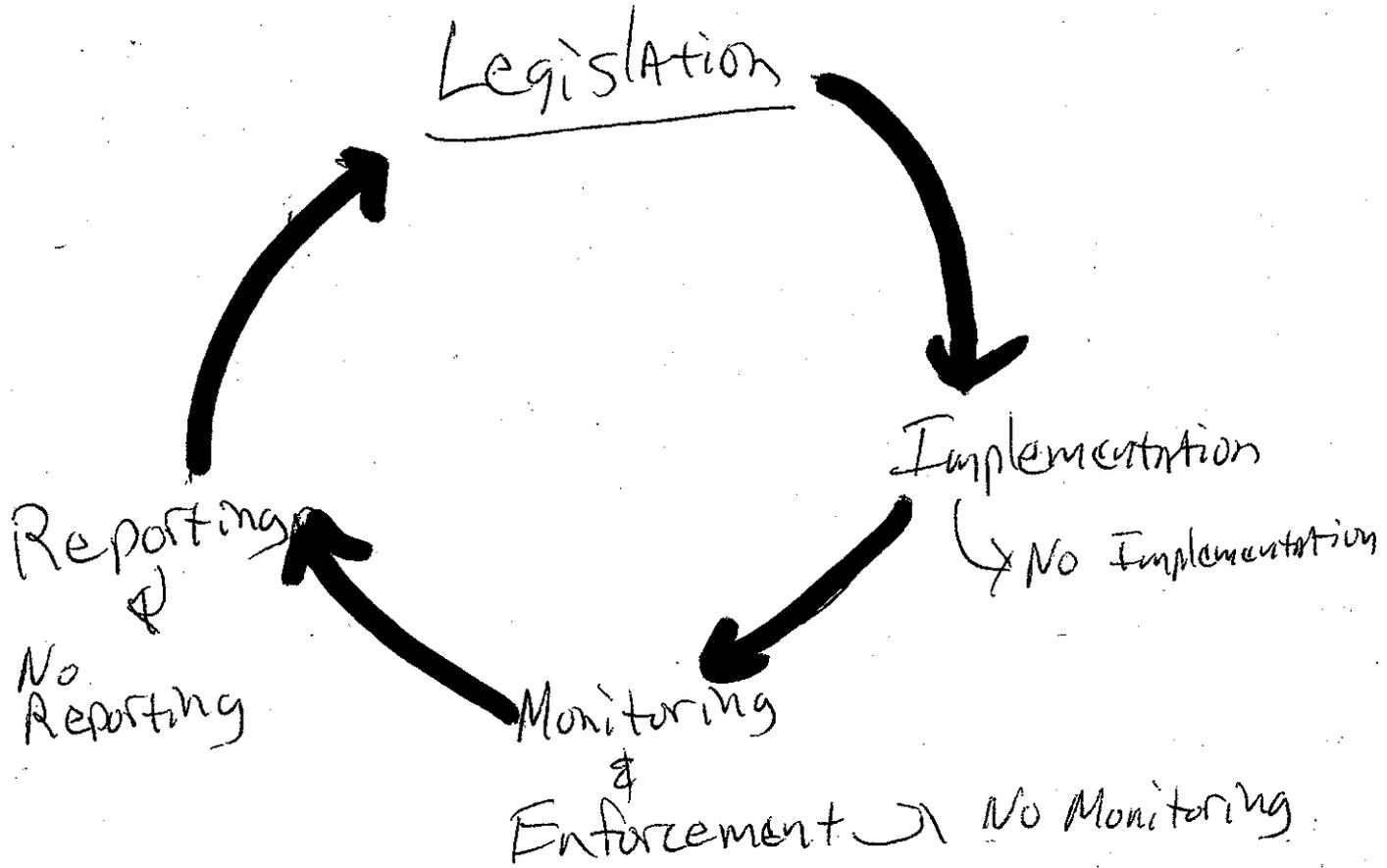
Based upon monitoring results, for each zoning district requirement, use permit condition, or mitigation measure, please explain whether it was effective or not effective.

If Planning Department monitoring has revealed barriers to implementing the zoning district requirements, use permit conditions or mitigation measures, please have the Planning Department report to the Planning Commission what those barriers are and how those barriers may be overcome.

When imposing regulations, the Planning Department and the Planning Commission have responsibilities. For regulations to remain current, legitimate, and effective they must be implemented, they must be monitored, and the results must be reported back to the authorities. (See Attachment 2, Exhibit A.) If regulations are not implemented, then they cannot have the desired effect. If they are not monitored, then there is no way to determine if they are effective. If the monitoring results are not reported back to the authorities, then there is no opportunity to replace ineffective regulations with effective ones. With 45 tasting rooms countywide holding events for over 100 people, and over a decade of regulation, it is time to evaluate the effectiveness of this program. (Blood Gulch MND, pp. 50-54.)

Attachment 2 - Exhibit A

REFORM POSITIVE FEEDBACK LOOP



Attachment 3

Is the Blood Gulch Mitigated Negative Declaration Sufficient?

A number of questions will need to be answered to determine if the Blood Gulch MND is sufficient.

Mitigation measure 21 requires the applicant's construction equipment to meet very technical noise and vibration standards. The Planning Department is tasked with monitoring this impact. (Staff Report, p. 23.) Does the Planning Department or its consultants have trained staff and the technical equipment to do this monitoring? Has the Planning Department or its consultants done this monitoring in the past? What percentage of the conditioned construction sites are monitored? What have the monitoring reports indicated?

Noise mitigation measure 22 requires amplified sound to end at 6 pm. (Staff Report, p. 23.) The Planning Department is tasked with monitoring this measure. The major events with amplified sound (like weddings) are likely to be held on weekends. Does the Planning Department or its consultants have staff who will monitor sound on the weekends? Does the Sheriff forward weekend noise complaints to the Planning Department?

Neither the permit conditions nor the mitigation measures require proof or monitoring of some of the basic requirements that qualify the tasting room to operate in the R1-A zone in the first place. (Staff Report, pp. 20-23.) Where is the proof or monitoring that the applicant operates a winery in Amador County? Where is the monitoring to determine that half the wine sold at the tasting room is produced by that Amador County winery? Where is the proof or regular monitoring to determine if the tasting room is primarily promoting the sale of Amador County wine, rather than primarily running a non-conforming commercial event center in an R1-A Single-family Residential Agriculture zone district?

Neither the mitigation measures nor the conditions of approval require the monitoring County agencies to report the monitoring results to the Planning Commission at all, or at any time interval. We respectfully request that the Planning Commission add a provision requiring the County monitoring agencies to annually report the results of their monitoring to the Planning Commission. (Another option used in the Kirkwood Specific Plan Area is the hiring of monitoring consultants who report monitoring results daily on a public website.) If the Planning Commission does not know what is broken, you can't fix it.

On MND page 17, the report states "The property is not changing size as part of this project nor will the site experience any significant change in the nature of development." This statement is inaccurate, misleading, and not supported by substantial evidence in the record. The site is being converted from a single-family residence of 3,000 square feet to a sprawling commercial event center serving hundreds of people per day. That is a dramatic change in the nature and intensity of development. Please correct the MND.

On MND page 24, the report says the project will not significantly waste energy or conflict with energy efficiency plans. The MND provides no threshold of significance and no data analysis to support this conclusion. The proposed project is dependent on hundreds of tourists daily traveling long distances by personal vehicles to use the facility. How is this not a significant waste of energy? Neither the County nor the private sector has made an effort to provide regular public transit to the wineries and tasting rooms in the Shenandoah Valley, as has been done in other communities with similar attractions in California. In addition, the reduction of Vehicle Miles Traveled (VMT) is the energy efficiency cornerstone of the states GHG reduction plan. A project dependent on hundreds of tourists a day is contrary to the objectives of the state GHG reduction plan. Please reconsider the conclusion in the MND and consider mitigation measures.

On MND page 27, the report concludes that the project would not result in significant levels of GHG emissions or conflict with the state's GHG reduction plan. It provides no calculation of emissions and no explanation of the threshold for determining significance to supports this conclusion. The proposed project is dependent on hundreds of tourists daily traveling long distances by personal vehicles to use the facility. It is the **reduction** of Vehicle Miles Traveled (VMT) that is the cornerstone of the states GHG reduction plan. A project dependent on hundreds of tourists a day is contrary to the objectives of the state GHG reduction plan. Please reconsider the conclusion in the MND, and consider mitigation measures.

On MND page 31 the report concludes that the groundwater use by the project poses an insignificant impact. There is no calculation of the quantity of groundwater to be used, and no threshold of significance reported to support this claim. As noted in the 2016 General Plan, groundwater quantity is uncertain in the region. There is no data provided to confirm that there were no well water problems in the area during the recent drought, based upon existing water use in the area. In fact, we recall that new or deeper wells were needed during the drought. Additional visitor-intensive commercial uses would only worsen the situation in this agricultural area. Please provide some supporting evidence or reconsider the report's conclusion.

On MND page 32 the report concludes that the project does not conflict with the 2016 General Plan. See Attachment 2 for a list of general plan policies with which the proposed project may conflict. Please reconsider the conclusion in this report.

On MND page 34 the report concludes that noise and vibration impacts would be less than significant after mitigation. No data is provided to demonstrate that these mitigation measures have been monitored and proven successful over the last decade of this tasting room and event center program. Such monitoring is required by CEQA. No explanation has been provided regarding the availability of trained staff to enforce the vibration limits, and no explanation has been provided to demonstrate how noise from events with hundreds of visitors and amplified sound will be monitored and enforced on weekends. Paper conditions don't mitigate impacts, people on the ground do. Please provide the substantial evidence to support the conclusions in the report, or reconsider those conclusions.

On page MND 37 the report states that the distance from the Sutter Creek Fire Station on Hanford Street to the project site is 2 miles. Actually, Mapsonline calculates that distance at 11

miles and the driving time at 17 minutes. Is there a fire station at Plymouth or River Pines that is closer? The report also incorrectly concludes that the distance from the Sutter Creek Police station to the project site is 2 miles. The Amador County Sheriff's Office is responsible for law enforcement in the area, and there is no sheriff's substation in the northern part of Amador County. Please correct the misleading information in the MND and provide facts regarding local emergency response times for fires, medical aid calls, and vehicle accidents.

On page MND 39 the report concludes that the proposed project would have no significant impact on traffic. The report makes no effort to calculate the additional trips or to identify a threshold of significance. A project receiving 350 visitor per day, 10 employees, and regular deliveries could conservatively generate 675 vehicle trips per day. The average daily trips reported on Shenandoah Road in the 2018 Systemic Safety Analysis Report (SSAR) are between 2,600 and 3,200. (Attachment 1, Exhibit B. 2018 SSAR, pp. 83-84.) Thus, the project traffic represents an increase of between 21% and 26%. The collision rate on Shenandoah Road already exceeds the statewide average for similar rural roads. The over 41 accidents in the 5-year SSAR study period caused over \$8 million in personal injury and property damages. Adding 20% more traffic to an already dangerous road appears to be a substantial contribution to an existing significant impact. Please provide substantial evidence to support the claim in the MND, or reconsider the conclusion. Please complete a traffic impact study for the project to quantify its impacts.

On MND page 44 the report concludes that the wildfire impact is insignificant merely because the project does not impair an adopted evacuation plan. Amador County does not have a countywide evacuation plan with which a project could conflict. The potentially significant impact is the project interfering with an actual evacuation. This is a serious issue. Evacuation of Pine Grove on day 3 of the Butte Fire in 2015 caused gridlock despite the availability of multiple roads and a state highway, and the fact that many people had already evacuated voluntarily. The recent Camp and Tubbs Fires have demonstrated that rapid evacuation is essential to save lives. Please provide some data to substantiate the conclusion in the MND or change it.

On MND page 45 the report concludes that the project's impacts are not cumulatively considerable in connection with similar past, present and foreseeable projects. As we note above, the MND's conclusions regarding the insignificance of project-related impacts to energy, GHG emission, groundwater supply, land use planning, noise and vibrations, traffic and emergency evacuation are not supported by substantial evidence in the record. Thus these impacts need to also be considered cumulatively with those of other tasting rooms and event centers in the Shenandoah Valley or similar impacts countywide.

On MND page 48, the report tries to dismiss cumulative impacts by noting that the 2016 General Plan includes mitigation measures to reduce impacts to air quality (from ozone precursor emission) and GHG emissions. This is misleading. The 2016 General Plan EIR and the accompanying Findings of Fact found that those cumulative impacts were significant and unavoidable. (2016 General Plan Findings of Fact, pp. 44, 52.) Thus, this project is contributing to those significant cumulative impacts. Also, the MND does not indicate that the County has

met its GHG reduction goal by the 2020 target date. GHG mitigation does not happen on paper, it happens in the air.

On page 48, the MND also claims that the future Sustainable Groundwater Management Plan for the Cosumnes Basin addresses all future cumulative impacts to groundwater. Those plans are not required to restore equilibrium to the basin for twenty years after their approval. The “short-term” cumulative impacts prior to that, given the ongoing precipitation decline, may still be significant. Just ask anybody with a well who lived through the recent four-year drought.

On page 49, the MND acknowledges that development under the 2016 General Plan will result in cumulatively significant noise impacts, but concludes that the proposed projects contribution to those impacts is not substantial, because of the project-related mitigation measures. As noted above, the County has produced no evidence that those measures have been monitored over the last decade of the tasting room and event center permit program, and no evidence that the measures have been effective, especially at major weekend events. Major weekend events are foreseeable such as The Big Crush, Behind the Cellar Door, and the Barbera Festival. Please produce the evidence or reconsider your conclusions.

On page 49, the MND argues that the project’s traffic impacts do not reach the 2016 General Plan EIR thresholds of significance, so the cumulative impacts are insignificant. The 2016 General Plan EIR was a program-level EIR for development of the entire County over the next two decades, so the impact thresholds would not apply to a project-level EIR on a tasting room. Furthermore, the 2016 General Plan EIR acknowledged that the cumulative traffic impacts from development would be significant and unavoidable. (2016 General Plan Findings of Fact, p. 80.) So the relevant question is are the impacts of this project a substantial contribution to the cumulatively considerable traffic impacts either Countywide or in the project vicinity. As noted above, the project impacts on traffic on Shenandoah Road are potentially significant. This is the case because of the cumulative impacts of past projects that create the current traffic baseline and contribute to unsafe driving conditions. Some of those past projects include the 24 other tasting rooms with event centers in the Shenandoah Valley. (MND, pp. 50-54.) Please reconsider the report’s conclusions regarding cumulative traffic impacts.

This MND ignores the available relevant evidence and erroneously concludes that the proposed project does not have any potentially significant project-related or cumulative impacts. That is a disservice to the people of Amador County, who deserve real efforts to identify and fix real problems that could affect their everyday lives, health, and safety.