



---

## July 20, 2023 Land Use Committee meeting

---

Robin Peters <rpeters@deltaengineeringinc.com>  
To: Amador County Planning Department <planning@amadorgov.org>

Wed, Jul 19, 2023 at 4:11 PM

Supervisors Axe and Forster –

I hope to be at the LUC meeting tomorrow (but may not), and I wanted to submit a comment to you in advance so you had some time to think about it.

As I look at the newest proposed criteria included in the July 20 packet and think about the day-to-day implementation of the criteria, it seems apparent that the term “setback” isn’t defined well enough to be meaningful. This was touched on briefly at the last meeting (in a question posed by Mr. Enright), but the topic didn’t receive the discussion it warrants considering that major categories of by-right uses would be directly related to setbacks.

Consider that the same tasting room (7 days/week 10-6) would be allowed in all three scenarios, including the scenario where no setback can be met and the facility is on a minor roadway. This means that the tasting room itself is not considered to be the generator of impacts of concern, since it is allowed – essentially – anywhere and is *de facto* not subject to setbacks. This tells me that the setbacks – 200’ or 400’ – must be intended to apply to other activities, presumably those which generate impacts of concern, and not to the tasting room building itself nor the activities normally associated with it. This is an important distinction that needs to be fleshed out now, or your planning and code enforcement departments will never be able to fairly and equitably implement the new ordinance.

Since setbacks appear to be the chosen solution to impact mitigation (I don’t agree, but that appears to be where we are), it would appear that setbacks should only apply to impact-generating activities. This means (by way of example) that a tasting room could operate 30 feet from the property boundary of a large parcel, but as long as the wedding itself is located at least 400 feet from the boundary and the facility is on a major road, then the wedding could have up to 400 attendees and the overall facility would be in compliance. The setback is therefore applied to the impact-generating activity, and not to the tasting room building.

I would urge the committee to spend whatever time is necessary to craft unambiguous language clarifying how and to what setbacks are intended to apply. If this isn’t done at the committee level, staff will have to guess at the intent and may not get it quite right or worse, the adopted ordinance will require interpretation right out of the gate.

Thanks for your consideration.

R

**Robin D. Peters, P.E.**

**Principal Engineer**

**Delta Engineering, Inc.**

[41 Main Street](#)

[Jackson, CA 95642](#)

[\(209\) 223-1441](#)

[rpeters@deltaengineeringinc.com](mailto:rpeters@deltaengineeringinc.com)