



MEMORANDUM

Augusts 24, 2023

To: Amador County Land Use Committee

From: Robin D. Peters, P.E.
Delta Engineering, Inc.

Re: Winery & wine tasting use regulations

Thank you for the opportunity to comment on draft changes to the A, AG and R1-A zoning district regulations as they relate to winery and wine tasting uses.

Please consider the following comments at today's Land Use Committee meeting:

A, Agricultural district regulations (these comments also apply to the AG regulations)

19.24.040(B) – Wineries Established After (adoption date)

It's important to recognize that wineries *per se* are not the focus of impact-generating activities. This has been discussed at the LUC in the past and I believe there was general agreement on this point. Proposed changes to this section however, establish land use restrictions based on "**Wineries that meet the minimum setback of ...**". Wineries are not always physically associated with a wine tasting facility, so tying land use restrictions to the physical location of the winery is not appropriate. Please be very careful to tie land use restrictions to the impact-generating facility or activity of concern to the LUC, and not to the winery itself. This comment applies in three places in this section and again in the AG regulations.

19.24.040(B)

Unlike Section A of this chapter, new Section B is missing an introductory paragraph which explains what (B)(iv) through (xi) are all about. These items are orphaned absent verbiage to explain why they're there and what they apply to.

19.24.040(C)

As a zoning practitioner who uses and applies municipal code definitions daily, I strongly recommend more concise language for many of the definitions in this section. Examples include:

- Small weddings – what does small mean in this context?
- Major road and minor road – both of these definitions are vague and are subject to immediate interpretation. The terms “higher volume of traffic”, “higher speeds”, “relatively straight”, “a number of”, “significant number of curves”, “fewer homes”, “many existing wineries”, etc. may be suitable as talking points, but have no real meaning and cannot be used as the basis for fairly-applied land use regulation.

The Land Use Committee articulated early in this process that one of its goals was to modify land use regulations associated with wine tasting facilities so as to establish predictability – to give a prospective wine tasting business a clear picture of what this county expects of such facilities and where it expects them to be situated. Definitions that cannot be interpreted – that mean one and only one thing – is the only way to establish such certainty and predictability.

In a broader sense, I continue to argue that setbacks are not the best way to mitigate potential impacts and I urge the Committee to consider other options. Further, the use of major and minor roadway designations as a fundamental component of tiered regulations, particularly when such roadway classifications are poorly defined, is fraught with peril, has the potential to have effects opposite those intended, and is not advised.

Thank you for your time and attention.

Robin