

**CONDITIONS OF APPROVAL**  
**&**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**FOR USE PERMIT: UP-19;12-1 La Mesa Tasting Room in R1A, 2021 AMENDMENT**

**APPLICANT:** La Mesa Vineyards LLC (Representative, Côme Lagüe) **PHONE:** (650) 218-5207

**ADDRESS:** 13200 Shenandoah Rd., Plymouth, CA 95669

**PROJECT LOCATION:** 13200 Shenandoah Rd., Plymouth, CA 95669 (APN: 014-140-054)

**PROJECT DESCRIPTION:** REVISED request for an Amended Use Permit (UP-19;12-1) for La Mesa Vineyards. The request seeks to increase the limits on days of operation and special events. The project is currently limited to being open to the public four days per week, and a maximum of 6 special events per year with a maximum of 100 attendees, and live and/or amplified music until 5:00 p.m. The request seeks to expand those uses to:

- 1) Unlimited open-to-the-public hours (flexible hours of operation);
- 2) Participation in 6 special events which coincide with the Amador Vintners Association events;
- 3) 24 events annually with up to 125 attendees;
- 4) 12 additional events annually with up to 250 attendees; and
- 5) Amplified music until 10:00 p.m.

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**PLANNING COMMISSION APPROVAL DATE:**

**NOTICE OF DETERMINATION DATE:**

**IMPORTANT NOTES: See file for original Use Permit: UP-19;12-1 La Mesa Tasting Room in R1A**

NOTE A: It is suggested the project applicant contact the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing these requirements. Improvement work shall not begin prior to the review and submission of the plans and the issuance of any applicable permits by the responsible County Department(s). The Inspector must have a minimum of 48 hours' notice prior to the start of any construction.

NOTE B: Information concerning this project can be obtained through the Amador County Planning Department, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

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**CONDITIONS OF APPROVAL**

1. ***FISH AND GAME FEES: No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Game Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Game. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.***
2. Applicant shall submit signed conditions to the Planning Department. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
3. This Use Permit is granted subject for the use(s) described (see attached application) on the condition that the project shall not, in the establishment, maintenance, or operation of the proposed use(s), be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the

neighborhood of such proposed use(s) or be detrimental or injurious to property and improvements in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the County. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

4. The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
5. Encroachments: Applicant must maintain a commercial driveway for the encroachment onto the property from Shenandoah Road. The permittee shall provide a copy of a valid encroachment permit for any and all access points onto any county right-of-way. The permittee shall not cause vehicle queuing onto Shenandoah Road. If traffic begins to queue near the intersection of the main entrance of the property from Shenandoah Rd., the Permittee shall deploy even staff to handle traffic as necessary to prevent queuing onto Shenandoah Rd. ~~The proposed amendments to the Use Permit UP-19;12-1 La Mesa Vineyards will change the use of the facility to an Event Destination, Amador County Department of Transportation and Public Works should be consistent with its encroachment requirements and request modification to the existing encroachment off of Shenandoah Road to conform to Public Works Standard Plan PW-6, Commercial Driveway with Acceleration/Deceleration Control.~~ THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.
- ~~6. Hours of Operation: The Tasting Room shall abide by the proposed business hours listed in the Use Permit application: Friday Monday from 11:00 a.m. to 5:00 p.m. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.~~
6. Occupancy: The number of indoor guests at any one time shall be limited by the occupancy limit of the Tasting Room. Event guests will not exceed maximum occupancy of the building or outside grounds and events shall abide by the proposed conditions in the Use Permit application: ~~up to 6 events per year with up to 100 guests~~) 6 special events which coincide with the Amador Vintners Association events, 24 events annually with up to 125 attendees, and 12 additional events annually with up to 250 attendees. THE BUILDING DEPARTMENT AND PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
7. Alcohol License: The Property Owner shall maintain current licenses and certifications by the US Treasury's Alcohol and Tobacco Tax and Trade Bureau (TTB) and California Alcohol and Beverage Control (ABC) for operation of the tasting room. Use of the Tasting Room will not resume until all required licenses and certifications are obtained and active. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
8. Food Service: Food sales and service must comply with the requirements of the California Retail Food Code and the limitations of the terms of the Use Permit and zoning designation of the property. ~~Food service for on-site consumption during events authorized by the Use Permit and zoning must be catered by a permitted individual or business independent of this Tasting Room. Other than events, food items for on-site consumption shall be limited to wine, prepackaged non-potentially hazardous beverages, and crackers, or prepackaged foods stored and served from an approved refrigerated cold storage, certified through the Environmental Health Department. Other than events, food items for on-site consumption shall be limited to wine, prepackaged non-potentially hazardous beverages, and crackers.~~ THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
9. Building Permits: The permittee shall acquire all necessary building permits for all facilities and any other related equipment. Construction and location shall consistent with any construction and location on submitted plans and as stated in the approved project description. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION IN CONJUNCTION WITH THE BUILDING DEPARTMENT.

10. Grading Permit: Site development shall include grading plans submitted to the Building Department for any earthmoving greater than 50 cubic yards possibly including the implementation of erosion control plans, and best management practices (BMPs) that prevent the discharge of sediment into nearby drainage channels and properties. Any grading will comply with Chapter 15.30 of the California Fire and Safety Code regarding road widths, turnarounds, turnouts, gates, and other applicable state and county codes regarding commercial occupancy. THE BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
11. Air Quality Best Management Practices (BMPs): Permittee shall meet requirements that may be deemed necessary by the Air District based upon site conditions and operations. The project shall require that idling times for delivery vehicles be limited to a maximum of 5 minutes to reduce operational emissions of criteria pollutants per General Plan Mitigation Measure 4.3-2a. THE AMADOR AIR DISTRICT SHALL MONITOR THIS REQUIREMENT.
12. Water Supply: For the life of the use permit, the applicant must remain in compliance with the Domestic Water Supply Permit issued by the Water Resources Control Board Division of Drinking Water. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
13. Waste Disposal: The applicant must ensure that the solid waste disposal service is sufficient to serve the intended use, to remain in compliance with County Code Section 7.24 regarding Solid Waste. THE WASTE MANAGEMENT DEPARTMENT SHALL MONITOR THIS CONDITION.
14. Special Status Species: In the event that any of the endangered, threatened, or special-status plant or animal species identified in the CEQA Initial Study for this project are discovered in the project area, all construction and ground-disturbing activity will be halted immediately. The property owner will then contact the US Department of Fish and Wildlife and Amador County Planning Department to establish additional mitigations according to industry-standard best management practices (BMPs) to mitigate for impacts to these species. These may include, but are not limited to, biological assessment studies, ground disturbance/pre-construction surveys for active nest-sites for migratory birds, conservation plans for affected species, and other various mitigation measures addressed on a case-by-case basis.

#### **MITIGATION MONITORING AND REPORTING PROGRAM**

15. Lighting (AES-1): Any lighting installations must be compliant with County regulations, and be conditioned to incorporate measures to reduce light and reflectance pursuant to Amador County General Plan Mitigation Measure 4.1-4. This includes measures to reduce light and reflectance including limitation of all installed lighting with this project to full-cutoff, fully-shielded fixtures directed downwards with color correlative temperature (CCT) less than or equal to 3000K. Motion sensors and automatic shutoffs shall be used to limit all lighting fixtures in use after facility is closed to the public or after 10:00 p.m., whichever is earlier. THE PLANNING DEPARTMENT AND BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
16. Historic and Cultural Resources (CULTR-1) (CULTR-2): In the event the permittee encounters any historic, archaeological, paleontological, or tribal resource (such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone) during any construction undertaken to comply with these Use Permit conditions, permittee shall stop work immediately within a 100 ft. radius of the find and retain the services of a qualified professional for the purpose of recording, protecting, or curating the discovery as appropriate. The qualified professional shall be required to submit to the Planning Department a written report concerning the importance of the resource and the need to preserve the resource or otherwise reduce impacts of the project. The permittee shall notify the Amador County Planning Department of the find and provide proof to the Planning Department that any/all recommendations and requirements of the qualified professional have been complied with. Additionally in the case that human remains are discovered on site, the following steps must be taken in accordance with Amador County FEIR

Mitigation Measure 4.5-15 Cultural Resources, per Section 7050.5 of the California Health and Safety Code., The Amador County coroner shall, within two working days:

- i. Determine if an investigation of cause of death is required;
- ii. Determine if the remains are most likely that of Native American origin, and if so suspected:, the coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours of making his or her determination.
- iii. The descendants of the deceased Native Americans shall make a recommendation to the operator/ permittee for the means of handling the remains and any associated grave goods as provided in Public Resources Code (PRC) Section 5097.98.
- iv. The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.
- v. The descendants may, with the permission of the landowner or their representative, inspect the site of the discovered Native American remains and may recommend possible treatment or disposition within 24 hours of their notification.
- vi. Whenever the NAHC is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

17. Sewage Disposal (GEO-1): Prior to activation of the revised use permit, retain the services of a qualified professional (a registered professional engineer, registered environmental health specialist, or licensed engineering geologist experienced in on-site sewage disposal system design) to review the existing on-site wastewater treatment system that is to serve the project. This qualified professional shall evaluate existing and proposed wastewater flows and assess the current condition of the system. He or she shall then either: 1) Certify that the existing onsite wastewater treatment system may be expected to provide acceptable service for the proposed use, or 2) specify any modification, expansion, replacement or treatment that would be needed for such certification to be possible. The certification may include recommendations for provision of chemical toilets to accommodate peak events. THE AMADOR COUNTY ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
18. Hazardous Materials Upset and Release (HAZ-1): Prior to activation of the use permit, the applicant shall provide documentation to the Amador County Environmental Health Department that the site is in full compliance with the requirements of the Unified Program regarding hazardous materials business plan requirements, hazardous waste generation, treatment or storage, aboveground petroleum storage, and underground tanks. If a hazardous materials business plan is required, the emergency response portion shall include a plan for the evacuation of visitors in the event of a hazardous materials incident. The applicant shall substantially comply with all requirements of the Unified Program throughout the life of the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
19. Noise (construction) (NOI-1): Per GPMM 4.11, all construction equipment shall be properly maintained per manufacturers' specifications and fitted with the best available noise suppression devices (e.g., mufflers, silencers, wraps); all impact tools will be shrouded or shielded; and all intake and exhaust ports on power equipment will be muffled or shielded. All equipment employed during the project shall maintain appropriate

setback distances from residences to reduce vibration levels below the recommended FTA and Caltrans guidelines of 80 VdB and 0.2 in/sec PPV, respectively when located within 500 feet and 300 feet of impact pile drivers, and within 70 feet and 45 feet of large bulldozers (and other heavy-duty construction equipment). Noise levels generated by the project shall not exceed 65 decibels at the nearest property line. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

20. Noise (amplified music) (NOI-2): Consistent with County Code Section 19.24.045(D)(4b) and 19.24.040(A)(27e)(viii), any indoor or outdoor amplified music will be shut off at or before 10:00 p.m. ~~and also be limited to the hours of operation specified in the Use Permit.~~ The applicant and all uses under the Use Permit must comply with County Code Section 9.44.010 Public Nuisance Noise and the Amador County General Plan Noise Element. Consistent with Table N-3 under the Amador County General Plan, exterior noise levels shall not exceed 60 dB at the property line. For the sake of measuring compliance under County Code Section 9.44.010, uses must be consistent with that of a residential use ordinance as determined by the R1A Zoning designation of the property. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
21. Fire Protection Services (PUB-1): To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640 (County Code 17.14.020)4, the developer shall participate in the annexation to the County's Community Facilities District No. 2006-1 (Fire Protection Services), including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County's secured property tax roll, and payment of the County's cost in conducting the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS MITIGATION.
22. Access (TRA-1): The project applicant/permittee shall comply with Chapter 15.30 Fire and Life Safety Ordinance. This includes ensuring that no vehicles shall park on or along the driveway to the tasting room or otherwise impair access of traffic or emergency vehicles. THE BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
23. Parking: The applicant shall ensure that no traffic associated with the tasting room or its operation shall park along Shenandoah Road. THE TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.
24. Overflow Parking: The applicant shall provide a minimum of ~~20~~ 51 overflow parking spaces in addition to ~~the proposed 20~~ 32 permanent parking spaces. The permanent parking spaces shall have an all-weather, non-combustible surface. The area(s) utilized for overflow parking shall be maintained to mitigate for fire risk and dust through industry-standard best-management fire-safe and dust reduction practices, which may include, but are not limited to: mowing, watering dirt, applying gravel, paving, removing and clearing away all flammable vegetation and other combustible growth pursuant to Public Resources Code Section 4291(a), and other forms of maintenance. Single specimens of trees or other vegetation may be retained, provided they are well spaced, well pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure. THE PLANNING DEPARTMENT AND BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
25. Conditional Use Permit Activities Monitoring and Reporting (CUM-1): Permittee shall, for as long as this Conditional Use Permit is active, monitor its conditionally permitting uses and report said monitoring results to the Planning Department. Specifically, by the 30th day of January following each calendar year during which conditionally permitted uses were undertaken, provide to the Planning Department a report containing the following information:
  - a. The number of and type of events conducted during the calendar year, and the date each event was conducted;
  - b. The number of guests attending each event;
  - c. Vehicular parking and traffic flow conditions observed during each event (i.e. adequacy of parking

- conditions, and how any parking problems were addressed);
- d. Amplified sound conditions for each event (i.e. when amplified sound began, whether it was indoors or outdoors, when amplified sound was terminated and/or moved indoors, etc.);
- e. Days and hours of operation;
- f. A log of complaints received about permitted activities, if any; and
- g. A letter certifying that to the best of the permittee’s knowledge and belief, all activities permitted by the Conditional Use Permit were undertaken in conformance with the Conditions of Approval.

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 Chairperson  
 Amador County Planning Commission

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 Date

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 Applicant

\_\_\_\_\_  
 Date

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| (1) Applicant                                  | (6) Waste Management Department        |
| (2) Amador Air District                        | (7) Amador Fire Protection District    |
| (3) Building Department                        | (8) CA Department of Fish and Wildlife |
| (4) Environmental Health Department            | (9) Planning Department                |
| (5) Transportation and Public Works Department |  |