

To	Eldorado County Planning Commision
Cc	
Bcc	& Person
Subject	Black Oak Winery - Proposed CUP22-0013 for 165 Special Events

July 22, 2025 By Linnea Marengo

El Dorado County would be remiss in approving the application for a conditional use permit for Black Oak winery to host 165 special events per year, many events with 150 persons and outdoor amplified sound. This proposed project would lead to a substantial increase in activity on the property and the local community environment. The project applicant is requesting an "expansion of allowed special events from a potential 12 to 165 per year." To go from 12 to 165 special events is nearly a 1,000 percent increase.

Two outdoor use/ceremony sites are currently utilized with events primarily occurring Thursday through Sunday, thus mainly weekends when people are home. According to the applicant, of the 165 proposed events, 159 would need to be located within the winery/venue structure (doors and windows open or shut? - still would be noisy) or would require the use of headphones (i.e.silent disco - do people really comply?); it is questionable whether any of this would this really work. The Noise Assessment did not analyze amplified sound at either of the ceremony sites (page 4, Staff Report July 24, 2025).

The property is zoned Planned Ag 20 which is designed to allow only rural residential and agriculture, not special events, in a rural area. This means the property zoned as Planned Ag 20—Acres is in no way intended to operate as a special events center (hosting 165 special events/year or anywhere near that number and amplified sound). A conditional use permit to allow up to 165 special events per year would have a significant effect on the surrounding environment.

The property is zoned Planned Agriculture 20 and people move into this area for a reason. The property exists in a rural residential area which allows rural residential properties and agriculture. Individuals and their families do not move here to be near frequent and regular large special events and amplified sound.

The County would be remiss to approve this CUP application for 165 special events and would not be doing their duty to protect the rural residential environment if approved. Who wants to live next door to a property hosting a disc jockey up until 10pm at night time when trying to sleep?

If even considered, at a minimum, a CEQA Study would need to be conducted. This project should not even be considered until/unless the property meets the requirements of the ranch marketing and winery ordinances.

The Ranch Marketing Ordinance (130.40.260) should be enforced by the County. Chapter 17 in Specific Use Regulations Title 130.40.260 - Article 4 clearly states:

"3. Agricultural production is the primary use or function of the property."

Chapter 17 Page 57 Article 4 of the Ranch Marketing section regarding special events uses goes on to read:

The use is secondary and subordinate to the agriculture use.

The use does not detract from or diminish the on-site agricultural uses.

There is no adverse effect on agricultural production on surrounding properties.

Black Oak winery fails on each of the above conditions and does not and should not qualify as a special events center. The issue is not only noise. There are other important factors to consider including fire risk and lack of privacy for neighbors and community.

What is meant by special event? What exactly is the definition of special events to be held and where would they be held? Would this be an activity on a property which generates many people running around unsupervised on a very large property with potentially unsafe circumstances such as rattle snakes or getting lost or attacked by a wild animal? The conditions of the environment must be considered.

What special events are held and where? The property is nearly 150 acres and shares a fenceline with another property of basically the same size.

Who gains from a special event center at Black Oak winery? The owner, not the neighbors nor the community. As the Agricultural Commission stated at their hearing on the proposed CUP last December, "increasing the number of events in the amount requested, has the potential to increase conflicts between adjacent residential and agricultural activities." There is no question but that conflicts would occur which would pit neighbor against neighbor.

Not only are excessive special events troublesome to human neighbors, they are just as upsetting to local agricultural animals, such as cattle, and wildlife.

Would you and your family want to live next door or near to a large, lively, frequently held special events center? This proposed event center has no place in this community and should not be approved.

Commercial special events have the strong potential for lowering property values. Who wants to live next to 165 special events, let alone buy that property knowing of the negative consequence next door. The property is located in a rural residential, not commercial, community.

Bringing more traffic onto Highway 193 can have negative consequences to the community. Accidents on Highway 193, including deaths, have happened right in that area near Black Oak. The exit/entrance is located on a curved road on 193 which makes visibility more difficult and potentially dangerous.

I ask: who benefits from 165 special events at Black Oak? Not the community, not the neighbors, just the single property owner who increases their personal income at the painful expense of the community residents and their property values. The winery/ranch marketing ordinances should be upheld and enforced by the County as written.

How will the County guarantee the project shall adequately 'self-monitor sound system levels? How will El Dorado County Code Enforcement actually successfully ensure such levels are in compliance with Zoning Ordinance Section 130.37.060.1? (Pg 3 Staff Report, Conditions of Approval, July 24.)

Would you like to live next door to a property hosting up to 165 special events per year, many with outdoor amplified sound and up to 150 people at a time? "There has been no formal public outreach conducted (staff report page 5, July 24, 2025)" And "no CEQA Initial Study was prepared analyzing the potential impacts." on the project site because "the applicant takes the position that the proposed project will not result in an increase in activity on the parcel." Page 5 Staff report, July 24, 2025.

What if there is a result caused by an increase in activity to the environment near the parcel? How are the neighbors going to be protected and compensated against any effect on their properties caused to them? Is this proposed conditional use permit as requested incompatible with neighboring land uses, particularly residential but also agricultural? Can County staff, including code enforcement, adequately protect neighbors and the community? At what expense to the County?

Sincerely, Linnea Marengo
Cool, CA

From: Curtis Van Winkle <maintenance@blackoak.cool>
Sent: Tuesday, July 22, 2025 7:27 AM
To: Planning Department
Subject: Planning Commission Hearing 7/24/25, File # 25-1239, Public Comment
Attachments: D - Public Comment Black Oak (2).pdf; BOMV CUP Support.pdf; F - Pubic Comment Black Oak (2).pdf; Black_Oak_Mountain_Vineyardsmg.msg_2_.pdf; FW__Support_for_Black_Oak_Mountain_Vineyards_msg.msg.pdf; FW__Black_Oak_Mountain_Vineyardsmg.msg_2_.pdf; FW__Black_Oak_Mountain_Vineyardsmg.msg_1_.pdf; Re__Black_Oak_Mountain_Vineyardsmg.msg_1_.pdf; Re__Black_Oak_Mountain_Vineyardsmg.msg_2_.pdf

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Good morning,

Please submit the attached files as public comment to file 25-1239.

Regards,

Curtis Van Winkle
Maintenance Superintendent



2480 State Highway 193
Cool, Ca 95614



Outlook

**Public Comment Received 12/6/24
#2
Item # 24-2141
12/11/24 Meeting**

Black Oak Mountain Vineyards

From Lorraine Bettencourt <hardwarejane@gmail.com>

Date Fri 12/6/2024 4:00 PM

To AG-ELDC AG <ELDCAG@edcgov.us>

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Dear County,

I was just made aware that there have been complaints about the Black Oak Mountain Vineyards, and apparently there have been a few complaints about noise? I am a little confused by this since I share a fence with this property and have lived on Brush N Rocks Lane for 9 years I have not heard anything from there but one afternoon, but even that one occasion it was very early in the day and the music was too low for me to know where it was coming from.

I don't know the people that own that property, but I am concerned because business coming to our little town is good, the florest, Holiday Market, etc. do better. The little town of Cool also profits from their business of the winery and events.

Also, being that I share a fence with them I am happy that that huge property is maintained to the dirt so I don't worry about fire risk coming from that side. A year ago I found an email and emailed the owner because I was concerned about the grass to the fence being knee-high. The very next day he had someone with a tracker out taking down all the weeds. He was very respectful and diligent in following through with my concerns.

I have asked my son if he has heard anything from Black Oak Mountain Vineyards and he said not, and was annoyed that someone would even complain about that neighbor because that business is good for Cool and we love our little town.

I hope that the committee will consider this little town as a whole and not just the Black Oak Mountain Vineyard because it is a benefit to Cool as a whole. If you have any questions regarding this please feel free to contact me at any time.

Lorraine Bettencourt - 7695 Brush N Rocks Ln, - Cool 707-771-8434

Have a Merry Christmas!



CUP22-0013-Black Oak Mountain Winery

From LM Galliano <rrmauburn@gmail.com>
Date Mon 7/21/2025 8:14 AM
To Planning Department <planning@edcgov.us>

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Dear Planning Commission,

We are writing to express support for the conditional use permit application from Black Oak Mountain Winery. Our property is near the winery venue and we support the development of local business in this area. The winery property has been maintained in a way that supports fire safety, and we believe that having the ability to operate and expand the business will ensure that the property continues to be well-maintained.

We support the right of rural landowners to use their property to earn income, helping to offset vegetation maintenance and property tax costs. This is especially critical for residents who are not long-time owners and have not benefited from generational inheritance or the prop 13 tax reduction that long-term owners are benefitting from. This business also provides much-needed job opportunities for local people on the Georgetown Divide.

Again, we support the Black Oak Mountain Winery's conditional use permit application and we wish our neighbors continued success in their business.

Morgan and Robert Galliano
3108 Mirinda Ln, Cool, CA

Black Oak Mountain Vineyards (Cool, CA)

From Bettencourt, Thomas <Thomas.Bettencourt@bmo.com>

Date Mon 12/9/2024 12:11 PM

To Myrna Tow <myrna.tow@edcgov.us>

Cc Lorraine Bettencourt <hardwarejane@gmail.com>; Thomas Bettencourt <thomasbetten@gmail.com>

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To El Dorado County,

I was informed that complaints have been submitted to the county regarding Black Oak Mountain Vineyards in Cool, CA and claimed noise. My name is Thomas Bettencourt, I am a very close neighbor to the Vineyard and share a fence with them. I live at 7695 Brush N Rocks Ln where my family has been for about a decade now.

I want to go on the record to state that when this Vineyard holds events, not only is it excellent for our local businesses such as Holiday Market and the Cool Florist, but they do not bother us one bit. From my property next door, we can hardly ever hear anything at all, and when we can its always in the afternoon and evening hours, never late at night when it might make sense to expect no noise at all.

I believe anyone who would complain about this business is doing so for other reasons, and not because they are truly disturbed by a noise nuisance. Our local community stands to benefit greatly from this vineyard holding events and they have never once been a bother to us right next door. When I heard a complaint was made, I thought to myself how ridiculous that is.

That is the purpose of this letter. To say that as a next-door neighbor to the Vineyard, we fully support them in every way including the events they hold that benefit our local community greatly.

Thank You,

Thomas Bettencourt

Sr. Retail Relationship Banker

NMLS: 1841061

BMO - Auburn Branch

13422 Lincoln Way.

Auburn, CA 95603

Thomas.Bettencourt@bmo.com

(530)401-9791 - Direct Line

(530)889-6280 - Branch Phone

(530)889-6282 – Fax



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From: Addison Barbour <addisonb0724@stu.bomusd.org>
Sent on: Tuesday, December 10, 2024 6:24:35 PM
To: BOS-District IV <bosfour@edcgov.us>; BOS-Clerk of the Board <edc.cob@edcgov.us>
Subject: Black Oak Mountain Vineyards

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Addison Barbour
7300 Mt. Oak Lane
Georgetown, CA 95634
December 10, 2024

El Dorado County Board of Supervisors
330 Fair Ln
Placerville, CA, 95667

Dear El Dorado County Board of Supervisors,

I hope this message finds you well. I am writing to express my deep concern regarding the proposed restrictions on the number of events allowed at Black Oak Mountain Vineyards. This venue has been an important part of our community, and limiting the number of events may cause the venue to have to close.

Black Oak Mountain Vineyards provides more than just space for events. It has provided several opportunities to Golden Sierra High School and members of the Divide community through hosting our events such as Go For The Gold, and our Prom three years in a row free of cost. Black Oak Mountain Vineyards has also been a major staple in the community, as it has provided jobs to many seniors who go to Golden Sierra or live in the community. By limiting the number of events at this venue, you could not only risk the future of this venue but you would also cause a ripple effect that would harm our community.

I understand the need for regulation and the county may have concerns prompting this proposal, but I urge you to consider other solutions that address these issues without restricting the number of events at Black Oak Mountain Vineyard.

Please don't let these proposed restrictions result in the closure of a beloved community venue. I, along with many others on the Georgetown Divide, strongly support Black Oak Mountain Vineyards and its continued ability to enrich our lives.

Thank you for your attention to this matter. I hope you will consider finding a balanced solution that allows Black Oak Mountain Vineyard to thrive.

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25-1239, Public Comment, ccd-07-22-25
Page 9 of 37

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From: BOS-Clerk of the Board <edc.cob@edcgov.us>

Sent on: Tuesday, December 10, 2024 7:40:11 PM

To: BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>; LeeAnne Mila <leeanne.mila@edcgov.us>

Subject: FW: Support for Black Oak Mountain Vineyards!

FYI, public comment #51, 24-1298

El Dorado County Clerk of the Board of Supervisors
330 Fairlane Building A
Placerville, CA 95667
530.621.5390

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From: Ezekiel Groesbeck <ezekielg0617@stu.bomusd.org>

Sent: Tuesday, December 10, 2024 11:38 AM

To: BOSFOUR@edc.gov.us; BOS-Clerk of the Board <edc.cob@edcgov.us>

Subject: Support for Black Oak Mountain Vineyards!

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Dear BOMV,

I was saddened to hear that you may be closing, and I wanted to reach out to express my support. Your winery has become a beloved part of the community, offering not just great wines but a special place for us all to gather and enjoy.

I truly believe that the service you provide is a local treasure, and I, along with many others, would be devastated to see your doors close. Please know that we're here for you and will continue to support your business.

Thank you for all you do, and I hope to see you thriving for years to come.

Warm regards,

ME

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From: BOS-Clerk of the Board <edc.cob@edcgov.us>
Sent on: Tuesday, December 10, 2024 6:27:42 PM
To: BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>; LeeAnne Mila <leeanne.mila@edcgov.us>
Subject: FW: Black Oak Mountain Vineyards

FYI, public comment #51, 24-1298.

El Dorado County Clerk of the Board of Supervisors
330 Fairlane Building A
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From: Zofia Bradford <zofiab0926@stu.bomusd.org>
Sent: Tuesday, December 10, 2024 10:09 AM
To: BOS-District IV <bosfour@edcgov.us>; BOS-Clerk of the Board <edc.cob@edcgov.us>
Subject: Black Oak Mountain Vineyards

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El Dorado County Board of Supervisors,

I, Zofia Bradford, am writing this letter as an involved member of our county and a student at Golden Sierra High School. Black Oak Mountain Vineyard has been a huge part of our local community. They have provided a free venue for prom for the past few years, allowing our entry tickets to be more affordable. This affordable ticket price has caused us to break our attendance records over the past few years. Their generous venue donation greatly benefits our events and profit, our success would not be possible without them. In addition to prom, Black Oak Mountain Vineyards donated their venue to be used for Go for the Gold. This event raises money for us to have a Sober Grad Night, just this past weekend we raised thousands of dollars at Black Oak Mountain Vineyards. This money will be used so myself and my senior class can have a safe and fun night after graduation. The vineyard also provides jobs for students. If this vote passes, the limited events will cause this venue to no longer support their community in their fullest or even cause them to shut down completely.

Zofia Bradford
Senior at Golden Sierra High School

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From: BOS-Clerk of the Board <edc.cob@edcgov.us>
Sent on: Tuesday, December 10, 2024 5:02:09 PM
To: BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>; LeeAnne Mila <leeanne.mila@edcgov.us>
Subject: FW: Black Oak Mountain Vineyards

FYI, public comment #51, 24-1298.

El Dorado County Clerk of the Board of Supervisors
330 Fairlane Building A
Placerville, CA 95667
530.621.5390

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From: Jeni Harvey <jharvey@bomusd.org>
Sent: Tuesday, December 10, 2024 8:58 AM
To: bosfour@edcgov.us; BOS-Clerk of the Board <edc.cob@edcgov.us>
Subject: Black Oak Mountain Vineyards

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Hello! I hope you receive this in time. I am writing in support of Black Oak Mountain Vineyards to remain open as many days as possible a year in our community. They are an outstanding venue which brings revenue to EDC and Placer County. They provide full time jobs as well as seasonal jobs to youth.

For the past three years, they have donated their venue to Golden Sierra Junior Senior High School for Prom and most recently this year, donated their venue for Sober Grad fundraiser.

They are supportive of the community, provide local residents full time jobs, provide youth seasonal jobs and bring in revenue for EDC and Placer County since many people stay in hotels in Auburn.

Please let them continue to operate as many days as they can!

Thank you!

[Jeni Harvey](#)

8th Grade Math Teacher

JH Activities Director/JH Yearbook Advisor

[Golden Sierra Junior Senior High School](#)

5101 Garden Valley Rd.

Garden Valley, CA 95633

(530) 333-8330

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From: BOS-District IV <bosfour@edcgov.us>
Sent on: Monday, December 9, 2024 5:27:14 PM
To: angela souza <souzaangie@yahoo.com>
Subject: Re: Black Oak Mountain Vineyards

Thank you for your input, your email has been received by Supervisor Parlin.

Shelley Wiley

Assistant to Supervisor Lori Parlin
District IV Board of Supervisors
County of El Dorado
Phone: (530) 621-6513

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From: angela souza <souzaangie@yahoo.com>
Sent: Sunday, December 8, 2024 10:46 AM
To: BOS-District IV <bosfour@edcgov.us>; BOS-Clerk of the Board <edc.cob@edcgov.us>
Subject: Black Oak Mountain Vineyards

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Dear Supervisors,

My name is Angela Souza. I live in Cool and have 2 children in the Black Oak Mine Unified School District. I love our Georgetown Divide community and am thankful to have moved here 18 years ago.

I am very thankful for Black Oak Mountain Vineyards and the role they have taken on as part of this community in the past 5 years. They embody the same sense of community that sets our Divide apart. I have been a beneficiary of their generous donations over the years. They have donated their facilities to the high school's Prom for many years. This keeps our youth local and safe! Their space is stunning and the young ones feel like movie stars. They have liberally given raffle donations and offered help multiple times.

I enjoy their philosophy and practice of nurturing the environment and their crops.

I am so grateful to Black Oak Mountain Vineyards! I wish to support them in any way I can.

Our small area has lost many small businesses this year alone. What Black Oak Mountain Vineyards offers is like nothing else we have locally and I hope that your vote will show support to them.

Thank you.

If you would like any additional information from me:
Angela Souza
530 906-4945
souzaangie@yahoo.com

From: BOS-District IV <bosfour@edcgov.us>
Sent on: Tuesday, December 10, 2024 10:14:57 PM
To: Bill Sammons <bsammons@bomusd.org>
Subject: Re: Black Oak Mountain Vineyards

Thank you for your input, your email has been received by Supervisor Parlin.

Shelley Wiley

Assistant to Supervisor Lori Parlin
District IV Board of Supervisors
County of El Dorado
Phone: (530) 621-6513

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From: Bill Sammons <bsammons@bomusd.org>
Sent: Monday, December 9, 2024 2:40 PM
To: BOS-District IV <bosfour@edcgov.us>; EDC.cob@gov.us <EDC.cob@gov.us>
Subject: Black Oak Mountain Vineyards

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Hello:

It has come to my attention that you will determine the fate of a local business, Black Oak Mountain Vineyards, at your next meeting. I would like to make you aware of the positive impact that this particular business has on the local communities. For example, Black Oak Mountain Vineyards has hosted proms and fundraisers for Golden Sierra High School free of charge. This small local business understands that a business simply does not exist just for the purpose of turning a profit, but a business exists to invest in and support its community. This support is valuable to advancing the development and opportunities available to our youth. Please consider the value of this business' value to the local communities when you determine their fate at your upcoming meeting. Thank you for your time.

--
Sincerely,

Bill Sammons

<https://sites.google.com/bomusd.org/mrsammonsparentresourcespage/home>

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in error, please notify us immediately or arrange for return of the original electronic mail transmission.

El Dorado County Planning Commissioners:

I strongly oppose approval of CUP 22-0013 and urge the Commissioners to deny it based on the following substantive concerns:

- **Review of the Agricultural Commission hearing on CUP22-0013 (12/11/24), the proceedings and their findings, their recommendations and the commission's minutes.**

In the minutes from the Ag commission meeting dated 12/11/2024, the following were the recommendations to the Planning Commission:

“The recommendations to the Planning Commission are (1) to verify that the operation meets the requirements set forth in the Winery Ordinance, as the proposed CUP is predicated upon compliance, and (2) to use the Winery Ordinance as a guide in determining appropriate CUP conditions”.

As far as I can determine, these recommendations from the Ag Commission to you, Commissioners, are not included in the staff report.

Also, at the Ag Commission Hearing in December of 2024 there was a determination by the Commission that the project “has the potential to increase conflicts between adjacent residential and agricultural activities”.

If you are able, I would encourage you to please review the AG Commission findings and view the public hearing proceedings from the 12/11/2024 meeting. The links are included in the staff report page 5.

- **On parcels operating within the Ranch Marketing and Winery Ordinances, the primary business is agricultural production.**

According to the definition of a winery in the Winery Ordinance 130.40.400, a *Winery* means an agricultural processing facility that produces wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine, that is bonded through the Alcohol, Tobacco Tax and Trade Bureau, and that has a current California Alcohol Beverage Control (ABC) Type 2 Winegrower's License.

The Winery ordinance also includes language regarding primary purpose:

E. Winery Uses. The following provisions shall apply to all wineries, accessory structures, and accessory uses:

1. General Winery Provisions.
 - a. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.

Please ask these questions to county staff and/or the applicant:

Does this parcel have a processing facility? According to the staff report, a permitted agricultural structure on the parcel was converted into an event venue in 2022.

Would agricultural production be the primary purpose on this parcel if granted a CUP for 165 facility rental type special events?

- **The staff report does not include any survey data from 2025 on the commercial crop on the parcel.**

According to the staff report, survey data from 2023 is used for a critical piece of the staff report. A parcel must qualify under the Ranch Marketing and Winery ordinances (RMWO) to conduct accessory commercial uses and in order to request a CUP for additional special events in excess of the allotted number. Specifically the Winery ordinance provides a definition of a commercial vineyard:

Commercial Vineyard means a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop.

The staff report includes that the five-acre vineyard was verified by the Agricultural Department in 2023.

Please ask county staff these questions:

Is there current (2025) GPS data or a field report that county staff can provide to the Commission?

Is there a current survey of the vineyard from this spring or summer that verified acreage, took measurements on vineyard maintenance and made a determination on yield potential of the crop?

- **County code compliance issues mentioned in the staff report comments that include information about the parcel's administrative permit revocation and the parcel's ability to conduct special events in 2025.**

In the project history section of the staff report, the planner reports that "On March 12th, 2025, AG 25-0001 was revoked, and the project site is currently not permitted to conduct special events" (Page 3).

On El Dorado County's Ranch Marketing and Winery event data log it appears that Black Oak Mountain Vineyards logged 32 special events for 2025 on this publicly available web site.

The event data include contact information date, time and event duration. [Link attached](#)

In 2025, properties under the RMWO are required to hold a yearly administrative permit to conduct facility rental type special events and are allowed to hold up to 18 events total this year.

Please ask county staff these questions:

Will county code enforcement staff and the Agricultural Commissioner provide an update on the parcel's compliance with the current Ranch Marketing and Winery Ordinance?

Is the applicant currently conducting facility rental type special events (including, but not limited to weddings) on the parcel this year?

Can an applicant apply for a CUP in El Dorado County, if they are not currently in compliance with the ordinance that they are applying to operate within?

- **Lack of “vesting” referred to in the staff report.**

It is also important for me to address the planner's assertion in the staff report that the applicant is “vested under the Zoning Ordinance in effect at the time the project was deemed complete...” (Page 3)

I respectfully disagree and ask you to consider the following.

Vested rights do not apply simply because an application has been submitted. If an applicant is aware—or reasonably should have been aware—that the county is actively considering changes to the applicable ordinance, then reliance on the current ordinance cannot be considered reasonable or in good faith. Submitting a CUP application under an ordinance that is in the process of being amended does not vest a right to proceed under the old rules. It's also important to note that under California law, a property owner does not have a vested right to proceed under an ordinance that is in the process of being changed. In *Smith v. County of Santa Barbara* (1992) 7 Cal.App.4th 770, the court held that a property owner cannot claim a vested right to develop under an existing regulation when they are aware that a zoning change is imminent. In this case, the applicant submitted their Conditional Use Permit application at a time when changes to the county ordinance were already under county staff and public discussion. In my opinion, this undermines any claim to good-faith reliance and precludes any assertion of a vested right.

Beginning in approximately 2021, county staff was holding public meetings to address updates to the Ranch Marketing and Winery Ordinances. A search of legistar yielded approximately 8 meetings with this item on the agenda, from 2021 through 6/20/2023 including the Ranch Marketing and Winery Ad Hoc Committee Town Hall meeting held on January 17, 2023.

Please consider this question as it pertains to the “vesting” assertion that I am making:

If the applicant is not vested under the prior RMWO and does not currently hold an administrative permit to hold facility rental special events as required under the current RMWO does the applicant currently qualify to bring a CUP application to expand their special events under the Winery Ordinance?

- **Zoning ordinance inconsistency.**

As explained in the Staff report on page 3, the current RMWO has a process for which operators can increase expansion of special events. This mechanism includes that an operator increases their crop cultivated acreage to increase the number of special events allotted. Here is the specific language from the Winery ordinance:

The winery owner may, in that application, request to hold an additional two special events per calendar year, up to a maximum of 24 special events per calendar year, for every additional five acres of grapes over the minimum required to meet the definition of a Commercial Vineyard that the Agricultural Commissioner verifies are planted and capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop. The Agricultural Commissioner shall verify the total acres of grapes the winery owner has planted that is capable of producing a commercial crop and report the final number of eligible special events on the approved administrative permit. A winery owner that qualifies in Subsection E.3.b.3, below, may request to hold additional special events in compliance with this paragraph.

It is clear that the intention of the RMWO is for operators to expand their agricultural production in proportion to the increase in their special events.

Again, I would argue that there is no “vesting” in this case under the previous ordinance. These ordinances have been going through a revision/update process for the past four years. For verification, please refer to the county Agricultural Commissioner.

Please ask county staff this question:

Can operators bypass the process outlined in the RMWO by filing a CUP to expand their special event operations?

For more detail on the intention of this provision, please reach out to the County Agricultural Commissioner.

- **“No outdoor amplified sound” does not equate to no noise impact for the neighboring parcels.**

It is my concern that:

1. The applicant cannot control partygoers singing or screaming along to the silent disco. The silent disco model will generate noise. Imagine 150 people singing loudly along to music that they are hearing through their headphones (sometimes on different channels controlled by the DJ). This jarring shouting into the quiet country night has the potential to create a deafening cacophony. Think about sing-a-long tracks like “Sweet Caroline”, “Shut Up and Dance”, “Mr. Brightside”, “I Will Survive” etc.

2. According to the staff report (page 4), the venue space has an occupancy of 99 persons (this would include guests, venue staff and vendor staff). If events include up to 150 people, how does the applicant plan to manage the flow of people between enclosed event spaces and outdoor event spaces?

If the event venue’s doors remain open or continually open, any amplified sound and noise from the partygoers would not be “contained”. If 159 events need to be located within the barn for amplified music, where would the “potentially” other 51 people be located when the amplified music at the event is occurring?

3. I need clarification about the inclusion of live bands, acoustic music or instruments. Is there a provision in this application that ensures that **any** outdoor sound (amplified or not) will be limited to 6 events a year?

For clarification purposes, is the applicant asserting that **any** outdoor sound (amplified or not) will be limited to 6 events?

4. The applicant has stated that “BOMV monitors and documents decibel levels for all events with outdoor amplified music every 30 minutes...”.

To ensure compliance with the noise ordinance, decibel level monitoring should record Leq dB(A) levels every 15 minutes (or real-time) and must be monitored at **every** event, regardless of amplification.

In addition, because the noise source is event music and human voices, the noise standard shown in Table 6-2 of El Dorado County General Plan Noise Element are reduced a further 5 db pursuant to the first footnote of the table. This should be reflected in the staff report.

5. Finally, there is California case law that concludes that compliance with local noise standards alone does not replace a CEQA analysis and that lead agencies must rely on substantial evidence, not ordinance limits alone, to evaluate noise impacts. A project can be within local noise limits and still have a CEQA-significant environmental impact.

Please ask county staff these questions:

Does county planning staff have substantial evidence showing noise increases generated by the special events are not significant?

Has any decibel level monitoring data collected by the applicant been reviewed by county code enforcement staff for compliance with the El Dorado County noise standards?

How will county code enforcement staff enforce compliance with the noise standards?

Does county code enforcement staff have the capacity and resources to be available for 165 special events?

- **Ever-changing event capacity (the number of guests, applicant's staff and vendor staff) poses an enforcement challenge.**

Ensuring a limit on the number of guests and applicant staff/vendor staff attending an event is unenforceable. This appears to be a significant part of this CUP application.

To put this into the county's historical perspective, provisions that designated a limit on the number of attendees at special events were removed from the previous RMWO in the 2023 updates because they were problematic and unenforceable.

Please ask the Ag Commissioner and code enforcement staff for relevant details on updates to the RMWO.

Please ask county staff this question:

How will county planning and code enforcement staff determine, manage and enforce the limits on attendees at a prescribed number of the proposed 165 events?

- **This project has the potential to create significant environmental impacts and would require environmental review.**

In addition, it is my opinion that the categorical exemptions cited by the applicant's attorneys, Exhibit K to the staff report, — specifically Class 1 and Class 23—are not applicable, both on their own merits and due to the presence of “unusual circumstances”. Under CEQA, establishing an accurate baseline is critical in determining whether a project may have a significant environmental impact. The baseline should be limited to facility rental type of special events. Therefore, to accurately determine whether this 1,200% increase in special events will create a significant environmental impact the baseline considered should only be measured against what is currently permitted by the RMWO, which for these types of events is currently 18 special events annually in 2025 and in 2026, 12 special events annually. A 1,200% increase in facility rental special events obviously represents a substantial increase, and therefore cannot be dismissed as part of the existing conditions. There are significant differences between marketing events designed to support agricultural business and facility rental special events that are the subject of this CUP. This dramatic increase alone constitutes “unusual circumstances” that invalidates the use of these exemptions and warrants a more thorough environmental review. I would also like to

mention that this CUP has changed from its first filing in 2022, from a request for **100** special events (2022) to **150** special events (2024) to **165** special events (2025). I would argue that this ever increasing change can be added to the "unusual circumstances" argument.

Furthermore, if county staff has evidence that there are pending code enforcement cases and/or evidence of current compliance issues on the subject parcel, this could also constitute "unusual circumstances".

Also, please keep in mind that this subject parcel is located in the Important Biological Corridor (IBC) overlay. This identifies land as having high wildlife habitat values. (See the El Dorado County General Plan Conservation and Open Space Element). Applicants for discretionary projects shall be required to provide to the County a biological resources technical report (Policy 7.4.2.9).

Please ask county staff to address this question:

Have there been updated reports vetted, filed or approved with all agencies on the TAC that reflect this significant change in the number of events from 100 to 150 to 165?

Has a biological resources technical report been reviewed by county staff?

- **There has been inadequate public notification and no community engagement or outreach from county staff for this project.**

This project would create a large-scale commercial event center in the rural residential area of Cool approximately 3 miles outside of the commercial center. Notification of parcels within only 1,000 ft of the subject property precludes other neighbors in the area from providing input simply because of the rural nature of this community. Many of the surrounding parcels are large Ag properties or large residential properties and this limits the potential for adequate neighborhood outreach. I believe that a project of this scale and size warrants notification to the broader community on the Georgetown Divide. In my opinion, this project has the potential to increase traffic, increase fire risk, impact our county road infrastructure, strain our limited emergency resources and change the peaceful and quiet nature of the community.

Finally, it is my opinion that the proposed use on this parcel would be detrimental to the public health, safety and welfare and injurious to the surrounding neighbors.

It is critical to uphold the zoning framework and the rights of existing rural residents who have a personal health, quality of life right and a financial interest in maintaining the character and functionality of their home and their community.

For these reasons, I formally request that the Planning Commission deny conditional use permit CUP22-0013.

Sincerely,

Sharon Arsenith

Cool, CA



County of El Dorado

Agriculture Department
311 Fair Lane
Placerville, CA 95667
530-621-5520

Minute Order Agricultural Commission

Greg Boeger, Chair - Agricultural Processing Industry
David Bolster, Vice-Chair - Fruit and Nut Farming Industry
Shamarie Tong - Livestock Industry
Bill Draper - Forestry Related Industries
Tim Nielsen - Livestock Industry
Lloyd Walker - Other Agricultural Interest
Charles Mansfield - Fruit and Nut Farming Industry
*LeeAnne Mila - Agricultural Commissioner/Sealer of Weights
and Measures*

Wednesday, December 11, 2024

4:00 PM

<https://edcgov-us.zoom.us/j/86793287157>

330 Fair Lane, Building A Placerville, CA
OR Live Streamed - [Click here to view](#)

Public testimony will be received on each agenda item as it is called. The applicant is allocated 10 minutes to speak; individual comments are limited to 3 minutes; and individuals representing a group are allocated 5 minutes. By participating in this meeting, you acknowledge that you are being recorded.

Items not on the agenda may be addressed by the general public during Public Forum. Comments are limited to 3 minutes per person. The Commission reserves the right to waive said rules by a majority vote. Public Forum is for comments only. No action will be taken on these items unless they are scheduled on a future agenda.

To ensure timely delivery to the Agricultural Commission, written information from the public must be received by the Agriculture Department by the last Thursday prior to the meeting.

The Agricultural Commission meeting will be in-person and live-streamed via Zoom. Members of the public may address the Commission in-person and via Zoom to make a public comment. The public should call into 530-621-7603 or 530-621-7610. The Meeting ID is 867 9328 7157. Please note you will not be able to join the live-stream until the posted meeting start time.

To observe the live stream of the Commission meeting go to <https://edcgov-us.zoom.us/j/86793287157>.

If you are joining the meeting via zoom and wish to make a comment on an item, press the "raise hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment.

Although the County strives to offer remote participation, be advised that remote Zoom participation is provided for convenience only. In the event of a technological malfunction, the only assurance of live comments being received by the Commission is to attend in person. Except for a noticed teleconference meeting, the Commission reserves the right to conduct the meeting without remote access if there is a malfunction.

If you choose not to observe the Commission meeting but wish to make a comment on a specific agenda item, please submit your comment in writing. You are encouraged to submit your comment in writing by 4:00 PM on the day before the meeting to ensure the Commission has adequate time to review. Please submit your comment to the Clerk of the Agricultural Commission at eldcag@edcgov.us. Your comment will be placed into the record and forwarded to Commission members.

NOTICE: All Agricultural Commission Administrative Relief decisions pertaining to AGRICULTURAL SETBACKS may file an application with the Board of Supervisors within 10 days of the decision. Such applications shall be made to the Development Services Department.

THE MEETING WAS CALLED TO ORDER AT 4:03PM

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

Adopt the Agenda and Approve the Consent Calendar

CONSENT CALENDAR

1. Recommending Approval of the Minutes from the regular meeting of the Agricultural Commission of September 11, 2024
A motion was made by Bolster, seconded by Walker, to Approve this matter.
Item was approved under Adoption of Agenda and Consent Calendar
2. Recommending Approval of the Minutes from the Special Meeting of the Agricultural Commission on October 21, 2024
A motion was made by Bolster, seconded by Walker, to Approve this matter.
Item was approved under Adoption of Agenda and Consent Calendar

PUBLIC FORUM**ACTION ITEMS**

3. ADM24-0071 Pare Ag Setback Relief Administrative Relief from Agricultural Setback to allow the installation of a temporary hardship modular dwelling, adjacent to an existing single-family dwelling.
Assessor's Parcel Number: 078-260-021

ADM24-0071
Pare Ag Setback Relief Administration from Agricultural Setback to allow the installation of a temporary hardship modular dwelling, adjacent to an existing single-family dwelling. Assessors Parcel Number: 078-260-021

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on December 11, 2024, an application was reviewed for administrative relief from the required 200-foot agricultural setback on ADM24-0071. The applicant is proposing to install a temporary hardship modular dwelling.

The applicant's parcel, APN 078-260-021, is 5.01 acres, zoned Residential Estate 5 acre minimum (RE-5) and located West of Wilson Loop approximately 165 feet North of the intersection of Wilson Loop and Sigwart Drive, adjacent to Agricultural District, supervisorial district 3. The parcel is located within a General Plan designated Low Density Residential.

The applicant's parcel is bordered by five parcels; of which one parcel contains agricultural zoning:

APN 099-150-061 borders the applicant's parcel on the West boundary and is approximately 47.6 acres, and zoned Limited Agriculture 20-Acres (LA-20). The parcel to the South-West is zoned Residential Estate 10 acre minimum (RE-10), and all other adjacent parcels are zoned Residential Estate 5 (RE-5).

Applicant is requesting that the setbacks for the proposed temporary hardship modular dwelling on this parcel be reduced to 65 feet from the West property line (135' reduction).

Parcel Description:

- Parcel Number and Acreage: 078-260-021, 5.01 Acres
- Agricultural District: No
- Land Use Designation: LDR, Low Density Residential
- Zoning: Residential Estate 5 acres, RE-5
- Choice Soils: Diamond Springs Gravelly Sandy Loam, Grayish Subsoil Variant, 9 to 30 Percent Slopes

Discussion:

A site visit was conducted on December 02, 2024 to assess the placement of the proposed dwelling.

Staff Findings:

Staff recommends APPROVAL of the request for placement of a hardship modular home accessory dwelling unit, no less than 65" from the property line with APN:099-150-061. For this request staff believes that three of the four findings that the Agricultural Commission is required to make by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made:

a) No suitable building site exists on the subject parcel except within the required setback due, but not limited to, compliance with other requirements of the General Plan or other County development regulations;

The subjects parcel is constrained for building sites due to topography and other improvements on the parcel. The parcel is also limited in building sites due to water drainage. There are two seasonal creeks bisecting the property and a seasonally marshy area. These areas are not conducive for housing sites.

b) The proposed non-compatible structure will be located on the property to reasonably minimize the potential negative impact on adjacent agriculturally zoned land;

The applicant has placed the dwelling site in the same area as current dwellings on the agriculturally zoned parcel to the west. Congregating all development in one area will minimize the potential negative impacts.

c) Based on the site characteristics of the subject parcel and the adjacent agriculturally zoned land including, but not limited to, topography and location of agricultural improvements, etc., the Commission determines that the location of the proposed non-compatible structure would reasonably minimize potential negative impacts on agricultural or timber production use; and

The adjacent agriculturally zoned land existing dwelling is located in the same area as the proposed dwelling. This will limit any negative impacts to any agriculture uses on the adjacent parcel.

d) There is currently no agricultural activity on the agriculturally zoned parcel adjacent to the subject parcel and the Commission determines that the conversion to a low or high intensive farming operation is not likely to take place due to the soil and/or topographic characteristics of the adjacent agriculturally zoned parcel or because the General Plan Land Use Designation of the surrounding or adjacent parcels is not agricultural (e.g. Light/Medium/High Density Residential).

Staff also recommends that the applicant comply with Resolution No. 079-2007 Exhibit A of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setbacks. Section B.5 requires the following action by the applicant: In all cases, if a reduction in the agricultural setback is granted for a non-compatible use/structure, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use/structure is constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use/structure within the setback. If the Agricultural Commission cannot make the required findings in Resolution No. 079-2007, an application may be made to the Board of Supervisors for administrative relief. Such relief may be granted by the Board of Supervisors upon a determination by the Board taking all relevant facts into consideration that the public interest is served by the granting of the relief. Such applications shall be made to the Development Services Department and a recommendation made to the Board of Supervisors.

Chair Boeger brought the item back to the Commission for discussion. The applicant commented on his project and remained available for questions. No public comments were received in the Board room or by zoom listeners. For a complete video of this item # 24-2140 discussion please go to the El Dorado County Website at: County of El Dorado - Calendar (legistar.com)

It was moved by Commissioner Neilsen and seconded by Commissioner Bolster to recommend APPROVAL of the request for placement of a hardship modular home accessory dwelling unit, no less than 65" from the property line with APN:099-150-061. For this request staff believes that three of the four findings that the Agricultural Commission is required to make by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made.

4.

CUP22-0013/ Black Oak Mountain Vineyard Event Expansion
Conditional Use Permit Assessor's Parcel Number: 074-042-002

SUBJECT: CUP22-0013/ Black Oak Mountain Vineyard Event Expansion
Conditional Use Permit Assessor's Parcel Number: 074-042-002

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on December 11, 2024, an application was reviewed for a Conditional Use Permit CUP22-0013 Black Oak Mountain Vineyards Events Expansion, be placed on the Agricultural Commission's Agenda. Planning Services is requesting Agricultural Recommendation pursuant to General Plan Policies 8.1.3.5 and 8.1.4.1.

Applicants Request:

Conditional Use Permit to expand upon the amount of special facility rental events allowed under the Winery Ordinance (130.40.400) from 24 days per year to 150 days per year with a maximum 150 guests. Pursuant to section 130.40.400.E.3 special events are allowed as an accessory use, with wine production being the primary use.

The applicant's parcel, APN 074-042-002, is located on the south side of

California State Route (SR) 193, approximately 3 miles east of the intersection with SR 49 in the Cool area, Supervisorial District 4. The subject parcel is approximately 146.52 acres and has a zoning designation of Planned Agriculture 20-Acres (PA-20) and a General Land Use Designation of Rural Residential (RR). The parcel to the east is also zone PA-20, with parcels to the north and south zoned Agricultural Grazing 40-Acres (AG-40) and parcels to the west being zoned Rural Lands 10-Acres (RL-10). The project site is not located within an Agricultural District.

Addendum to Project Description / Conditional Use Permit for Black Oak Mountain Vineyards 10/3/2024

An additional project description was supplied by the applicant as follows:

In an effort to further mitigate sound impacts on our community and neighboring agricultural operations, we are proposing that 90% of special events / facility rentals will NOT include outdoor amplified sound. Amplified sound at these events will be fully contained either indoors or through utilization of "silent disco" headphones. We are asking for no more than 15 events per year (10%) that would include outdoor amplified sound but will adhere to all current county noise ordinances. CHAPTER 130.37. We will continue to monitor and document decibel level data for all events with outdoor amplified sound and are agreeable to utilize the equipment and methods that the county recommends if they deem our current methods inadequate

Parcel Description:

- Parcel Number and Acreage: 074-042-002, 146.52 Acres
- Agricultural District: No
- Land Use Designation: RR (Rural Residential)
- Zoning: PA-20, Planned Agriculture – 20 Acres
- Soil Type:
 - o Choice Soils:
 - ☐ SuC: Sobrante Silt Loam 3 To 15 % Slopes

Discussion:

A site visit was conducted on December 03, 2024 to assess conformance with all General Plan policies.

Relevant General Plan Policies and Staff Findings:

Policy 8.1.3.5 On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

The applicants current plans do not propose to decrease or expand crop production areas.

Policy 8.1.4.1 The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority

that the proposed use:

A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
Staff believes that increasing the number of events in the amount that is requested has the potential to increase conflicts between adjacent residential and agricultural activities.

B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and The number of proposed special events could create an island effect of commercial activity between the proposed project and surrounding agricultural and non-agricultural lands.

C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands
N/A

Chair Boeger brought the item back to the Commission for discussion. The applicant gave a report on the project and went over Ag staff's recommendations. Six public comments were heard by the Commission. Chair Boeger reminded the audience that the Ag Commission would be looking at the impacts on Agriculture. Planning Staff commented and County Council assisted in going over Ag Commissioner's policy and review of the project. For a complete video of this item # 24-2141 discussion please go to the El Dorado County Website at: County of El Dorado - Calendar (legistar.com)

It was moved by Commissioner Mansfield and seconded by Commissioner Draper to recommend acceptance of staff's findings on Policy 8.1.3.5 and Policy 8.1.4.1 Parts A and C, and not accept staff findings on Policy 8.1.4.1 Part B. The recommendations to the Planning Commission are (1) to verify that the operation meets the requirements set forth in the Winery Ordinance, as the proposed CUP is predicated upon compliance, and (2) to use the Winery Ordinance as a guide in determining appropriate CUP conditions.

in A-Staff believes that increasing the number of events in the amount that is requested has the potential to increase conflicts between adjacent residential and agricultural activities. B-No vote, C-Not applicable.

Motion of the Commission passed :

AYES: Bolster, Tong, Neilsen, Mansfield, Walker, Draper, Boeger

NOES: None

Absent: None

5. Hemp Update by Commissioner LeeAnne Mila
Informational Only

STAFF UPDATE ON LEGISLATION AND REGULATORY ISSUES

CORRESPONDENCE and PLANNING REQUESTS

OTHER BUSINESS

THE MEETING WAS ADJOURNED AT 6:10PM

Meeting adjourned at 6:10PM

Mountain Democrat

PROOF OF PUBLICATION
(2015.5. C.C.P.)

Proof of Publication ORDINANCE

STATE OF CALIFORNIA
County of El Dorado

I am a citizen of the United States and a resident of the County aforesaid; I'm over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am principal clerk of the printer at the Mountain Democrat, 2889 Ray Lawyer Drive, a newspaper of general circulation, printed and published Wednesday and Friday, in the City of Placerville, County of El Dorado, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court to the County of El Dorado, State of California, under the date of March 7, 1952, Case Number 7258; that the notice, of which the annexed is a printed copy (set in type no smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/27

All in the year 2024

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Placerville, California, this 27th day of NOVEMBER, 2024

Allison Rains

Signature

Allison Rains
Legals Clerk

SUMMARY OF PROPOSED ORDINANCE NO. XXX-2024 ADOPTING REVISIONS TO THE RANCH MARKETING ORDINANCE AND THE WINERY ORDINANCE

Consistent with Government Code section 65854-65857, the Board of Supervisors for the County of El Dorado will, on December 10, 2024 at 11:30 am in the Board of Supervisors Meeting Room at 330 Fair Lane Court, Placerville, hold a public hearing and vote on the recommendation for passage of a proposed Ordinance that would amend the Ranch Marketing Ordinance (EDC Ordinance Code section 130.40) and the Winery Ordinance (EDC Ordinance Code section 130.40.400) relating to the ability of a ranch marketing operator or a winery owner to hold special events. This recommendation will be forwarded to the Board of Supervisors for consideration after the public hearing. Specifically, the proposed Ordinance would amend the Ranch Marketing Ordinance and Winery Ordinance to no longer authorize special events as a by-right activity and instead require an annual administrative permit, to be processed by the Agricultural Department, to hold special events; reduce the special events authorized to be held with an administrative permit under both Ordinances to 12 per calendar year, except that operator of a ranch marketing area or winery owner may hold an additional 2 special events per year, up to a maximum of 24 special events a year, under an administrative permit for every confirmed additional 5 acres of crop cultivated and capable of producing a commercial crop. If those maximum amounts are exceeded, then a special use permit or temporary use permit would be required. The proposed Ordinance would also modify how the minimum acreage is cultivated to include contiguous properties under common ownership; eliminate the requirements for a winery owner or the operator of the ranch marketing area to keep and provide to the County a complaint log during special events; and require a real estate disclosure for certain agricultural properties related to activities authorized under the Ranch Marketing Ordinance and Winery Ordinance. The proposed Ordinance would also make other clarifying and conforming changes. The Board of Supervisors will also consider recommendations from the Planning Commission hearing on November 14, 2024. The recommendations to be considered are: 1) The Board of Supervisors adopt a one-year implementation period to address bookings made prior to adoption, 2) The ordinance returns to the Planning Commission one year from implementation, and 3) Consider whether amplification levels should be adjusted and if lack of amplification should affect the maximum number of events. The proposed Ordinance would be effective 30 days after final adoption by the County Board of Supervisors.

The Board of Supervisors will also consider and vote on whether to recommend approval of the California Environmental Quality Act (CEQA) Addendum to the Targeted General Plan Amendment/ Zoning Ordinance Update (TGPA/ZOU) Environmental Impact Report (EIR) consistent with Sections 15162 and 15164 of the CEQA Guidelines.

If you challenge the proposed Ordinance in court, you may be limited to raising only those items you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or before, the public hearing. Any written correspondence should be directed to the Board of Supervisors at 330 Fair Lane, Placerville, CA 95667 or via e-mail: edc.cob@edcgov.us

11/27

13967

25-1239 Public Comment rcvd 07-22-25

I just read the sound study from Black Oak Winery . I live next door at 3070 Penobscot Rd.

What I read is another flawed sound study , it is not realistic , and not truthful .

I asked that our Frequently Used Outbuildings be used as a sensitive receptor . I was told “not a problem” There is no mention of the outbuildings in the study , and it shows a triangle in front of our house , as if sound was measured there . Nobody had any permission whatsoever to be on our property . So , if sound was measured at that location , it was done illegally without our permission or knowledge. Who checks these “professional” studies ? We will not be dictated to as to how we can use and enjoy our property .

Also , the “live” event was held without a permit , in a barn , so how would it be accurate ? The music is often blasted outside of the barn . The neighbors have had to deal with a lot of very disturbing noise . Code enforcement witnessed the effect it had on our cattle . If a cow , or cows, break through a fence , who will be liable ? There's not supposed to be any negative effect on neighboring properties. They say noise is subjective , and if you aren't subjected to it , it doesn't matter . It matters to us , we are subjected and have to live with it .

In closing , Black Oak has no regard for the neighbors and that has been proven by continuing to operate with no permits .I am TOTALLY against Black Oak Winery being granted a single event more than what is allowed under the ranch marketing and winery ordinances . Please listen to the neighbors concerns , and not give any events outside of the allowable number of events within the ranch marketing and winery ordinances. Code enforcement would have to be available for each and every event , which they have not been able to do. Self monitoring does not work !!!

Jeff Pyle

Cool , Ca.