

The County of El Dorado
Agricultural Commission

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Copy to LeeAnne Mila, Ag Commissioner

December 6, 2024

From: Linnea Marenco
Resident and Agricultural Property Owner, El Dorado County
Penobscot Ranch

Subject: Pending CUP22-0013 Application:

I am writing to you in response to the Meeting Notification memo from your Commission to me dated 11/25/2024 regarding a project application for Black Oak Mountain Vineyard Requesting to Increase the Number of Allowable Annual Events on their property to 150 events via a Conditional Use Permit application.

Application Submittal Date: 11/22/2022 (as found in the County's portal website of events)

APNs: 074-042-002

The pending CUP application is scheduled to be heard by the Ag Commission on December 11 and reads:

"Conditional Use Permit request for a total annual event allowance of 150 events. The Winery Section of the Zoning Ordinance allows up to 48 special event days per year, for up to 250 guests. Out of the 48 events, up to 24 special event days per year can include facility rental events, which include weddings, parties, company picnics, birthdays, reunions, or other social gatherings which the property owner is compensated for the use of the site and facilities.

The Applicant has communicated an intention to provide the following sound reduction mitigation measures with this proposal, in response to community concerns regarding

noise: Festivities such as dancing and parties that occur outdoors will now use a technology called "Silent Disco." This consists of sets of headphones made available to guests that contains the music sent wirelessly by transmitter to the headpiece. If the guests prefer as a group to not use Silent Disco, the inside of the event barn structure will be used for dancing.

The Applicant states that they would like to reserve some ability to have outdoor events that include amplified sound and anticipates that the maximum number of attendees for each event would be 150 guests. Negotiations continue to be process for the draft conditions related to this requested expansion of use."

General Plan Policy 8.1.3.5 states:

"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."

General Plan Policy 8.1.4.1: states:

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

Table 130.40.400.1 (Wineries Allowed Uses Matrix) Uses Requiring an Administrative Permit or a Minor Use Permit reads:

Uses allowed by Administrative Permit or Minor Use permit as shown in Table 130.40.400.1 (Wineries Allowed Uses Matrix) shall comply with Section 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) and the following:

1. "The use is incidental and accessory to the winery."

I question how 150 special events are accessory and incidental to the winery at Black Oak Vineyard? How is this guaranteed? Who verifies? What evidence is required? How much wine must be sold in order for 150 special events to be considered 'incidental and accessory'?

I hope that the Ag Commission will not approve this conditional use permit application for a Special Event Center as it would be detrimental to my ag property (cattle) next door. And most likely would preclude any future agricultural production from the subject property itself.

Concerns:

Black Oak is on an ag property zoned Planned Agriculture 20 acres (PA 20). Planned Ag (PA20) zoning states that "Agricultural production is the primary use or function" of the property. A special event center of 150 events per year in no way meets the zoning requirements. A special event center of 150 events with up to 250 people allowed per event would be detrimental to the ag production on my property (cattle production).

One hundred fifty events with 250 people allowed per event means 37,500 guests on this property per year. And, how many staff would also be required? How would this affect the land, the wild life, the amount of water needed during the year, including drinking water, toilets, agricultural support, etc.? What would be the source of the water? If the water comes from the land, then what happens to the neighbors' source of ground water for their homes, their wells, their drinking water, etc.?

If approved as a large event center, the subject property most likely never again would have agricultural production as the primary use or function.

The proposed conditional use permit would not be compatible in terms of the zoning ordinances including agricultural production. Such use would not be desirable to the public convenience or welfare, and would impair the integrity and character of the zoned district and could be detrimental to the public health, safety, morals or welfare (see the Governor's Office of Planning and Research, the Planner's Training Series: The Conditional Use Permit, State of California. P. 4). The proposed special events would be disruptive to agriculture, such as production of cattle.

Special events with amplified music/dancing/voices and up to 150-250 people at a time can be quite noisy and disruptive to neighbors and agriculture (cattle) no matter what time of day or night.

Traffic is another serious consideration. The property under consideration is set on Highway 193, a 55 mile an hour speed limit. People speed over that limit. People have been killed very close to the property entrance. It is very dangerous when people cannot figure out where the entrance is and suddenly slam on their car brakes and stop in the middle of the highway, endangering others driving behind them. Can you imagine 150 cars entering or exiting onto Highway 193 at the same time, not knowing where they are and perhaps inebriated?

It is important to remember the property in question is an agricultural zoned property, not commercial.

Conclusion: The property under application for a CUP is zoned Planned Agriculture, (PA 20 acres), as is the adjacent property zoned Planned Ag 20. The subject property under question is not zoned as nor does it qualify as a Special Events center for 150 special events (or anything even close to that number of special events). This is a rural residential agricultural community and should be protected by the County as such. Most of these proposed special events, such as weddings, would occur most likely outdoors within a few months period of time rather than spread out the entire year.

My property functions as an ag property. Noisy special events next door have already proven to disturb cattle on my property. The loud sounds, whether voice or amplified sound, easily travel across the fenceline.

If this subject property could be allowed to increase the limit of allowed special use events, then El Dorado County loses sight of the intent to preserve agriculture in El Dorado County. It is more important to protect and preserve the County's ag lands rather than setting precedents for special events such as weddings to supersede agriculture and rural residential ag property uses.

Is this what we want for El Dorado County? To promote special events such as weddings over protection and preservation of agriculture and agriculturally zoned properties?