

PC 07-24-25  
Item # 2  
1 page

**Questions for the Agricultural Commissioner:**

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

**Questions for Code Enforcement staff:**

- The staff report says that the project site is currently not permitted to conduct special events (page 3). Can you confirm whether or not the applicant parcel is currently conducting facility rental type special events in 2025 and whether notices of violations or penalties were imposed?
- Can you confirm whether or not the applicant parcel has notices of violations or penalties for operations in excess of the number allotted by the ordinance in 2024?
- Have you personally observed or substantiated any noise violations on the parcel during special events, whether those violations have been noticed or not?



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## Support of black oak getting the cup

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**From** Sara Dildine <saradildine33@gmail.com>  
**Date** Thu 7/24/2025 8:02 AM  
**To** Planning Department <planning@edcgov.us>

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### **This Message Is From an Untrusted Sender**

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My name is Sara Dildine, and I am proud to be a part of the team at Black Oak Mountain Vineyard. I'm writing to express my deep appreciation for the work I do there and the immense value this venue brings to our community, not just economically, but emotionally and socially as well.

My role at Black Oak involves ensuring guests follow county ordinances and working closely with our planning team to make sure every event runs smoothly. It's more than just a job to me, it's a space filled with joy, celebration, and creativity. Every weekend I get to witness beautiful love stories unfold in unique ways through the weddings and events we host. No two days are the same, and that's part of what makes working there so special. There's an energy of happiness that radiates from our guests, our team, and even the local businesses we work with.

Black Oak Mountain Vineyard isn't just a business, it's a place where memories are made. It's where families gather, love is celebrated, and where many local companies from florists and caterers to photographers and musicians have the opportunity to thrive. I've discovered so many incredible businesses in our area through this job, and it's clear that venues like ours help elevate and connect our local economy.

It's incredibly disheartening to see efforts being made to shut down a place that provides such a positive, luxurious, and joyful experience for so many. Rather than stifling growth, we should be supporting businesses that bring life and celebration to our community. The vineyard operates with care and compliance, and I can personally say that our team works hard to uphold all expectations set by the county.

Black Oak is a place where people come to dream, to love, and to gather. I hope you will consider how much that means to so many of us and allow it to continue being a space of beauty and celebration.

Thank you for your time and consideration.

Sincerely,  
Sara Dildine  
Employee, Black Oak Mountain Vineyard

Sara Dildine



Outlook

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## Black Oak Mountain Vineyard

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**From** Payton Dildine <payton.dildine99@gmail.com>

**Date** Thu 7/24/2025 7:33 AM

**To** Planning Department <planning@edcgov.us>

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**This Message Is From an Untrusted Sender**

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My name is Payton Dildine, and I am proud to be a part of the team at Black Oak Mountain Vineyard. I'm writing to express my deep appreciation for the work I do there and the immense value this venue brings to our community, not just economically, but emotionally and socially as well.

My role at Black Oak involves ensuring guests follow county ordinances and working closely with our planning team to make sure every event runs smoothly. It's more than just a job to me, it's a space filled with joy, celebration, and creativity. Every weekend I get to witness beautiful love stories unfold in unique ways through the weddings and events we host. No two days are the same, and that's part of what makes working there so special. There's an energy of happiness that radiates from our guests, our team, and even the local businesses we work with.

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celebrated, and where many local companies from florists and caterers to photographers and musicians have the opportunity to thrive. I've discovered so many incredible businesses in our area through this job, and it's clear that venues like ours help elevate and connect our local economy.

It's incredibly disheartening to see efforts being made to shut down a place that provides such a positive, luxurious, and joyful experience for so many. Rather than stifling growth, we should be supporting businesses that bring life and celebration to our community. The vineyard operates with care and compliance, and I can personally say that our team works hard to uphold all expectations set by the county.

Black Oak is a place where people come to dream, to love, and to gather. I hope you will consider how much that means to so many of us and allow it to continue being a space of beauty and celebration.

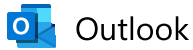
Thank you for your time and consideration.

Sincerely,

Payton Dildine

Employee, Black Oak Mountain Vineyard

Sent from my iPhone




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## Public comment Planning Hearing 7/24/25 CUP22-0013

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**From** Sharon Arsenith <sharon70@att.net>  
**Date** Thu 7/24/2025 6:41 AM  
**To** Planning Department <planning@edcgov.us>

 4 attachments (922 KB)

HEARING\_DEC\_CE24-0271\_24-0301\_CE24-0302\_CE24-0303\_CE24-0304 (2).pdf; right-to-farm-ordinance.pdf; Agricultural support services .pdf; disclosurenotice.pdf;

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### **This Message Is From an External Sender**

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**COPY**

Daniel K. Ohl, Esq.  
*Administrative Hearing Officer*  
COUNTY OF EL DORADO  
4000 Barranca Parkway  
Suite 250, PMB 782  
Irvine, California 92604

**IN THE MATTER OF:**

**DISPUTE OF NOTICE OF VIOLATION  
IN CODE ENFORCEMENT CASE  
NUMBERS CE24-0271, CE24-0301,  
CE24-0302, CE24-0303, CE24-0304.**

**ADMINISTRATIVE ORDER**

**I. HEARING DETAILS**

These collective and related matters came on regularly for hearing before me, Daniel K. Ohl, an independent neutral Administrative Hearing Officer appointed by the County of El Dorado ("County"), on January 30, 2025, at 9:00 a.m., and was held remotely via Zoom online videoconference technology. All parties joined the Zoom Meeting via video camera or were physically present at the hearing. The purpose of the hearing was to resolve Trustee Bradley A. Christian's ("Owner") dispute of the Notice of Violation ("NoV") for each designated matter issued in the respective code enforcement case numbers CE24-0271, CE24-0301, CE24-0302, CE24-0303 and CE24-0304. Owner is the legal and admitted owner of the parcel of real property located at 2480 State Highway 193, Cool, County of El Dorado, California, 95614, Assessor's Parcel Number 074-042-002-000. ("Subject Property").

On September 16, 2024, County Code Enforcement Supervisor Kevin Bailey ("Supervisor Bailey") issued a NoV to the Owner of the Subject Property for the alleged violation of El Dorado County Ordinance Code ("EDCOC") section 130.40.400E3 – Special Events – Number Allowed in Case Number CE24-0271 (CE24-0271, Ex. 5.) The date of violation was alleged as August 24, 2024. (CE24-0271, Ex. 5, pg. 2.) Owner timely requested a hearing to dispute the NoV issued on September 16, 2024 for investigation CE24-0271 by submitting to the County a Request for Administrative Hearing, executed on September 27, 2024 and received on October 31, 2024. (CE24-0271, Ex. 6.).

On September 20, 2024, County Code Enforcement Officer Camden Smith ("Officer Smith") issued a NoV to the Owner of the Subject Property for the alleged violations of El Dorado County Ordinance Code ("EDCOC") section 130.40.400E3 – Special Events – Number Allowed and section 130.40.400E3.f.(1) Special Events – Advanced Notice in Case Number CE24-0301 (CE24-0301, Ex. 5.) The date of violation was alleged as August 31, 2024. (CE24-0301, Ex. 5, pg. 2.) Owner timely requested a hearing to dispute the NoV issued on September 20, 2024 for investigation CE24-0301 by submitting to the County a Request for Administrative Hearing, executed on September 27, 2024 and received on October 31, 2024. (CE24-0301, Ex. 6.).

On September 20, 2024, Officer Smith issued a NoV to the Owner of the Subject Property for the alleged violations of El Dorado County Ordinance Code ("EDCOC") section 130.40.400E3

– Special Events – Number Allowed and section 130.40400E.3.f.(1) Special Events – Advanced Notice in Case Number CE24-0302 (CE24-0302, Ex. 5.) The date of violation was alleged as September 6, 2024. (CE24-0302, Ex. 5, pg. 2.) Owner timely requested a hearing to dispute the NoV issued on September 20, 2024 for investigation CE24-0302 by submitting to the County a Request for Administrative Hearing, executed on September 27, 2024 and received on October 31, 2024. (CE24-0302, Ex. 6.).

On September 20, 2024, Officer Smith issued a NoV to the Owner of the Subject Property for the alleged violations of El Dorado County Ordinance Code (“EDCOC”) section 130.40.400E3 – Special Events – Number Allowed and section 130.40400E.3.f.(1) Special Events – Advanced Notice in Case Number CE24-0303 (CE24-0303, Ex. 5.) The date of violation was alleged as September 7, 2024. (CE24-0303, Ex. 5, pg. 2.) Owner timely requested a hearing to dispute the NoV issued on September 20, 2024 for investigation CE24-0303 by submitting to the County a Request for Administrative Hearing, executed on September 27, 2024 and received on October 31, 2024. (CE24-0303, Ex. 6.).

On September 20, 2024, Officer Smith issued a NoV to the Owner of the Subject Property for the alleged violations of El Dorado County Ordinance Code (“EDCOC”) section 130.40.400E3 – Special Events – Number Allowed and section 130.40400E.3.f.(1) Special Events – Advanced Notice in Case Number CE24-0304 (CE24-0304, Ex. 5.) The date of violation was alleged as September 8, 2024. (CE24-0304, Ex. 5, pg. 2.) Owner timely requested a hearing to dispute the NoV issued on September 20, 2024 for investigation CE24-0304 by submitting to the County a Request for Administrative Hearing, executed on September 27, 2024 and received on October 31, 2024. (CE24-0304, Ex. 6.).

The County provided Owner with notice of this hearing. No challenges or objections were made to the timing or notice of this hearing as given by the County.

Owner, by and through his designated representative for each matter, Kevin McCarty, appeared on his behalf concerning the NoPs at the hearing and testified at the hearing. Lexi Boegar, Jane Dildine, Curtis Van Winkle appeared and testified in support of the Owner. The County was represented at the hearing by Deputy County Counsel Roger Runkle. Supervisor Bailey and Officer Smith appeared on behalf of and testified for the County at the hearing. Teresa Schoener, Administrative Technician, attended and recorded the proceedings. Nicholaus Heuer, Code Enforcement Officer, also appeared and testified for the County. Kevin Hart also attended the hearing, but did not testify. The hearing was recorded through Zoom.

Prior to the hearing, the County submitted to the Hearing Officer and Owner the County’s hearing packets for each designated and numbered case, setting forth the County’s records on this matter and the applicable EDCOC sections the County contends bear on this matter. The County also submitted three Ancillary Binders with exhibits in support of its position. Owner also submitted three packets of materials to the Hearing Officer or County in connection with this matter prior to the hearing. The Owner’s three packets of materials were noted as Black Oak Mountain Vineyards’ List of Documents. The List of Documents included five categories of documents, (a)-(e), and contained Exhibits A-I.

There being no objections, all documents provided by the County in its hearing packets in connection with each designated and numbered matter were accepted. Without any objections, all documents provided by Owner in its List of Documents were accepted. For ease, consistency, and clarity of reference, the exhibit numbers for each designated and numbered matter in the County’s hearing packets will be utilized when referring to such records. On the same basis, the List of Documents provided by Owner, with the designated exhibit number therein, will be utilized when referring to such records.



In addition, at the hearing two additional documents were referred to during testimony but had not been provided prior to the hearing. At the hearing officer's request, copies of each document were provided for inclusion in the record. They will be designated as such in the list of exhibits below.

## II. EXHIBITS

The County provided hearing packets for each designated and numbered matter. Additional exhibits were provided following the request for such during the hearing by the Administrative Hearing Officer. The additional exhibits are noted below.

### C24-0271

1. **Exhibit 1:** Grant Deed.
2. **Exhibit 2:** Case Details – No Attachments.
3. **Exhibit 3:** Photographs dated 8/24/2024.
4. **Exhibit 4:** Owner Notice of Violation dated 9/9/2024.
5. **Exhibit 5:** Owner Notice of Violations dated 9/16/2024.
6. **Exhibit 6:** Request for Administrative Hearing dated 9/27/2024.
7. **Exhibit 7:** Receipt of Payment dated 9/25/2024 .
8. **Exhibit 8:** Appellant Documents Received 10/1/2024.

### CE24-0301

9. **Exhibit 1:** Grant Deed.
10. **Exhibit 2:** Case Details – No Attachments.
11. **Exhibit 3:** Photographs dated 8/31/2024.
12. **Exhibit 4:** Owner Notice of Violation dated 9/17/2024.
13. **Exhibit 5:** Owner Notice of Violation dated 9/20/2024.
14. **Exhibit 6:** Request for Administrative Hearing dated 9/27/2024.
15. **Exhibit 7:** Receipt of Payment dated 9/25/2024 .
16. **Exhibit 8:** Appellant Documents Received 10/1/2024.

### CE24-0302

17. **Exhibit 1:** Grant Deed.
18. **Exhibit 2:** Case Details – No Attachments.
19. **Exhibit 3:** Photographs dated 9/6/2024.
20. **Exhibit 4:** Owner Notice of Violation dated 9/17/2024.
21. **Exhibit 5:** Owner Notice of Violation dated 9/20/2024.
22. **Exhibit 6:** Request for Administrative Hearing dated 9/27/2024.
23. **Exhibit 7:** Receipt of Payment dated 9/25/2024 .
24. **Exhibit 8:** Appellant Documents Received 10/1/2024.

### CE24-0303

25. **Exhibit 1:** Grant Deed.
26. **Exhibit 2:** Case Details – No Attachments.
27. **Exhibit 3:** Photographs dated 9/7/2024.
28. **Exhibit 4:** Owner Notice of Violation dated 9/17/2024.
29. **Exhibit 5:** Owner Notice of Violation dated 9/20/2024.
30. **Exhibit 6:** Request for Administrative Hearing dated 9/27/2024.

31. **Exhibit 7:** Receipt of Payment dated 9/25/2024 .  
32. **Exhibit 8:** Appellant Documents Received 10/1/2024.

**COPY**

**CE24-0304**

33. **Exhibit 1:** Grant Deed.  
34. **Exhibit 2:** Case Details – No Attachments.  
35. **Exhibit 3:** Photographs dated 9/8/2024.  
36. **Exhibit 4:** Owner Notice of Violation dated 9/17/2024.  
37. **Exhibit 5:** Owner Notice of Violation dated 9/20/2024.  
38. **Exhibit 6:** Request for Administrative Hearing dated 9/27/2024.  
39. **Exhibit 7:** Receipt of Payment dated 9/25/2024 .  
40. **Exhibit 8:** Appellant Documents Received 10/1/2024.

**Ancillary Binder Black Oak #1 – “ABBO” #1**

41. **Exhibit 1:** Email Exchanges – 1A-1K.  
42. **Exhibit 2:** Ranch Marketing and Winery Event Report – 2A-2T.  
43. **Exhibit 3:** EDCOC section 130.40.400 Wineries – 3A-3O.

**Ancillary Binder Black Oak #2 – “ABBO” #2**

**Exhibit 4:** Social Media Information re Weddings – 4A-4RR.

**Ancillary Binder Black Oak #3 – “ABBO” #3**

**Exhibit 4:** Social Media Information re Weddings – 4SS-4AD.

**Black Oak Mountain Vineyards’ List of Documents**

**Exhibits A through E:** Attorney Letter response for each of 5 violations.

**Exhibit F:** Noise Study submitted for the CUP.

**Exhibit G:** Traffic Study submitted for CUP.

**Exhibit H:** Black Oak Mountain Vineyard event reporting document Q2 of 2021 through Q2 of 2023.

**Exhibit I:** Reservation list of Black Oak Mountain Vineyards wedding venue contracts for calendar years 2023 et seq.

**Additional Exhibits – “AE”**

**Exhibit J:** Advisory Letter dated 4/10/2024 from Agriculture Commissioner LeeAnne Mila regarding 2024 Special Event Requirements.

**Exhibit K:** Email exchange from 8/23/2024 through 9/6/2024 regarding complaints concerning Black Oak Mountain Vineyards (BOMV) events.

### **III. GUIDING PRINCIPLES**

EDCOC Chapter 9.02 et seq. governs appeal hearings. See section 9.02.350.

The Hearing Officer shall preside over administrative hearings. Section 9.02.370A. Administrative hearings are intended to be informal in nature and are not bound by formal rules of evidence. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. Section 9.02.400 A, C.

The County bears the burden of proof at an administrative hearing to establish the existence of a violation of the Code. The standard of proof is by a preponderance of the evidence. Section 9.02.410.

### **III. FINDINGS OF FACT**

1. Bradley A Christian, sole trustee, or his successor in trust, under the Bradley A Christian Revocable Living Trust, Dated Oct. 31, 2013, ("Owner"), is the admitted Owner of the Subject Property. (CE24-0271, Ex. 1; CE24-0301, Ex. 1; CE24-0302, Ex. 1; CE24-0303, Ex. 1; CE24-0304, Ex. 1; Hearing Stipulation.)

2. On June 20, 2023, the El Dorado County Board of Supervisors approved amendments to Section 130.40.260 – Ranch Marketing and Section 130.40.400 – Wineries. The amendments were effective July 20, 2023. (CE24-0271, CE24-0301, CE24-0302, CE24-0303, CE-24-0304, ABBO, Ex. 3A-3O; AE, Ex. J, pg. 1.)

3. In October of 2023, the county issued a Notice of Violation, ("NoV"), to the Owner for multiple violations of the County's ordinances. The County decided not to pursue enforcement of three of the violations. (Hearing Testimony.)

4. On June 4, 2024, Code Enforcement Supervisor Lynda Jorgensen, ("Supervisor Jorgensen"), sent an email to Owner advising that he had 26 events listed so far this year, the last one scheduled for 6/29/24. She further noted that the maximum allowable special events under Ranch Marketing and Winery Ordinance is 24. She stated the Owner had reached the maximum number of events for the year, and she wanted to ensure he was aware of this. Any events over 24 would be considered violations. (CE24-0271, CE24-0301, CE24-0302, CE24-0303, CE-24-0304, ABBO #1, Ex. 1J-1K.)

5. On June 4, 2024, Jane Dildine, venue director for Black Oak Mountain Vineyards ("BOMV"), responded to the email from Supervisor Jorgensen indicating there is a mistake or that she put the events in wrong as they had only a handful of paid events (weddings). She further stated she put in marketing events but those are not paid events. She also stated that they can have 24 paid events per year, and they had not reached that number yet. (CE24-0271, CE24-0301, CE24-0302, CE24-0303, CE-24-0304, ABBO #1, Ex. 1J-1K.)

6. On June 4, 2024, Supervisor Jorgensen responded, stating that all the events that are listed are considered special events and the revised calendar reflects that as well. She then inquired about what events Dildine was referring to that are not paid events. (CE24-0271, CE24-0301, CE24-0302, CE24-0303, CE-24-0304, ABBO #1, Ex. 1I-1K.)

7. On June 4, 2024, Dildine responded, stating that originally the County said they needed to list all events in the County calendar and then delineate which are marketing and which are paid events. She then stated if the County was saying that they do not need to list marketing, personal non-

paid parties, owner events and the like... but only list actual paid events in the event report? (CE24-0271, CE24-0301. CE24-0302, CE24-0303, CE-24-0304, ABBO #1, Ex. 1I-1K.)

8. On June 5, 2024, Supervisor Jorgensen responded stating it is a recent change that all events to be reported are to be considered special events. The ordinance states that "special events are any events, and facility rental events that are not tasting and marketing activities as described in Subsection E.2.c." She went on to state "Facility rental events are a type of special event where the winery owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings; facility rental events are part of the total special events allowed." She then concluded by stating which of the events listed since 12/27/23 were/are not special events? (CE24-0271, CE24-0301. CE24-0302, CE24-0303, CE-24-0304, ABBO #1, Ex. 1H-1K.)

9. On June 10, 2024, Dildine responded stating the only Facility rental events that would qualify per your specification...are April 14, 2024, April 20, 2024, May 11, 2024, May 23, 2024, June 8, 2024, June 14, 2024, June 15, 2024. She also stated that all other events that she accidentally put on the form were special events and should not have been counted. She noted she understands what qualifies now. (CE24-0271, CE24-0301. CE24-0302, CE24-0303, CE-24-0304, ABBO #1, Ex. 1H-1K.)

10. On August 24, 2024, the County received a complaint of a special event at the Subject Property over the number allowed. (CE24-0271, Ex. 2, pg. 1.)

11. On August 24, 2024, at approximately 3:15 p.m., Code Enforcement Supervisor Kevin Bailey ("Supervisor Bailey"), arrived at the Subject Property to determine if any special event was taking place. (CE24-0271, Ex. 2, pg. 1.)

12. Upon arrival, Supervisor Bailey parked his vehicle approximately 250 feet west of the Subject Property driveway. While sitting in his vehicle, he observed fifteen vehicles entering the driveway for the Subject Property. (CE24-0271, Ex. 2, pg. 1.)

13. Shortly before 4:00 p.m., Supervisor Bailey drove to two (2) different properties near the Subject Property and was able to take photographs accurately depicting what he observed, including the lower parking area, reception area, and actual ceremony area. From one location he was able to see a person wearing a white wedding dress walk towards an area under a few large trees. He then heard a loud celebratory cheer from the area and observed a group of people walking from the wedding area near the trees to an adjacent building where they congregated together. (CE24-0271, Ex. 2, pg. 1.)

14. The photographs taken by Supervisor Bailey are date and time stamped. (CE24-0271, Ex. 3A-3G.)

15. Social media information was found that confirmed a wedding took place at the Subject Property on August 24, 2024. (CE24-0271, Ex. 3H-3L; ABBO #3; Ex. 4jj-4nn.)

16. The Owner received compensation for the use of the Subject Property for the wedding. (CE24-0271 Hearing Testimony.)

17. On September 16, 2024, Supervisor Bailey issued a NoV to the Owner for the single violation identified therein, EDCOC section 130.40.400E.3.a – Special Events – Number Allowed. The basis of the cited violation was a special event (wedding) held on August 24, 2024 that was over the allowed amount for the calendar year. The NoV also stated this violation constitutes the Second violation in an eighteen (18) month period, and the penalty shall be a fine of \$500 based on the violation occurrence. (CE24-0271, Ex. 5. pg. 1-3.)

18. On September 27, 2024, Owner filed a Request for Administrative Hearing form based on the notice dated September 16, 2024 for Case Number CE24-0271, including an attachment. (CE24-0271, Ex. 6, 1-4.)

19. On August 31, 2024, the County received a complaint of a special event at the Subject Property over the number allowed. (CE24-0301, Ex. 2, pg. 1.)

20. On August 31, 2024, at approximately 5:00 p.m., Code Enforcement Officer Camden Smith ("Officer Smith"), arrived at the Subject Property to determine if any unregistered special event was taking place. (CE24-0301, Ex. 2, pg. 1.)

21. Upon arrival, Officer Smith passed the front entrance and noted several vehicles waiting in front to the gate to enter and cars were backed up onto the roadway impeding traffic. (CE24-0301, Ex. 2, pg. 1.)

22. Officer Smith continued to a nearby property where he was able to see the ceremony area and could see a large group of people facing a group of people standing in an arrangement that matched that of a traditional wedding. Several minutes later he heard loud applause and music started and two people walked through the crowd being cheered on by the audience. Shortly afterwards the rest of the audience began making their way to the main house. (CE24-0301, Ex. 2, pg. 1.)

23. On August 31, 2024, at approximately 5:20 p.m., Officer Smith moved to a different property where he could clearly see the main house and observed many people surrounding a pool and porch area for what appeared to be a type of cocktail hour. He also noted the lower parking lot appeared to be full. (CE24-0301, Ex. 2, pg. 1.) He took photographs that accurately depicted what he observed. (CE24-0301, Ex. 3A-3G; Hearing Testimony.)

24. The photographs taken by Officer Smith are date and time stamped. (CE24-0301, Ex. 3A-3G; Hearing Testimony.)

25. Social media information was found that confirmed a wedding took place at the Subject Property on August 31, 2024. (CE24-0301, Ex. 3H-3L; ABBO #2, Ex. 4vv-4yy.)

26. The Owner received compensation for the use of the Subject Property for the wedding. (CE24-0301 Hearing Testimony.)

27. As part of his investigation, Officer Smith determined that this event was not registered as required. He consulted with County information technology personnel who confirmed that no special event for this date and time was registered at all. It was also determined that the system was in working order, had no issues nor any indication of any inability to submit notice. (CE24-0301, ABBO #1, Ex. 2C-2T; Hearing Testimony.)

28. On September 20, 2024, Officer Smith issued a Notice to Violation ("NoV") to Owner for the two violations identified therein, EDCOC sections 130.40.400E.3.a – Special Events – Number Allowed and 130.40.400E.3.f.(1) – Special Events – Advance Notice. The basis of the cited violation was a special event held on August 31, 2024 that was over the allowed amount for the calendar year. The NoV also stated this violation constitutes the Third and Fourth violation in an eighteen (18) month period, and the penalty shall be a fine of \$2,000 based on the violations occurrence. (CE24-0301, Ex. 5. pg. 1-3.)

29. On September 27, 2024, Owner filed a Request for Administrative Hearing form based on the notice dated September 16, 2024 for Case Number CE24-0301, including an attachment. (CE24-0301, Ex. 6, 1-4.)



30. On September 6, 2024, the County received a complaint of a special event at the Subject Property over the number allowed. (CE24-0302, Ex. 2, pg. 1.)

31. On September 6, 2024, at approximately 7:00 p.m., Code Enforcement Officer Camden Smith ("Officer Smith"), arrived at the Subject Property to determine if any unregistered special event was taking place. (CE24-0302, Ex. 2, pg. 1.)

32. Upon arrival, Officer Smith made his way to a nearby property where he was able to clearly see and photograph that the lower parking lot was full. (CE24-0302, Ex. 2, pg. 1.)

33. A few minutes after arriving, Officer Smith, was able to hear amplified speech making announcements and was able to hear "ladies and gentlemen please give it up for Mr. and Mrs..." He further heard "before we get started with dinner the newlyweds would like to say a few words". (CE24-0302, Ex. 2, pg. 1.)

34. The photographs taken by Officer Smith are date and time stamped. (CE24-0302, Ex. 3E-3H; Hearing Testimony.)

35. Social media information was found that confirmed a wedding took place at the Subject Property on September 6, 2024. (CE24-0302, Ex. 3A-3D; ABBO #2, Ex. 4Ee-4Gg.)

36. The Owner received compensation for the use of the Subject Property for the wedding. (CE24-0302 Hearing Testimony.)

37. As part of his investigation, Officer Smith determined that this event was not registered as required. He consulted with information technology which confirmed that no special event for this date and time was registered at all. It was also determined that the system was in working order, had no issues nor any indication of any inability to submit notice. (CE24-0302, ABBO #1, Ex. 2C-2T; Hearing Testimony.)

38. On September 20, 2024, Officer Smith issued a Notice to Violation ("NoV") to Owner for the two violations identified therein, EDCOC sections 130.40.400E.3.a – Special Events – Number Allowed and 130.40.400E.3.f.(1) – Special Events – Advance Notice. The basis of the cited violation was a special event held on September 6, 2024 that was over the allowed amount for the calendar year. The NoV also stated this violation constitutes the Fifth and Sixth violation in an eighteen (18) month period, and the penalty shall be a fine of \$2,000 based on the violations occurrence. (CE24-0302, Ex. 5. pg. 1-3.)

39. On September 27, 2024, Owner filed a Request for Administrative Hearing form based on the notice dated September 17, 2024 for Case Number CE24-0302, including an attachment. (CE24-0302, Ex. 6, 1-4.)

40. On September 7, 2024, the County received a complaint of a special event at the Subject Property over the number allowed. (CE24-0303, Ex. 2, pg. 1.)

41. On September 7, 2024, at approximately 3:30 p.m., Officer Smith arrived at the Subject Property to determine if any unregistered special event was taking place. (CE24-0303, Ex. 2, pg. 1.)

42. Upon arrival, Officer Smith parked on the shoulder of the state highway, approximately 300 feet from the entrance and on the opposite side so he could observe incoming traffic to the Subject Property. (CE24-0303, Ex. 2, pg. 1.)

43. Minutes after arriving, Officer Smith observed a shuttle bus enter the Subject Property followed by three additional vehicles. Within minutes, he observed an additional shuttle bus followed by two additional vehicles. (CE24-0303, Ex. 2, pg. 1.)

44. He then relocated to a nearby property where he could observe the area commonly used for wedding ceremonies at the highest point of the Subject Property. (CE24-0303, Ex. 2, pg. 1.)

45. At approximately 4:20 p.m., Officer Smith observed the audience was seated at the ceremony area. He was able to identify the bride wearing white while participating in front of the audience. The ceremony concluded at approximately 4:34 with a loud cheer from the audience and loud amplified music. The audience then began to relocate to the main house and remained on the patio area for what appeared to be a type of cocktail hour. (CE24-0303, Ex. 2, pg. 1.)

46. Officer Smith left the location at approximately 5:p.m. (CE24-0303, Ex. 2, pg. 1.)

47. The photographs taken by Officer Smith are date and time stamped. (CE24-0303, Ex. 3D-3K; Hearing Testimony.)

48. Social media information was found that confirmed a wedding took place at the Subject Property on September 7, 2024. (CE24-0303, Ex. 3A-C, I-J; ABBO Ex. 4Mm-4Ww.)

49. The Owner received compensation for the use of the Subject Property for the wedding. (CE24-0303 Hearing Testimony.)

50. As part of his investigation, Officer Smith determined that this event was not registered as required. He consulted with information technology which confirmed that no special event for this date and time was registered at all. It was also determined that the system was in working order, had no issues nor any indication of any inability to submit notice. (CE24-0303, ABBO #1, Ex. 2C-2T; Hearing Testimony.)

51. On September 20, 2024, Officer Smith issued a NoV to Owner for the two violations identified therein, EDCOC sections 130.40.400E.3.a – Special Events – Number Allowed and 130.40.400E.3.f.(1) – Special Events – Advance Notice. The basis of the cited violation was a special event held on September 7, 2024 that was over the allowed amount for the calendar year. The NoV also stated this violation constitutes the Seventh and Eighth violation in an eighteen (18) month period, and the penalty shall be a fine of \$2,000 based on the violations occurrence. (CE24-0303, Ex. 5. pg. 1-3.)

52. On September 27, 2024, Owner filed a Request for Administrative Hearing form based on the notice dated September 17, 2024 for Case Number CE24-0303, including an attachment. (CE24-0303, Ex. 6, 1-4.)

53. On September 8, 2024, the County received a complaint of a special event at the Subject Property over the number allowed. (CE24-0304, Ex. 2, pg. 1.)

54. On September 8, 2024, at approximately 3:47 p.m., Officer Smith arrived at the Subject Property to determine if any unregistered special event was taking place. (CE24-0304, Ex. 2, pg. 1.)

55. Upon arrival, Officer Smith parked on the shoulder of the state highway, approximately 300 feet from the entrance and on the opposite side so he could observe incoming traffic to the Subject Property. (CE24-0304, Ex. 2, pg. 1.)

56. Officer Smith observed 49 vehicles enter the Subject Property between 3:47 and 4:09. The number of vehicles entering the Subject Property causes congestion at the entrance and backed up

onto the highway where horns could be heard and several vehicles attempting to pass had to enter oncoming traffic causing hazardous conditions. (CE24-0304, Ex. 2, pg. 1.)

57. Officer Smith then relocated to a nearby property where he could observe the area commonly used for wedding ceremonies at the highest point of the Subject Property. (CE24-0304, Ex. 2, pg. 1.)

58. At approximately 4:20 p.m., Officer Smith observed the audience was seated at the ceremony area and amplified music could be heard. He was able to identify the bride and groom in front of the audience. The ceremony concluded at approximately 4:240 with loud cheers and clapping from the audience. The audience then began to relocate to the main house and remained on the patio area for what appeared to be a type of cocktail hour. (CE24-0304, Ex. 2, pg. 1.)

59. Officer Smith left his location at approximately 5:15 p.m. (CE24-0304, Ex. 2, pg. 1.)

60. The photographs taken by Officer Smith are date and time stamped. (CE24-0304, Ex. 3A-3D; Hearing Testimony.)

61. Social media information was found that confirmed a wedding took place at the Subject Property on September 8, 2024. (CE24-0304, Ex. 3E; ABBO #2, Ex. 4Xx-4AD.)

62. The Owner received compensation for the use of the Subject Property for the wedding. (CE24-0304 Hearing Testimony.)

63. As part of his investigation, Officer Smith determined that this event was not registered as required. He consulted with information technology which confirmed that no special event for this date and time was registered at all. It was also determined that the system was in working order, had no issues nor any indication of any inability to submit notice. (CE24-0304, ABBO #1, Ex. 2C-2T; Hearing Testimony.)

64. On September 20, 2024, Officer Smith issued a NoV to Owner for the two violations identified therein, EDCOC sections 130.40.400E.3.a – Special Events – Number Allowed and 130.40.400E.3.f.(1) – Special Events – Advance Notice. The basis of the cited violation was a special event held on September 8, 2024 that was over the allowed amount for the calendar year. The NoV also stated this violation constitutes the Ninth and Tenth violation in an eighteen (18) month period, and the penalty shall be a fine of \$2,000 based on the violations occurrence. (CE24-0304, Ex. 5. pg. 1-3.)

65. On September 27, 2024, Owner filed a Request for Administrative Hearing form based on the notice dated September 17, 2024 for Case Number CE24-0304, including an attachment. (CE24-0304, Ex. 6, 1-4.)

66. The Owner was advised of the Scheduled Hearing date of January 30, 2025, at 9:00 a.m.

## V. DETERMINATION OF ISSUES

“Under article XI, section 7, of the California Constitution, ‘[a] county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.’” (*American Financial Services, Assn. v City of Oakland* (2005) 34 Cal. 4<sup>th</sup> 1239, 1251; *Sherwin-Williams Co. v City of Los Angeles* (1993) 4 Cal. 4<sup>th</sup> 893, 897.) “Under the police power granted by the Constitution, counties and cities have plenary authority to govern, subject only to the



limitation that they exercise this power within their territorial limits and subordinate to state law. (Cal. Const., art. XI, § 7.)”

Review of land use regulations is highly deferential as such regulations are a valid exercise of the police power if it is fairly debatable that it bears a reasonable relation to the general welfare. See *Christensen v Yolo County Board of Supervisors* 995 F 2d 161, 165 (9<sup>th</sup> Cir 1993); *County Sanitation District No. 2 v County of Kern* (2005) 127 Cal. App. 4<sup>th</sup> 1544, 1614. Review does “not require that the government’s action actually advance its stated purpose, but merely look to see whether the government *could* have had a legitimate reason for action as it did.” *Wedges/Ledges of Cal., Inc. v City of Phoenix* 24 F 3d 56, 66 (italics in original); See also *Equity Lifestyle Props., Inc. v County of San Luis Obispo* 548 F 3d 1184, 1194 (deferential inquiry is whether the enacting body could have rationally believed at the time of enactment that the law would promote the objective).

EDCOC section 130.40.400, Wineries, regulates and establishes standards for land uses to help ensure compatible uses. (ABBO Ex. 3, 3A.) As noted in each NoV, there is an alleged violation of section 130.40.400 E.3.a, Special Events. EDCOC section 130.40.400E sets forth provisions that “shall apply” to all wineries, accessory structures and accessory uses. EDCOC section 130.40.400 E3, Special Events, provides, in pertinent part, special events “are any events such as charitable events, promotional events, and facility rental events that are not the tasting and marketing activities described in Subsection E.2.c (Tasting Facilities: Marketing) above this section.” Subsection E.3.a., Number Allowed provides that “Except as provided in Subsection f. (Charitable Events) below, special events are limited to a total of 48 days per calendar year. Special events that have, or are planned to have, up to 250 persons in attendance shall count against the total number of events allowed. A winery owner may only hold one special event per calendar day. If a special event is intended to last more than one calendar day, the winery owner shall submit separate notices for each day pursuant to Subsection f (Advanced Notice) below, and each event will be included in the 48 [-day] event limit calculated under this Subsection. **Facility rental events are a type of special event where the winery owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings.** Facility rental events are part of the total special events allowed, but are further limited to the following: (1) Lots less than 20 acres in size: 12 days per calendar year. **(2) Lots 20 acres or more in size: 24 days per calendar year.**” (Emphasis added.)

In addition, EDCOC section 130.40.400E3b provides that “all special events are limited to 250 persons at one time. The winery owner shall ensure that the special event does not exceed the maximum capacity of 250 persons at one time.”

Further, EDCOC section 130.40.400 E3c provides that “this Section, rather than Chapter 130.44 (Ranch Marketing), shall govern a winery owner holding a special event. The number of special events shall not be added to or combined with those allowed by right under Chapter 130.44 (Ranch Marketing).” (Underline in original.)

Finally, EDCOC section 130.40.400E3f provides, in pertinent part, “(1) The winery owner shall notify the Agricultural Commissioner, on a form prescribed by the Agricultural Commissioner, not later than 14 days in advance of each special event held under this Section.”

It is without dispute that the County lawfully and properly amended its ordinance addressing wineries and the uses permitted. (ABBO, Ex. 3, 3A-3O.) There was limited direct evidence provided to indicate in what way the ordinance was amended. (AE, Ex. J.) It was adopted in June of 2023 and became effective in July of 2023. (ABBO, Ex. 3, 3A-3O.) There is no language in the text that enforcement of its provisions is to be delayed, or the events are to be exempted. Had the County intended such, it could have stated such in the language of the ordinance. Its language is clear in defining special events, the number allowed per calendar year, and the limit on the number who may attend. (ABBO, Ex. 3, 3A-3O.) It further defines a subset of special events, facility rental events, where the winery is compensated for the use of the site and facilities. (ABBO, Ex. 3, 3A-3O.) It

includes weddings. The events are part of the total special events allowed and further limited in number based on the size of the property where the event is to take place. For the property in issue in these appeals, weddings are limited to 24 days per calendar year. (ABBO, Ex. 3, 3A-3O.)

It is undisputed that the special events which took place were weddings, (CE24-0271, Ex. 2,3,5; CE24-0301, Ex. 2, 3,5; CE24-0302, Ex. 2, 3, 5; CE24-0303, Ex. 2, 3, 5; CE24-0304, Ex. 2, 3, 5.), a specified special event defined as a facility rental event, and that the owner received compensation for the use of the facility. (Hearing Testimony.) The elements of the cited violations are clearly established as a facility rental event, wedding, noted to be beyond the express limit of 24 per calendar year without question occurred. It is further undisputed that the County was not notified within 14 days of each wedding, a clear violation as well. (ABBO, Ex. 2, 2C-2T; Hearing Testimony.) Supervisor Jorgensen even advised the Owner in June of 2024, well prior to the events that resulted in the NoVs issued, that he had “26 events listed so far for the year, the last one scheduled for 6/29/24.” She further advised of the maximum allowable special events is 24. She also indicated that “we wanted to ensure you were aware of this and that any events over the 24 would be considered violations.” (ABBO, Ex. 1, 1J.)

Evidence was presented of the Owner’s good faith efforts to comply by attempting to obtain clarification of the regulations, efforts to register within the specified time and the failure to do so. (ABBO, Ex. 1, 1F-1K.) There was no evidence that the system for registration did not work, had a glitch of some type to prevent registration, or that the Owner successfully did as required, for any of the listed weddings. (ABBO, Ex. 2, 2C-2T.) There was evidence that some events were captured on the list but none of the ones in issue. (ABBO, Ex. 1, 1H-1K; Ex. 2, 2C-2T.) Officer Smith specifically investigated this issue and found that there were no problems with the system. (ABBO, Ex 2, 2C-2T; Hearing Testimony.)

The County did not strictly enforce its enacted provisions but gave those affected time to adjust. (Hearing Testimony.) Here the enforcement did not begin in earnest until over a year after the ordinance became effective. There is no language ordinance to exempt events by date or delayed enforcement for any period of time, the County did provide ample time and opportunity to adjust to the new provisions set forth, and at some point, the new provisions must be enforced.

The County has met its burden of proof by a preponderance of evidence, through the hearing testimony and exhibits, that violations of EDCOC sections 130.40.400E3a, Special Events, Number Allowed and 130.40.400E3f, Advanced Notice, occurred, and the Owner is responsible in each noted case. (CE24-0271; CE24-0301; CE24-0302; CE24-0303; CE24-0304.)

Based on the investigations by Supervisor Bailey, Officer Smith, Case Summaries and Case Details, NoVs, Exhibits, and the Findings of Fact from the testimony at the hearing, as well as the lack of any evidence to the contrary, there is clear evidence supporting the findings that the violations of EDCOC section noted in each NoV existed when the County inspected the Subject Property on the dates set forth therein, and as set forth herein.

EDCOC section 130.40.400J1, provides, in pertinent part,

“1. Any violation of Subsection E.3.e (Special Events) is subject to enforcement under Chapter 9.02, except that, notwithstanding Section 9.02.210, a violation of Subsection E.3.e (Special Events) is a misdemeanor and the fine assessed for each Notice and Order issued for the same violation shall be as follows:

- a. First violation: \$250.00;
- b. Second violation: \$500.00
- c. Third or subsequent violation: \$1,000.00.”

As noted in the September 16, 2024, NoV, “this violation constitutes the SECOND violation in an eighteen (18) month period, and the penalties shall be a fine of \$500.00 amount based on violation occurrence.” (CE24-0271, Ex. 5, pg. 2.) The noted penalty is supported by the evidence provided and is consistent with the directives found in EDCOC section 130.40.400J1 set forth herein.

As noted in the September 20, 2024, NoV, “this violation constitutes the THIRD and FOURTH violation in an eighteen (18) month period, and the penalties shall be a fine of \$2000.00 amount based on violation occurrence.” (CE24-0301, Ex. 5, pg. 2.) The noted penalty is supported by the evidence provided and is consistent with the directives found in EDCOC section 130.40.400J1 set forth herein.

As noted in the September 20, 2024, NoV, “this violation constitutes the FIFTH AND SIXTH violation in an eighteen (18) month period, and the penalties shall be a fine of \$2000.00 amount based on violation occurrence.” (CE24-0302, Ex. 5, pg. 2.) The noted penalty is supported by the evidence provided and is consistent with the directives found in EDCOC section 130.40.400J1 set forth herein.

As noted in the September 20, 2024, NoV, “this violation constitutes the SEVENTH AND EIGHTH violation in an eighteen (18) month period, and the penalties shall be a fine of \$2000.00 amount based on violation occurrence.” (CE24-0303, Ex. 5, pg. 2.) The noted penalty is supported by the evidence provided and is consistent with the directives found in EDCOC section 130.40.400J1 set forth herein.

As noted in the September 20, 2024, NoV, “this violation constitutes the Ninth and Tenth violation in an eighteen (18) month period, and the penalties shall be a fine of \$2000.00 amount based on violation occurrence.” (CE24-0304, Ex. 5, pg. 2.) The noted penalty is supported by the evidence provided and is consistent with the directives found in EDCOC section 130.40.400J1 set forth herein.

Accordingly, the Hearing Officer finds that the County established, by a preponderance of the evidence, the Owner is responsible for the violations of the EDCOC on the Subject Property as set forth in the NoVs of September 16, 2024, September 20, 2024, September 20, 2024, September 20, 2024, and September 20, 2024, and the indicated penalty is proper and appropriate under the circumstances.

## V. DECISION

Based upon the foregoing including the evidence presented, both documentary and through testimony of witnesses at the hearing in this matter, I, the duly appointed undersigned neutral Administrative Hearing Officer, acting in such capacity, therefore decide as follows:

The September 16, 2024, NoV for the August 24, 2024 violation of EDCOC section 130.40.440E.3.a. was properly issued to Owner for the violation as set forth therein in case number CE24-0271, and the NoV and penalty are, therefore, **affirmed** as provided for in EDCOC section 9.02.440.

The September 20, 2024, NoV for the August 31, 2024 violation of EDCOC sections 130.40.440E.3.a. and 130.40.440E.3.f.(1) was properly issued to Owner for the violation as set forth therein in case number CE24-0301, and the NoV and penalty are, therefore, **affirmed** as provided for in EDCOC section 9.02.440.

The September 20, 2024, NoV for the September 6, 2024 violation of EDCOC sections 130.40.440E.3.a. and 130.40.440E.3.f.(1) was properly issued to Owner for the violation as set forth therein in case number CE24-0302, and the NoV and penalty are, therefore, **affirmed** as provided for in EDCOC section 9.02.440.

The September 20, 2024, NoV for the September 7, 2024 violation of EDCOC sections 130.40.440E.3.a. and 130.40.440E.3.f.(1) was properly issued to Owner for the violation as set forth

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therein in case number CE24-0303, and the NoV and penalty are, therefore, affirmed as provided for in EDCOC section 9.02.440.

The September 20, 2024, NoV for the September 8, 2024 violation of EDCOC sections 130.40.440E.3.a. and 130.40.440E.3.f.(1) was properly issued to Owner for the violation as set forth therein in case number CE24-0304, and the NoV and penalty are, therefore, affirmed as provided for in EDCOC section 9.02.440.

The Owner is directed to cease violating the EDCOC and discontinue allowing special events, including facility rental events where the winery owner is compensated for the use off the site and facilities, in excess of the number permitted by ordinance at the Subject Property, and to notify the Agricultural Commissioner, on the proper form, or through the on-line system, no later than 14 days in advance of each special event held, including facility rental events.

The Owner has paid all assessed fines as confirmed by County of El Dorado cash register receipt number E25577. (CE24-0304, Ex. 7.)

Pursuant to EDCOC section 9.02.440H, this Administrative Decision shall become final on the date of service of the Order.

EDCOC section 9.02.470, Judicial review, provides that:

- A. Within 20 calendar days from the service of an administrative order , any party may appeal the order to the superior court.
- B. Any party failing to timely file an appeal to the superior court shall be deemed to have waived any and all objections to the administrative order and the order shall become binding and final. Any review of the matter conducted in court shall be de novo.

Dated: February 21, 2025

CIVICA LAW GROUP, APC

By: 

DANIEL K. OHL

Administrative Hearing Officer



**COPY**

**PROOF OF SERVICE**

At the time of this service, I was over 18 years of age, and I was not a party to this action. My business address is 4000 Barranca Parkway, Suite 250 PMB 782, Irvine, California 92604.

On the date indicated below, I served the following documents ("Documents"):

**1. ADMINISTRATIVE ORDER AND DECISION (DISPUTE OF NOTICE TO VIOLATION ISSUED IN CODE ENFORCEMENT CASE NUMBERS CE24-0271, CE24-0301, CE24-0302, CE24-0303, and CE24-0304).**

The Documents were served on the following persons ("Persons"):

**Bradley A. Christian, Trustee**  
2480 State Highway 193  
Cool, California 95614  
Attn: bc@ellusionist.com

**EDC Planning and Building Dept**  
**Code Enforcement Division**  
2850 Fairlane Court, Building C  
Placerville, California 95667  
[kevin.bailey@edcgov.us](mailto:kevin.bailey@edcgov.us)  
[camden.smith@edcgov.us](mailto:camden.smith@edcgov.us)  
[teresa.schoener@edcgov.us](mailto:teresa.schoener@edcgov.us)

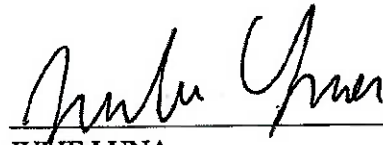
The Documents were delivered by:

☒ **United States Mail.** I served the Document by enclosing a true copy in a sealed envelope addressed to the Persons at the addresses identified above and depositing the envelope in the United States mail with the postage fully prepaid in the county where I reside or am employed.

☒ **Email.** Pursuant to CCP 1010.6(e)(1), the Document was served via email to the email addresses listed above and no indication was received that the email was not successfully received.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 21, 2025

  
JULIE LUNA



# PLANNING AND BUILDING DEPARTMENT

## CODE ENFORCEMENT

### PROOF OF SERVICE

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RE: CE24-0271, CE24-0301, CE24-0302, CE24-0303 AND CE24-0304  
2480 STATE HIGHWAY 193  
COOL, CA 95614  
APN: 074-042-002-000

I am a citizen of the United States and, at the time of service, I was at least eighteen (18) years of age and not a party to this action. My business address is 2850 Fairlane Court, Placerville, California, 95667.

I served the foregoing: Administrative Order/ Hearing Decision

on the party(ies) below, by manner(s) listed and addressed as follows:

CHRISTIAN BRADLEY A TR & BA LV RV TR 10/31/13  
2480 STATE HIGHWAY 193  
COOL, CA 95614

\_\_\_\_\_ **By Personal Service on (date) \_\_\_\_\_, at (time) \_\_\_\_\_.**

  X   **By Certified U. S. Mail, Return Receipt Requested:** I placed each such envelope(s) for collection and mailing via First Class Certified Mail, Return Receipt Requested, following ordinary business practices. I am readily familiar with El Dorado County's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U. S. Postal service on that same day with postage thereon fully prepaid at Placerville, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an affidavit.

  X   **By U. S. Mail:** I placed each such envelope(s) for collection and mailing via First Class Mail, following ordinary business practices identified above.

  X   **By Electronic Mail:** I caused such document(s) to be transmitted by Electronic Mail to the Email address indicated after the address(es) noted above.

\_\_\_\_\_ **By Posting:** I posted the above documents conspicuously on or in front of the resident, cultivation site, or other place reasonably anticipated to provide notice to the response person. The date and time of the posting is documented in the photograph of the posting.

I declare under penalty of perjury, under the law of the State of California, that the foregoing is true and correct and that this declaration was executed on FEBRUARY 24, 2025 in Placerville, California.

Teresa Schoener  
Administrative Technician  
Code Enforcement Division

**A.** It is the policy of the county to conserve and protect agricultural land and to encourage agricultural operations within the county. Where nonagricultural land uses, including but not limited to residential development, extend into or are adjacent to areas of agricultural land, agricultural operations have become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to curtail or cease operations, and operators are discouraged from making investments in farm improvements to the detriment of the economic viability of the county's agricultural industry as a whole. It is the purpose and intent of this Section to reduce the loss to the county of its agricultural resources by limiting circumstances under which agricultural operations may be considered a nuisance. This Section is not to be construed in any way as modifying or abridging state law relative to nuisances, but is to be utilized in the interpretation and enforcement of the provisions of this Code and other applicable county regulations.

**B. Definitions.** As used in this Section, the following terms shall have the meanings set forth below:

**“Agricultural Land”** is lands which are zoned PA (Planned Agricultural), LA (Limited Agriculture), AG (Agricultural Grazing), FR (Forest Resource), and TPZ (Timberland Production Zone) or lands within a General Plan designated Agricultural District or lots with a General Plan land use designation of Agricultural Land (AL).

**“Agricultural Operations”** are activities relating to agricultural use including, but not limited to, the cultivation and tillage of the soil; the burning of agricultural waste products or other agricultural burning; the protection of crops and livestock from insects, pests, diseases, birds, predators, or other pests that damage or could potentially damage crops; the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides and fertilizers; or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing.

**C. Nuisance.** No present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land in or about the locality thereof. However, the provisions of this Subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation and its appurtenances or if the agricultural activity or appurtenances obstruct the free passage or use in the customary manner of any navigable lake, stream, river, canal, or basin, or any public park, square, street or highway.

**D. Role of Ag Commission.** An interested party may submit a written request to the Ag Commission for an opinion as to whether a particular agricultural operation constitutes a nuisance. In the event a dispute arises between an owner of an agricultural operation

and a resident (or residents) in or about the locality thereof as to whether a particular agricultural operation constitutes a nuisance, an interested party may submit a written request to issue an advisory opinion or mediate a dispute. The Agricultural Commissioner may promulgate such regulations as are necessary for the implementation of this Section. The County Farm Advisor from the University of California Cooperative Extension Service may serve as technical advisor to the Ag

**E. Disclosure Notice.** Every seller of any real property in the unincorporated areas of the county, either directly or through his/her authorized agent, shall provide to any prospective buyer a written disclosure statement advising the buyer of the existence of a Right to Farm Ordinance enacted by the county. Such disclosure statement shall contain or be accompanied by a copy of the Right to Farm Ordinance, Section

130.40.290 (Right to Farm) or successor, and the brochure provided by the county entitled "Agricultural Land Use in El Dorado County". The disclosure statement shall be substantially in the form promulgated by the Agricultural Commissioner, or his/her designee. The written disclosure statement shall include any agricultural setback requirements applicable to the property. The written disclosure statement also shall include a statement that intensive agricultural activities may be conducted on agricultural land within the county. The buyer shall sign a copy of the written disclosure statement acknowledging receipt of the disclosure and accompanying documents and deliver the signed copy to the seller or his/her authorized agent. The seller or his/her authorized agent shall retain

seller or his/her authorized agent shall retain



**Article 8**

Rev. 03/24/14

**Glossary**

described in the California Food and Agricultural Code Section 17121 for the purpose of containing livestock and/or controlling predators.

**Agricultural Homestays. (Use Type)** See "Lodging Facilities".

**Agricultural Structure.** See "Structure: Agricultural".

**Agricultural Support Services. (Use Type)** Agriculturally related services, such as processing, packing, and storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment; domestic farm animal sales; veterinary clinics; custom farming services; agriculturally-related building supply, feed and farm supply stores; agri-tourism facilities; greenhouses and nurseries; equestrian facilities; agricultural waste handling and disposal services; and other similar related services. (See Section 17.40.070: Agricultural Support Services.)

**Agriculturally Incompatible Uses.** See "Incompatible Uses: Agricultural".

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry; and related accessory uses for packing, treating, or storing of produce or animal products that are secondary to normal agricultural activities.

**REAL ESTATE TRANSFER DISCLOSURE STATEMENT**

**AGRICULTURAL PROTECTIONS**

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF EL DORADO, STATE OF CALIFORNIA, DESCRIBED AS \_\_\_\_\_  
THIS STATEMENT IS A DISCLOSURE PROVIDED IN COMPLIANCE WITH CHAPTER 17.13 OF THE EL DORADO COUNTY ORDINANCE CODE, KNOWN AS THE RIGHT TO FARM ORDINANCE. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

**I**

**SELLERS INFORMATION**

The seller discloses the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF EL DORADO, AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S) IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

The County of El Dorado recognizes the statewide policy to protect and encourage Agriculture. Section 17.13.030 of Chapter 17.13 of the El Dorado County Code (*Nuisance*) states in substance that no present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land in or about the locality thereof; provided, that the provisions of this section shall not apply whenever a nuisance results from negligent or improper operation of any such agricultural operation and its appurtenances or if the agricultural activity or appurtenances obstruct the free passage or use in the customary manner of a navigable lake, stream, river, canal or basin or any public park, square, street or highway.

Intensive agricultural activity may take place on agricultural land. Therefore, if the property you are purchasing is in the vicinity of agricultural land, you may at times be subject to one or more inconveniences and/or discomfort arising from operations on the agricultural land. Such inconveniences may include (depending upon the type of agricultural operation) but are not necessarily limited to the following: noise, odors, fumes, dust, legal pesticide use, fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts, night time lighting, operation of machinery, and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the Right to Farm Ordinance, or concerns with an agricultural operation, please contact the El Dorado County Agricultural Commissioner's Office.

**AGRICULTURAL SETBACKS**

Pursuant to Section 17.06.150 of Chapter 17.06 of the El Dorado County Code, your property may be subject to special setbacks for agricultural protection from the adjoining agricultural properties, as measured from the property line. Non-compatible uses such as residential structures, nursing homes, public schools, playgrounds, swimming pools, ponds and churches may not be built or placed within the agricultural setbacks, if applicable. For further information regarding applicable setbacks or other zoning regulations, please contact the El Dorado County Developmental Services Department- Planning Services Division.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller: \_\_\_\_\_ Date: \_\_\_\_\_

Seller: \_\_\_\_\_ Date: \_\_\_\_\_

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

**I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT**

Seller: \_\_\_\_\_ Date: \_\_\_\_\_ Buyer: \_\_\_\_\_ Date: \_\_\_\_\_

Seller: \_\_\_\_\_ Date: \_\_\_\_\_ Buyer: \_\_\_\_\_ Date: \_\_\_\_\_

Agent (Broker  
Representing Seller): \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Associate Licensee or Broker-Signature)

Agent (Broker  
Obtaining the Offer): \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Associate Licensee or Broker-Signature)

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE.  
IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.



Outlook

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## Black Oak Mountain Vineyard Support Letter

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**From** Juan Jeremy Pipes <juan.alvarez103@gmail.com>

**Date** Wed 7/23/2025 11:08 PM

**To** Planning Department <planning@edcgov.us>

 1 attachment (34 KB)

Black Oak Mountain Vineyard Letter - Juan M. Alvarez .pdf;

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### **This Message Is From an Untrusted Sender**

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Dear El Dorado County Planning Commission,

I am writing to express my strong support for Black Oak Mountain Vineyard and their continued operations within our community. Please find attached my formal letter of support, which outlines my perspective in more detail.

I genuinely believe that Black Oak Mountain Vineyard contributes significantly to both our local economy and the overall well-being of our community. Their presence and activities have a positive impact, and I respectfully ask for your thorough consideration of my viewpoint as you review their current and future plans.

Warmest regards,  
Juan Alvarez

Juan M. Alvarez

2085 Jewel Lake Way

Plumas Lake, CA 95961

buzzbuzz@thebeescafesac.com

Wednesday, July 23rd, 2025

To Whom It May Concern,

I'm writing to share my support for Black Oak and to express how valuable this venue is to the community. Its thoughtful design that highlights the natural beauty of our region and the positive economic impact it creates by partnering with local vendors, Black Oak has proven itself to be a meaningful and responsible member of our area.

What sets Black Oak apart is not only its aesthetic appeal and respectful approach to the land, but also the welcoming and professional experience it offers guests. We recently attended a wedding there and was struck by the seamless coordination, warm atmosphere, and the way local food and flowers were incorporated into the event.

Venues like Black Oak are more than just event spaces — they're places where memories are made, where local businesses grow, and where communities come together. I strongly support the work Black Oak is doing and hope their positive presence continues to be recognized and appreciated.

Sincerely,

Juan M. Alvarez



Outlook

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## Black Out Mountain Vineyard Letter Of Support

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**From** Arlen Alvarez <alvarez.arlen.19@gmail.com>

**Date** Wed 7/23/2025 11:01 PM

**To** Planning Department <planning@edcgov.us>

 1 attachment (35 KB)

Black Oak Mountain Vineyard Letter - Arlen A. Alvarez.pdf;

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### **This Message Is From an Untrusted Sender**

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Respected El Dorado County Planning Commission,

Please find attached my letter of support for Black Oak Mountain Vineyard. I believe their operations contribute positively to our local community and economy, and I appreciate your consideration of my perspective as you review their plans.

Warmest regards,  
Arlen A. Alvarez

Arlen A. Alvarez  
2085 Jewel Lake Way  
Plumas Lake CA 95961  
Wednesday, July 23rd, 2025

To Whom It May Concern,

I am writing to share my unwavering support for Black Oak Mountain Vineyards and to express how truly valuable this venue is to our community. With its thoughtful design that highlights the natural beauty of our region and the significant positive economic impact it creates by partnering with local vendors, Black Oak has consistently proven itself to be a meaningful and responsible member of the area.

What truly sets Black Oak apart is not only its undeniable aesthetic appeal and respectful approach to the land, but also the consistently welcoming and professional experience it offers to all guests. My family and I recently had the pleasure of attending a wedding there and were particularly struck by the seamless coordination, the warm and inviting atmosphere, and the wonderful way local caterers and florists were incorporated into the event.

In my view, venues like Black Oak are far more than just event spaces; they are cherished places where lasting memories are made, where local businesses thrive and grow, and where communities genuinely come together. I strongly support the important work Black Oak is doing and sincerely hope their positive presence continues to be recognized and appreciated for many years to come.

Sincerely,  
Arlen A. Alvarez



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## public comment for file # 25-1239, Hearing to consider CUP22-0013/Black Oak Mountain Winery

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**From** Emily Van Winkle <emilyrosevw@gmail.com>

**Date** Wed 7/23/2025 9:35 PM

**To** Planning Department <planning@edcgov.us>

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### **This Message Is From an Untrusted Sender**

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Hello,

I am in support of Black Oak Mountain Vineyard being approved for their CUP application. I have lived here on the divide for 37 years. I love what they have done with that property. It is a beautiful addition to our town. It is kept up, fire safe, produces delicious wine, a place for many bees to thrive, provides a lot of business for our local economy, provides local jobs where there aren't many, offers work experience for high schoolers, and so much more. We have nothing like this in Cool or even El Dorado County. I believe that Black Oak Mountain Vineyards hosting weddings has no negative effect on our local ag properties. To be able to invite people to experience the beauty of our area, on one of the happiest most memorable days of their lives is such a gift. We aren't asking that everyone who has a wedding, to move here, but to enjoy and just be for the short time they get to experience Cool CA. What a gift we get to give people. I have been involved with Black Oak Mountain Vineyards for the last 4 years, and have been impressed by their professionalism. The ladies that help make that place run are the sweetest most giving people you'll ever meet. I know this property was proposed to have a housing development on it, and I'm so thankful the county shut that down because that would've been awful for so many reasons. Brad, the owner, has done nothing but highlight the beautiful landscape of our area and not just fill it with more homes. I wish El Dorado County would support and help more small businesses to thrive instead of constantly doing the opposite.

I support Black Oak Mountain Vineyards and believe they should be allowed to thrive in their business.

Emily Van Winkle  
Long time resident of the Divide





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## Support for Black Oak Mountain Vineyards- CUP22-0013

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From Regal Carriage Limousine & Transportation <regalcarriagesac@gmail.com>

Date Wed 7/23/2025 9:06 PM

To Planning Department <planning@edcgov.us>

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### This Message Is From an Untrusted Sender

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Dear Members of the El Dorado County Planning Commission,

I am writing in strong support of **Black Oak Mountain Vineyards** and their Conditional Use Permit (CUP22-0013) currently under consideration.

Black Oak is not only one of the most stunning venues in El Dorado County — it is also a thoughtful, responsible, and community-minded business that contributes meaningfully to the local economy. The events held there bring visitors, tourism dollars, and opportunities to dozens of local vendors and small businesses like mine.

Importantly, I understand the request for up to 165 events per year is not reflective of 165 separate large-scale weddings. Black Oak's most popular offering is a three-day celebration, including a rehearsal dinner and farewell brunch — which now, under current interpretation, count as **three individual event days for just one wedding**. Their operations have not changed — only the way these days are being counted.

Shutting down or severely limiting a venue like Black Oak would be a loss not just for the owners, but for the entire community that benefits from their success — couples, families, caterers, florists, photographers, hotels, and so many others.

I strongly urge the Commission to approve the permit and allow Black Oak Mountain Vineyards to continue doing what they do best: bringing joy, beauty, and economic vitality to El Dorado County.

Sincerely,

Nicole and Vikal Baran

Regal Carriage Limousine

Auburn, CA

[regalcarriagesac@gmail.com](mailto:regalcarriagesac@gmail.com), (916) 956-8507



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## Support for Black Oak Mountain Vineyards - CUP

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**From** Tracy Ramos <tracy@blackoak.cool>  
**Date** Wed 7/23/2025 7:49 PM  
**To** Planning Department <planning@edcgov.us>

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**This Message Is From an External Sender**

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Dear Members of the El Dorado County Planning Commission,

I am writing in strong support of Black Oak Mountain Vineyards and their Conditional Use Permit (CUP22-0013) currently under consideration.

I am a proud employee of Black Oak Mountain Vineyards as the In-house wedding planner and Estate manager for the past year and a half.

As a long time resident of the divide growing up in Garden Valley and surrounding areas and now residing in Cool. I have watched this area and specifically this property grow from basic farm land into the stunning home, agricultural land and venue it is today. The vision and heart that has been poured into this property is beyond anything that could have been imagined and or duplicated. The amount of time, effort and thought that Brad and the entire management team at Black Oak have put into every detail of the property, vineyard and venue has been nothing short of the utmost importance, not only as a business but for the surrounding neighborhood and community. Every detail is methodically thought out and taken into consideration. Not only do we want to be visually stunning for ourselves and our guests, but we do it for our neighbors and fellow residents passing by.

What other venues offer their wines and Honey straight from their property for guests to enjoy? Take a look at some of our neighbors and you can see the difference and time input, there aren't a lot of homes or businesses that can say they have an A+ rating from the fire department for firebreak and safety, but we can!

As the In-House wedding planner I get to work with brides and grooms along with their families, to plan and prepare for one of the biggest and best days of their lives surrounded by the love of their friends and family while they choose to do it in our beautiful small community. They can go anywhere in the world and people are choosing Black Oak Mountain Vineyards for the sites, scenery and serenity that the community and area provide. The job that I thought was only a side job and dream has become a reality because of the vision that Brad has created and put in place for his employees and others to enjoy. The opportunities that have been made available for myself, our management team and work family being able to work so close to home while sharing our community is something really special. The events held at Black Oak mountain Vineyards bring visitors, tourism dollars, and opportunities to dozens of local vendors, restaurants and small businesses like ours. While also providing numerous job opportunities to our small town and local community within El Dorado County.

I understand that our neighbors don't like us, they watch and report our every move, play loud music on repeat during our events and fire guns close to property lines while complaining about noise. They have trespassed onto the property and have made multiple false accusations. We as a team take these complaints seriously and into consideration of our neighbors, our community and our guests while making numerous changes to the way we handle our events, and have created strict guidelines for ourselves and our vendors to adhere to. It's just sad that a few unhappy neighbors are so hell bent on ruining someone else's reputation and tearing down opportunities for others to be able to enjoy.

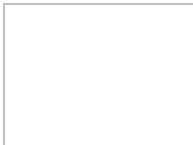
I realize that the request for up to 165 events per year is not reflective of 165 separate large-scale weddings. Black Oak's most popular offering is a three-day celebration, including a rehearsal dinner and farewell brunch — which now, under current interpretation, count as three individual event days for just one wedding. Their operations have not changed — only the way these days are being counted. We want our guests to be able to enjoy the surrounding areas and History that El Dorado County offers, from the Wine tours, to white water rafting, gold panning in Coloma, hiking and more. By granting our CUP more and more tourists will be able to experience our community while also bringing in additional revenue.

Shutting down or limiting a venue like Black Oak Mountain Vineyards would be a loss not just for the owners, but for the staff, their families, as well as the entire community that benefits from their success — couples, families, Grocery stores, caterers, florists, photographers, hotels, and so many others.

I strongly urge the Commission to approve the permit and allow Black Oak Mountain Vineyards to continue doing what they do best: bringing Love, joy, beauty, and economic vitality to El Dorado County.

Sincerely,

Tracy Ramos  
Black Oak Mountain Vineyards || Estate Manager  
In-House Wedding Planner  
Tracy@blackoak.cool  
530-305-3552





Outlook

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## Black Oak Mountain Vineyard Letter of Support

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**From** Juan Alvarez <buzzbuzz@thebeescafesac.com>

**Date** Wed 7/23/2025 6:28 PM

**To** Planning Department <planning@edcgov.us>

 1 attachment (63 KB)

Black Oak Mountain Vineyard- The Bee's Cafe++LLC.pdf;

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### **This Message Is From an Untrusted Sender**

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Dear Respected El Dorado County Planning Commission,

On behalf of our catering company, The Bee's Cafe LLC, and all of our dedicated employees, we are writing to respectfully submit this letter in strong support of Black Oak Mountain Vineyard. We have been working with Black Oak Mountain Vineyard for the past 5 years, we were in fact the first fully vetted catering company at black oak , and we can attest to their commitment to quality and their positive impact on the local community.

We believe that Black Oak Mountain Vineyard is a valuable asset to El Dorado County, contributing significantly to our local economy and tourism. Their operations are consistently conducted with professionalism and a clear understanding of the importance of community partnership. We wholeheartedly endorse their continued growth and development within our county.

Sincerely,  
The Bee's Cafe LLC



## **The Bee's Cafe++LLC**

8525 Madison Ave. Suite 127

Fair Oaks, CA 95628

(916) 475-4362

[buzzbuzz@thebeescafesac.com](mailto:buzzbuzz@thebeescafesac.com)

To Whom It May Concern,

We are writing on behalf of The Bee's Cafe++ LLC to express our strongest support for Black Oak Mountain Vineyards. As a local catering company, we have had the honor of working with Black Oak since the day they opened their doors to the community, and over the past five years, this partnership has been vital to our growth and sustainability.

Black Oak is not just a beautiful venue—it is a hub for local collaboration and opportunity. Their commitment to working with small businesses like ours has had a direct and meaningful impact on our economy. If the venue were to close, it would cause a tremendous setback for our company and many other local vendors who rely on their events to stay in business.

Throughout our partnership, the owner and staff at Black Oak have always conducted themselves with the highest levels of professionalism, respect, and kindness. They are a pleasure to work with and consistently go above and beyond to support both clients and vendors alike. Thanks to the many weddings and events hosted at Black Oak, we've had the chance to serve hundreds of guests and offer custom catering experiences tailored to each couple's unique vision. These shared celebrations have not only brought joy to our clients but have also deepened our ties within the local community.

We stand in full support of Black Oak Mountain Vineyards. They are an invaluable asset to the region, and their efforts continue to uplift and connect a wide network of vendors and creatives from both the immediate area and beyond.

Sincerely,  
The Bee's Cafe++ LLC