

C. Uso Open Forum BOS 2/14/2023

From Cheryl Uso

Madame chair, Members of the Board:

I am here today to ask that you reverse your findings regarding our Conditional Use Permit at 2405 Big Chief Trail. At the hearing, my spouse, Lon Uso came prepared to answer the questions posed by the appellant. What he heard from the dais had nothing to do with that or with the staff report or recommendations. He was not given an opportunity to answer for his character or the concerns expressed by the board.

Here is a short history of our time at this property.

At the time we purchased the property (**October 1, 2015**) open space was defined in the El Dorado Zoning Ordinance of July 2004 (Revised September 2013). Section 17.68.040 cites "Uses permitted by right."

- A. One single family dwelling not less than the minimum sized parcel of land under separate ownership
- B. Agricultural and accessory buildings.

We planted grapevines in spring of 2016, and began building our residence and horse barn with the understanding that the horse barn and agricultural and accessory buildings were "permitted by right."

At some point, the zoning allowances changed without our knowledge. We were never noticed on these changes and I still cannot find when these changes were actually made. Thus, the classification is now "legal nonconforming use." Please refer to a communication with a former high-ranking member from your planning department. We talked to Shawna Purvines prior to purchasing this property. (See communication from Shawna Purvines) This communication made us confident that upon purchase we would be able to build our home and that once the house was built there would be a residential overlay on the property that would allow us to build any buildings that were consistent with residential, non-commercial uses. In fact, as reported by staff, the five agricultural buildings would have been allowed "by right." When our vineyard was planted, it was not only allowed "by right," but encouraged on open space. It is grandfathered in and so should the accessory buildings be.

In the years since, we have turned an unkempt, star thistle-covered fire hazard into beautiful pasturelands, orchards, gardens, and vineyards. We keep the property mowed and irrigated. This acts as a buffer between the wildlands behind our property and Auburn Lake Trails.

I am devastated that you want us to tear down all our buildings including the barn that shelters my twenty-four-year-old horse.

I also want you to know that my husband is an honorable man who came to this country as an immigrant, became an American citizen, is a father and grandfather to wonderful children and grandchildren and **up until this point** felt he was living the American dream.

Thank you.

IV. LAND USE REGULATIONS

Chapter 17.68

OPEN SPACE (OS) DISTRICT

Sections:

17.68.010	Purpose
17.68.020	Open space land defined
17.68.030	Applicability
17.68.040	Uses permitted by right
17.68.050	Uses requiring special use permits
17.68.060	Development standards

17.68.010 Purpose. The purpose of this chapter is to provide a medium whereby the essential open space needs of the citizens of the county may be provided for. (Prior code §9701)

17.68.020 Open space land defined. "Open space land" means parcels or areas of land which are generally unimproved and devoted to and essential for:

- A. Natural resource preservation including watersheds;
- B. Preservation of agricultural production;
- C. Preservation of recreational enjoyment areas;
- D. Prime or critical wildlife and biotic habitat preservation;
- E. Protection of public health, safety and welfare, in relation to seismic, geologic and geographic hazards;
- F. Protection of unusual or unique scenic values as determined by a specific finding of the governing body in regard to the specific parcel or area under consideration. (Prior code §9702)

17.68.030 Applicability. The regulations set forth in Sections 17.68.040 through 17.68.060 shall apply in all OS open space districts and OS districts shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. No building or structure shall be erected, structurally altered or enlarged, nor shall any building, structure, land or products thereof be used except as set forth in Sections 17.68.040 through 17.68.060. (Prior code §9703(part))

17.68.040 Uses permitted by right. The following uses are allowed by rights, without special use permit or variance:

- A. One single-family dwelling on not less than the minimum sized parcel of land under separate ownership;
- B. Agricultural and accessory buildings;

Hi Lon,

It was great to talk with you again. Sorry the issue still hasn't been resolved. Please see below an email I sent to you a few years back on this matter. Hopefully you find it helpful with your next steps in this process.

Best regards,
Shawna

----- Forwarded message -----

From: **Shawna Purvines** <shawnapurvines@gmail.com>

Date: Thu, Jun 24, 2021 at 2:51 PM

Subject: ADU Information

To: Lon Uso <londresuso@comcast.net>

Hi Lon,

Sorry this took me so long to get to you and that you are having this issue with your ADU permit @ EDC. To your question on where ADUs are allowed, as you will see in the State ADU Handbook (see link below) ADUs proposed pursuant to California law must be considered in any residential or mixed-use zone.

The State expects that residential or mixed-use zones be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use.

For other ADUs (not on residential or mixed-use zones), local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs.

At the time of your application for a residential unit on a parcel zoned open space, a residential unit was an allowed use as well as all residential accessory uses. Therefore ADUs were also allowed at this time, albeit with some restrictions as the new laws related to ADUs had not taken effect. Since this time the zoning allowances on open space have changed and no longer is a residential unit allowed. Therefore, your home is now a legal nonconforming use.

During my time with the Community Development Agency and Planning Services @EDC, it was customary to allow for residential accessory structures to be constructed (e.g. barns, pools, ADUs, etc.) when the use was accessory to a legal non conforming residence. This however, was at the discretion of the Planning Director.

As there are a number of residences throughout the County constructed legally on parcels zoned open space and in many cases these residences also include various accessory structures including structures similar to the ones you have constructed, I would be curious to know how many others are in a similar situation as you.

Hope this helps and as a side note, I think what has been constructed so far looks great. Below are the links to the state ADU resource center.

Shawna



View of vineyard looking southwest

View of orchard (green) looking towards wildland reclamation area (brown)



View of vineyard from Big Chief during the Bridge fire 9/5/21

Anecdotal evidence suggests that green land uses such as orchards, vineyards, parks, and golf courses can indeed serve as de facto buffers from oncoming fire



Pastureland

Madame chair, members of the board

I'd like an opportunity to answer some of your concerns with my project.

Supervisor Lane, you felt that my saying that I would be your poster boy for building without permits was insincere because I hadn't been punished. As of today, we have been in limbo for three years and have paid the county about \$14,000 in staff time to do research and prepare reports. That's a lot of time and a lot of money and I wouldn't wish this on my worst enemy.

Supervisor Turnboo, let me start by thanking you for reaching out to your appointed representative on the planning commission and getting to the truth.

Supervisor Hidahl, You were concerned about the financial impact of denying the CUP and you were right. It is devastating. Not only the loss of the investment and the huge cost of tearing all of this down but you are removing the only shelter that my horses have. You were also concerned about the visual impact on my neighbors. I have a picture and letters from my neighbors stating that the buildings were placed on the opposite side of an oak grove making any visual impact negligible.

Madame Chair, I could see that you were looking for solutions, I hope that we can find some together.

Your professional staff spent 3 years and hundreds of hours reviewing this project. They consulted with every county department and diligently made decisions based on county ordinances and policies. In their report, first to your planning commission and then to you, they brought strong recommendations to approve the CUP. Each one of you, interviewed and chose a member of the planning commission to represent your values. That commission spent almost an hour asking me difficult questions. They had read the staff report carefully and had studied all the documents presented because their questions were all germane to this project. They ensured that the conditions placed on the CUP were there to protect the community and to hold me to my word. You should be very proud of them.

In your findings, you say that expanding non conforming uses will have a negative impact on the surrounding community, in fact, the surrounding community is residential and everything that we built is consistent with residential uses and is

compatible, as evidenced by staff's report. You say that allowing my project would encourage others to do the same, I can assure you that the expense and emotional trauma that we have suffered is enough to discourage anyone from doing this. There are also ordinances and policies that allow residents who build without permits to cure their mistakes without destroying their lives, to not allow me to do the same feels like I'm being singled out. You said that wine production is out of character with the community yet 12 years ago, I almost bought a house in the trails on Brown Bear that has a vineyard and an accessory building that at the time had wine making equipment. I've been told that there are others.

I have brought you several letters from my neighbors and a petition with a number of signatures from those that didn't have the time to write letters.

I have included excerpts, from your general plan and from your previous land use regulations showing that my property is consistent with the goals for open space from the county.

I'm including your staff's recommendation because I think that you will agree that it is 180 degrees from your decision.

Finally, I am including an excerpt of the Volstead act, a federal law that gives me the right to make 200 gallons of wine each year for personal use, which is what I'm doing.

Let me finish by saying that I have hired legal counsel. We strongly believe your decision was incorrect and that the record will prove it.

My attorney wanted to be here, but I asked him to let me try to convince you myself. I tell you this for two reasons, I'm sure that county counsel will tell you that you may have some exposure. Second, knowing that we are pursuing a writ gives you cover to go into closed session and discuss this amongst yourselves.

February 14, 2023

El Dorado County
County Supervisor

To Whom It May Concern:

My name is Mark Greiner, my wife, Nanette Greiner and I reside at 2423 Big Chief Trail which is located in Auburn Lake Trails. Our property borders immediately to the south of Mr. Uso's property.

We write this letter requesting that all parties work toward finding a reasonable and amical resolution to an issue, to our understanding, that pertains to several metal outbuildings located on Mr. Uso's property. These buildings have drawn the attention of various El Dorado County entities.

Having moved to Auburn Lake Trails from Citrus Heights, we were drawn to the fabulous views of our new residence, which included looking north towards the Uso property. We've found the Uso property extraordinarily well maintained with neatly mowed fields along with a visually appealing vineyard in the distance.

We were also informed by the previous owner that the vineyard wasn't a winery, per say, but merely a vineyard whereby the owner enjoyed cultivating the grapevines for making his own wine. She told us not to worry as there was never any commercial activities associated with Mr. Uso's vineyard.

In the short time we've lived here, we found there is simply nothing objectionable about the Uso property. As far as the metal buildings in question, there is nothing inconsistent with what someone would expect for a property of this size. The paint color of the buildings is similar and appealing, as well as their size fits in from our perspective being totally appropriate. There is virtually no additional noise or traffic. It's very quiet up here.

In addition to the aesthetic upside to the Uso property, is the wonderful fire break it provides; not only to our property but many of our neighbors as well. We're under no illusions regarding the fire threat created by the immediate adjacency of Auburn State Recreational Area to the north and west of the Uso property.

The fact that our residence is not subject to the extraordinarily high fire insurance rates confronting so many El Dorado County residents today, was a major factor in our decision to purchase the property at 2423 Big Chief Trail. If we were to lose this well maintained fire break for any reason, it would no doubt have a profound impact on what we pay in fire insurance premiums, let alone affecting our property's value.

To conclude, I'd like to ask that this issue be examined from a macro perspective, as well as include the perspective of all the residents of our community. When reflecting on the appearance and overall benefits of how the Uso property is being managed, I'm of the opinion as a constituent that these issues are of little merit.

Please, negotiate a fair resolution and move on to other more important things that address the quality of life in El Dorado County that far more pressing than a couple of metal outbuildings on the top of a hill surrounded by oak trees, horses, vineyards and a wonderful home.

Thank you.

Sincerely,

Mark and Nanette Greiner

February 14, 2023

Attn: BOS Members.

My name is Jessica Skove and I was the Chair of the ALT Design Committee from 2014 to 2022. During this time, Lon Uso applied for approval for many construction projects and was always willing to comply with our rules and he followed every condition set by the Committee.

I have also visited his property in the past. There are many metal buildings in Auburn Lake Trails and the buildings on the Uso property are consistent with our design requirements. They are well set on the property and attractive and would have been approved if this property was part of Auburn Lake Trails.

Thank you.

A handwritten signature in black ink, appearing to read "J. Skove", with a long horizontal line extending to the right.

Jessica Skove
Auburn Lake Trails Resident

Cc: Lon Uso

February 13th, 2023

To Whom it may concern,

I am a Neighbor to Lon Uso. I live at 2437 Big Chief Trail, 3 houses down from Lon's, at 2405. I enjoy looking off my front porch up at Lon's property as it is a very pretty sight. There is nothing I have to complain about. It is kept in good condition and there is never any trash that you can see sitting around. Nothing on his property would be considered an eye sore. I believe that Lon Uso should be granted a Conditional Use Permit for his property and ut buildings. Lon is an upstanding citizen and friendly, helpful neighbor. I am available for questions if needed.

Thank you,

A handwritten signature in black ink, appearing to read 'Monica', followed by a long horizontal line extending to the right.

Monica Calder

916-467-6523

monicarae86@yahoo.com

To: El Dorado Board of Supervisors

Re: Uso Property, End of Big Chief Ct Auburn Lake Trails

It has been a source of conversation in our are for some time regarding the above mentioned property. Rumors abound about "Open Space", "Number of Buildings", etc.

I'm not sure what has started all of the conversations but as a close neighbor, with-in eye-shot of my back yard, I see nothing offensive about the property. We spend alot of time in our back yard, many visitors and guests for family and personal events, not once has it come to our attnention that it's intrusive or a problem.

I find the property to be a value to the neighborhood, in both visual effect and property values. It is well maintained, creates a nice view in the spring through fall as the grapes grow and mature. From most angles, the buildings are not noticable because of the natural landscape, i.e. trees, shrubs, etc. Additionally I find the property, becasue of the well maintained fields, to be a barrier for fires that could come from the canyon, a safety benefit for sure.

In conversatins from neighbors, many that boarder the property, I've yet to hear a negitive word. With the exception of 1 neighbor, that for years has harbored a personal issue with Mr. Uso, Im oping that is not the source of this concern.

Any additional questios concerning this issue, that I can be of assistance, please feel free to contact me.

Dennis Edwards

2017 American River Trail

Cool, CA 95614 530-888-6065

Deborah B. West
2391 Secret Ravine Trail
Cool, Ca. 95614
530-308-2202

January 11, 2023

Attention,
El Dorado County Board of Supervisors,
John Hidahl, George Turnboo, Wendy Thomas, Lori Parlin, & Brooke Laine,

Re: Londres Uso Parcel at 2405 Big Chief Trail, Cool, Ca.

I am quite familiar with this parcel and I drive past it almost daily. Londres built a lovely home on the hill and a very nice barn and divine vineyard. As far as any outbuildings, they are not visible from any nearby roadways.

Londres has made significant improvements to his property which has added exceptional beautification to the neighborhood. It's so refreshing to drive by and see the beautiful vineyard on the slope and horses in the pasture.

There are at least two other vineyards within Auburn Lake Trails which add beautification to the landscape. Both have outbuildings in which to harvest the grapes. There is no rule that prohibits growing grapes on any parcels within Auburn Lake Trails. Numerous properties in Auburn Lake Trails grow seasonal vegetables, fruit trees and grapes for personal consumption.

In my opinion, I see no reason to deny a Conditional Use Permit (CUP) for this parcel, that the Planning Commission approved unanimously.

Respectfully,
Deborah B. West

February 11, 2023

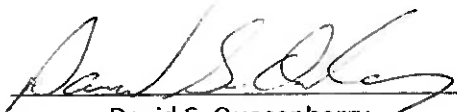
To whom it may concern,

My wife and I were shocked when our good friends Lon and Cheryl Uso told us that the El Dorado Planning Commission is recommending denial of their Conditional Use Permit (CUP) because it (the commission) claims that the accessory buildings (a wine processing building, workshop, barn and two carports) are, "...out of character with...the definition/intent of open space...and the surrounding neighborhood." If the Board of Supervisors denies the CUP the Uso's will have to tear down all their accessory buildings.


We encourage the Board of Supervisors to uphold the Uso's CUP for the following reasons:

1. The CUP for the home and accessory buildings should be granted grandfather privileges as they were originally approved by the county prior to the December 15, 2015, zoning ordinance update.
2. The existing accessory buildings are compliant with the definition of "Open Space" as it existed at the time the Uso's built their house and accessory buildings.
3. The colors of the Uso's home and accessory buildings are earthtones and similar to other houses in the surrounding neighborhood.
4. The accessory buildings are not readily visible from the American River Trail, do not infringe on the neighboring properties, and do not have a negative impact on the surrounding landscape and wooded areas behind the residence.
5. The home and vineyard are beautiful and add to the ambiance of Auburn Lake Trails.

Sincerely,


David S. Quesenberry

2/11/23
Date


Virlynnia G. Quesenberry

2/11/2023
Date

Supervisor Brooke Laine
330 Fair Lane
Placerville, CA 95667

February 10, 2023

Requesting a motion for reconsideration

On January 10, 2023, the BOS granted an appeal and denied a SUP request from Mr. Lon Uso permitting an accessory dwelling unit, ADU, and small AG buildings located on his property in Cool, CA.

The Board finding included: "The change or expansion of the nonconforming use will have a negative impact on the surrounding conforming uses and area overall."

"accessory buildings are out of character with the definition, intent, and vision of Open Space...."

"Granting expansion of non-conforming use would encourage improper development..."

As a property owner in Auburn Lake Trails, located near Mr. Uso's home and ranch, I'm requesting the Board reconsider their findings and allow a SUP for the ADU and the few small AG buildings on his property. My request is based on the following:

The Board's action to deny the SUP is in direct conflict with the published findings of County Staff and a unanimous decision from the Planning Commission. All the issues included in the appeal were discussed and considered during the Planning Commission Hearing. There was no new related information introduced that justified the Board's reversal of their staff or appointed Planning Commission members.

There were no substantiated evidence or testimony that the ADU and AG buildings have a negative impact on any surrounding properties. This property is mostly isolated from the Auburn Lake Trails development. It is a hilltop location fenced and gated. The buildings are obscure from the road and not easily noticeable from the riding trails. However, the construction quality and appearance is superior to other ranch buildings in the area. The planted vineyard and irrigation pasture offers a first defense for ALT fire protection

The county already granted Mr. Uso a permit to build his primary residence in 2016. He should not be denied the same individual property rights as other property owners in the same location. ADUs and AG buildings are commonplace in the area.

The County's regulations regarding the designated uses for Open Space, adopted after Mr. Uso had built his home and Ag buildings, should not be prejudicial against him.

The County has a long history of granting SUPs after the fact. There has been no evidence or testimony that granting a SUP to Mr. Uso would "encourage expansion of future improper developments." Mr. Uso has already paid a significant price nearing \$15,000 in county staff time over the last three years attempting to resolve this issue. He will pay more in permit/mitigation fees. To deny Mr. Uso a SUP when others in similar situations have been granted one, if not arbitrary and capricious, seems discriminatory. Lastly, the Board denied the request for SUP because "an accessory building related to wine processing." The small home wine processing AG building is not "out of character with the surrounding neighborhood uses." Vineyard owners and home winemakers in the area are already making up to 200 gallons of wine for their family's individual consumption as allowed under federal statute.

The Board should reconsider their denial of Mr. Uso's request for a SUP based upon staff recommendations and unanimous Planning Commission decision and grant Mr. Uso a SUP or conduct another hearing.

Sincerely,

Ken Calhoon

February 10, 2023

TO: El Dorado County Board of Supervisors

**FROM: Linda Davisson Gigliotti, State of California Licensed
Real Estate Broker ID#00787172**

RE: Lon and Cheryl Uso, 2405 Big Chief Trail, Cool, California

Gentlemen:

I am a close neighbor to the property owner stated above. I also own two properties in Auburn Lake Trails which one property borders Big Chief Trail and the other is located at 1860 Wild Cat Court.

I feel that the Uso property is a great asset to the community. I looked closing^{ly} at the buildings that are being questioned and I cannot find any problems with them, how they are built, nor where they sit on the property. I have sold many properties, where many of the out- buildings, other than the home in Auburn Lake Trails which is permitted, and many of them are not permitted.

I do not see any problems that anyone would question and since none of the buildings are occupied I am not sure why they are in question? Please feel free to call me at my home, (530) 887-8101 or my mobile (530) 305-7750, where you can text me, if you have any further questions.

Warmest Regards,

Linda Davisson Gigliotti

To Whom It May Concern:

I am writing this letter to you regarding Mr. Uso's request to allow the existing, unfinished, unpermitted Accessory Dwelling Unit and five additional existing, unpermitted residential accessory structures in the Open Space zone District.

I am a neighboring property across the street on American River Trail. My home faces the Uso's property. I believe these buildings mentioned above are very well maintained, well built and a great asset to our neighborhood. The Uso's property is one of my favorite in our little community.

I have no issues with allowing these buildings to remain. If you have any questions, please contact me at the below number and/or address.

Best regards,

Marisa L. White

760-792-4855

1958 American River Trail

Cool, Ca 95614

Deborah Macias
1955 American River Trail
Cool, Ca 95614
(916) 952-3924

November 3, 2022

County of El Dorado
Planning and Building Department (Planning)
2850 Fairlane Court, Bldg. C
Placerville, Ca 95667

RE: CONDITIONAL USE PERMIT CUP20-0014 SUBMITTED BY LONDRES USO

ASSESSOR'S PARCEL NUMBER: 072-030-014 (Consisting of 10.54 acres and is located on the north side of Big Chief Trail, approximately 300 feet north of the intersection with Wild Cat Court, in the Cool Area, Supervisorial District 4.

To Whom It May Concern:

I am writing this letter to you regarding Mr. Uso's request to allow the existing, unfinished, unpermitted Accessory Dwelling Unit (ADU) and five (5) additional existing, unpermitted residential accessory structures in the Open Space (OS) zone District.

The back of my property is next to this Parcel, we have a common horse trail between our properties. I think that these buildings mentioned above are a great asset to our community. The property is very well maintained and is makes a great fire break. Plus they look very nice esthetically.

I would vote yes to allow these structures to all remain and get finished and permitted. If you have any questions, please contact me at the above number and/or address.

Sincerely,

Deborah L. Macias

Deborah Macias

Lon

Dear Lon and Cheryl Uso

We just want to say thank you for all the time, effort, and investment you have made in creating a wonderful and beautiful addition to our community. The hillside home you created framed by a beautiful vineyard is a place we always look forward to with enjoyment as we drive through our neighborhood. We should all be so lucky to have homeowners every where, in El Dorado county who are excellent caretakers of the land like you. We look forward to any plans you have to enhance your property with the conditional use permit as we know it will be a quality enhancement in every respect. The value and beauty of your property benefits all of us in the neighborhood.

Sincerely,

Martin and Elena Spragg

1836 Squires Canyon Court

Cool, Ca 95614

ALT

To Whom It May Concern,

We have had the privilege of getting acquainted with Lon and Cheryl Uso. We recently built our home here in ALT and live on the corner of Digger Tree Court and Westville Drive. One of the critical issues for us, as we were looking for a lot to build on, was checking to see if the neighbors kept up their property. We were both pleasantly surprised to see how hard Lon and Cheryl work to beautify their home and the surrounding property. The out-buildings are all kept up and clean and greatly improve the layout of the property. I can't imagine anyone looking at their property and being concerned.

The horses are always kept up and well cared for when we ride horses with Lon. The buildings are all in good shape and they've used their property to promote community. We look forward to showing off their property to our friends and relatives. In fact we have taken many beautiful photos of their outdoor spaces, in order to promote ALT to others who are looking for a clean, safe and wonderful place to live.

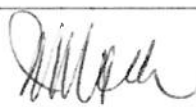


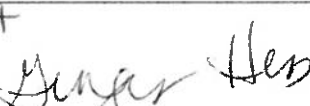

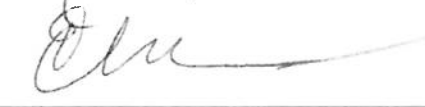
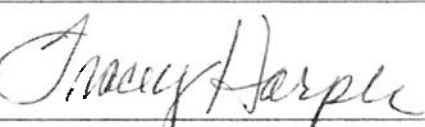
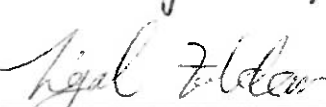
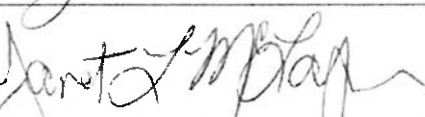
Sincerely,

Randy and Jewel Speyer

2405 Big Chief Trail Conditional Use Permit (CUP)

The improvements on the property at 2405 Big Chief Trail are an asset to the community.

I support the issue of a Conditional Use Permit (CPU) for this property.

NAME (PRINT)	ADDRESS	SIGNATURE/DATE
M. Martha Helak	2381 Sore Finger Ct. Cool, CA	 2/8/23
Julie Allen	5267 Majestic View Rd. Cool CA 95614	 2/8/23
Leah Ann Joffe	5551 meadowcroft Pilot Hill CA 95664	
Keith Bush	2698 Westville Trail Cool CA 95614	Keith Bush
Ginger Hess	4740 Meadowview Acres Ct Cool, CA 95614	
CARIE NUNNAN	2605 Westville Trail Cool CA 95614.	
ELIZABETH MILLER	2604 Westville TRAIL COOL CA 95614	
Tracey Harper	1410 Found Hollow Pilot Hill CA 95664	
Sigal Zolotan	2521 Fork House Ct. Cool, CA 95614	
Janet McLaughlin	2561 White Horse Rd Cool CA 95614	

2405 Big Chief Trail Conditional Use Permit (CUP)

The improvements on the property at 2405 Big Chief Trail are an asset to the community.

I support the issue of a Conditional Use Permit (CPU) for this property.

NAME (PRINT)	ADDRESS	SIGNATURE/DATE
VICKI ROSA	6040 Tedi Ln Ct Garden Valley	Vicki Rosa 2/9/23
DENNY CONTERS	2738 SWEETWATER TRAIL COOL, CA 95614	Denny Conter 2/9/23
Ruth Means	2483 Secret Ravine TR Cool CA 95614	Ruth Means 2/9/23
KIM MCKELMAN	3161 Wildcat Flat TRAIL COOL CA	Kim McKelman
Karen Sensenbri	2350 Swamp Angel Ct. COOL CA	Karen Sensenbri 2/9/23
Jill Yaron	2938 Sweetwater Tr COOL	Jill Yaron 2/9/23
Amy Enslow	450 Eucalyptus Ct. Garden Valley	Amy Enslow
Scott Capthart	2521 Fork House Ct. COOL, CA 95614	Scott Capthart 2/9/23
Patricia M. Dallam	2229 Sawtooth Ct Cool, CA 95614	Patricia M. Dallam
Michael Harper	2229 SAWTOOTH CT COOL, CA 95614	Michael Harper
Virlynnia Quesenberry	3165 Talking Mountain Trail Cool CA 95614	Virlynnia Quesenberry

and appearance to a degree that would preclude their continued listing on these registers. If avoidance of such modifications on privately owned listed properties is deemed infeasible, mitigation measures commensurate with NRHP/CRHR standards shall be formulated in cooperation with the property owner.

Policy 7.5.2.5 In cases where the County permits the demolition or alteration of an historic building, such alteration or new construction (subsequent to demolition) shall be required to maintain the character of the historic building or replicate its historic features.

Policy 7.5.2.6 The County, in cooperation with the State, shall identify the viewshed of Coloma State Park and establish guidelines to be used for development within the viewshed. In addition, the County shall continue to support the relocation of State Route 49 to bypass the Park in order to protect its visual and physical integrity.

OBJECTIVE 7.5.3: RECOGNITION OF PREHISTORIC/HISTORIC RESOURCES

Recognition of the value of the County’s prehistoric and historic resources to residents, tourists, and the economy of the County, and promotion of public access and enjoyment of prehistoric and historic resources where appropriate.

OBJECTIVE 7.5.4: PROTECTION OF CEMETERIES

Preservation and protection of existing cemeteries including access and parking.

Policy 7.5.4.1 Protect access routes and parking at existing cemeteries. Development proposals will be evaluated to ensure that they do not interfere with cemeteries or their access and parking.

PRESERVATION OF OPEN SPACE

GOAL 7.6: OPEN SPACE CONSERVATION
Conserve open space land for the continuation of the County’s rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.

OBJECTIVE 7.6.1: IMPORTANCE OF OPEN SPACE

Consideration of open space as an important factor in the County’s quality of life.

Policy 7.6.1.1 The General Plan land use map shall include an Open Space land use designation. The purpose of this designation is to implement the goals and

objectives of the Land Use and the Conservation and Open Space Elements by serving one or more of the purposes stated below. In addition, the designations on the land use map for Rural Residential and Natural Resource areas are also intended to implement said goals and objectives. Primary purposes of open space include:

- A. Conserving natural resource areas required for the conservation of plant and animal life including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, banks of rivers and streams and watershed lands;
- B. Conserving natural resource lands for the managed production of resources including forest products, rangeland, agricultural lands important to the production of food and fiber; and areas containing important mineral deposits;
- C. Maintaining areas of importance for outdoor recreation including areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes including those providing access to lake shores, beaches and rivers and streams; and areas which serve as links between major recreation and open space reservations including utility easements, banks of rivers and streams, trails and scenic highway corridors;
- D. Delineating open space for public health and safety including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality; and
- E. Providing for open spaces to create buffers which may be landscaped to minimize the adverse impact of one land use on another.

Policy 7.6.1.2 The County will provide for Open Space lands through:

- A. The designation of land as Open Space;
- B. The designation of land for low-intensity land uses as provided in the Rural Residential and Natural Resource land use designations;
- C. Local implementation of the Federal Emergency Management Agency's National Flood Insurance Program;
- D. Local implementation of the State Land Conservation Act Program; and
- E. Open space land set aside through Planned Developments (PDs).

**RECOMMENDATIONS TO THE BOARD OF SUPERVISORS FROM COUNTY
PLANNING STAFF—1/10/2023**

The project has been sufficiently reviewed pursuant to the County's Design Review Permit requirements and CEQA, and has been conditioned to conform to various agency and departmental requirements. Based on this analysis, staff recommends the Board of Supervisors deny the appeal (CUP-A22-0001) and uphold the Planning Commission approval of the Conditional Use Permit CUP20-0014.

The Volstead Act

The Volstead Act and its Effect on the Wine Industry

While it is interesting that Volstead was not reelected in 1922, most historians believe that this was because of low farm prices and not his famous piece of legislation. Officially known as the National [Prohibition](#) Act, it was passed as the means to enforce the 18th amendment which had been ratified 9 months earlier. Congress overrode President Wilson's veto to make it law.

The legislation made the export, manufacture, sale or possession of alcoholic beverages illegal in the United States. If a drink had over one-half percent alcohol, it was considered alcoholic under the law. The Volstead Act gave federal agents the power to enforce Prohibition.

The law also made it legal for a head of household to produce 200 gallons of homemade wine each year. This led to a large demand for grapes to be fermented into wine. Several regions in California Wine Country, including [Lodi](#), responded to this need. Cesare Mondavi, Robert and Peter's father, was involved in this trade at the time.