

## **FINDINGS OF DENIAL**

### **Conditional Use Permit CUP22-0013 Black Oak Mountain Vineyards Planning Commission/July 24, 2025**

Based on the review and analysis of this project and supported by discussion in the Staff Report, testimony, and evidence in the record, the following Findings are made:

#### **1.0 CEQA FINDINGS**

- 1.1 Denial of Conditional Use Permit (CUP) CUP22-0013 is statutorily exempt pursuant to Section 15270, Projects which are Disapproved, of the California Environmental Quality Act (CEQA) Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 ZONING FINDINGS**

Section 130.41.400.E.1.a of the Zoning Code requires that the primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. Testimony received demonstrates that the request of 165 events per year is anticipated to become the primary commercial use of the property, with winery activities as secondary. This was based on the disparity in revenue between agricultural and events uses, the minimal level of agricultural production and the event center focus of marketing. The Commission also received testimony that a proposed primary events use (versus agricultural) is incompatible and a conflict with residential and agricultural uses in the rural area.

#### **3.0 CONDITIONAL USE PERMIT FINDINGS**

3.1 The issuance of the permit requires consistency with the General Plan. (El Dorado County Code Section 130.52.021(C)(1)). The Planning Commission finds that the proposed CUP is inconsistent with several policies of the General Plan:

- General Plan Policy 2.2.5.21 (avoid incompatibility with adjoining land uses)
- General Plan Policy 8.1.4.1.A (intensify existing conflicts or add new conflict between adjacent residential areas and agricultural activities)
- General Plan Policy 8.2.2.2 (use will not substantially detract from agricultural production in the surrounding area)
- General Plan Policy 8.2.2.4 (agricultural activities protected from encroachment of incompatible land use)

- General Plan Policy 8.2.4.4 (compatibility review to ensure that the use is secondary and subordinate to the agricultural uses and will have no significant adverse effect on agricultural production on surrounding properties)

These findings are based on written and oral testimony received by the Planning Commission and the record from the Agricultural Commission hearing. The Planning Commission received testimony regarding negative impacts of noise, traffic, fire safety, light/glare, and water resources. Testimony highlighted impacts and incompatibility with the rural nature of the community, including to both nearby agricultural and residential uses. The Commission also received testimony that the proposed project is primarily commercial, not agricultural, based on the proposed levels of events and associated activity versus agricultural used. This was based on the disparity in revenue between agricultural and events uses, the minimal level of agricultural production and the event center focus of marketing. A primary commercial use is incompatible and a conflict with residential and agricultural uses in this rural area.

3.2 A proposed use cannot be detrimental to the public health, safety and welfare, or injurious to the neighborhood. (El Dorado County Code Section 130.52.021(C)(2)). The Planning Commission received testimony that the proposed use will significantly conflict with the adjacent and nearby residents to the project site. Testimony from neighbors detailed neighborhood impacts on noise, traffic, light/glare, fire safety, privacy and water resources. Testimony also highlighted general impacts and incompatibility of the proposed use on the rural nature of the community. Such impacts demonstrate the project would be detrimental to the public health, safety welfare and injurious to the neighborhood. Testimony was also received of numerous code enforcement complaints regarding the property. A history of complaints also demonstrates the proposed use would be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

3.3 Pursuant to County Code Section 130.52.021, a conditional use permit cannot be approved unless the Commission finds that the use is consistent with the General Plan and would not be detrimental to public health, safety, and welfare, or injurious to the neighborhood. For the reasons stated herein, the Commission cannot make these findings and cannot approve the project. As set forth more fully herein, CUP22-0013 has been found by the Commission to be inconsistent with the General Plan, required zoning standards, and detrimental to the public welfare and injurious to the neighborhood, requiring denial in accordance with County Code Section 130.52.021.

#### **4.0 Appeal Procedure**

In accordance with County Code Section 130.52.090, the Planning Commission's decision can be appealed to the Board of Supervisors within ten working days from July 24, 2025. Contact Planning Services at (530) 621-5355 for required application form and fees.