

PC MARCH 9, 2023  
ITEM # 3  
3 PAGES

**Fwd: Public Comment for Planning Commission Meeting 3/9**

Sharon Arsenith <sharon70@att.net>

Wed 3/8/2023 12:19 PM

To: Planning Department <planning@edcgov.us>

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Begin forwarded message:

**From:** Sharon Arsenith <sharon70@att.net>

**Date:** March 8, 2023 at 6:26:28 AM PST

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

**Subject:** Public Comment for Planning Commission Meeting 3/9

Please find enclosed public comment for Agenda item 23-0435.

As a rural residential property owner raising my family adjacent to or in close proximity to several large parcels that operate or have the potential to operate under the Ranch Marketing and/or Winery ordinances, I have a few points that I would like to see addressed:

**1. In reference to Sec. 130.37.070 Noise Reduction Measures**

A requirement of a conditional use permit for any outdoor amplified music and outdoor amplified speech should be obtained by these commercial businesses operating under the Ranch Marketing and Winery ordinances prior to hosting special events.

The proposed revisions have removed the requirement for a CUP/TUP by creating an exemption.

It is clear that some accessory uses that are allowed "by right" have nothing to do with agricultural production and therefore should not be exempt from requiring a conditional or temporary use permit.

Outdoor amplified music and outdoor amplified speech are incompatible with adjacent land uses in these areas. Event centers are not part of the rural residential landscape and disrupt the bucolic nature of a rural residential community.

According to the Planning Department's application for a CUP, the permit process is for *"Those uses ... which are not typically found in the applicable zoning district and may be injurious to the neighborhood if not properly controlled. However, the use permit may be approved after public notice, public hearing, and subject to conditions which may limit or control the use"*.

By removing the requirement for properties to secure Conditional Use permits before holding any events with outdoor amplified music and outdoor amplified speech

denies the rural residential community members of their ability to have an opportunity to voice their concerns through the public hearing process.

Whether this was the intention of the County or not, if these revisions go forward, the rural residents have no say in whether they will be repeatedly subject to outdoor amplified music and outdoor amplified speech (in reality a noise nuisance). This outdoor amplified music and outdoor amplified speech is injurious and denies a property owner of their rights to the peaceful enjoyment of their own property.

**2. 3. Special Events a. Number Allowed** needs clarifying language and additional definitions.

To be clear, the number of facility rental events (which is a type of special event) allowed on these properties has not changed in the revisions. For example, on lots 20 acres or more there can be a maximum of 24 days per calendar year of events that are further defined as facility rental events, for example weddings, company retreats, reunions and the like that involve portions of the winery to be rented or donated.

48 days of special events per calendar year are allowed by right; of those, a maximum of 24 days could be facility rental events.

Do these revisions clearly outline that facility rental types of events are allotted a maximum of 24 days per calendar year? Should some definitions be added for clarity to distinguish what types of special events are allotted that are not considered a facility rental?

In comparison, Placer County's Winery and Farm breweries ordinance allows only 12 special events per calendar year for parcels 20+ acres in size with the max attendees of 200. For smaller parcels 6 special events are allowed with max attendees of 100.

Because El Dorado County is amply generous in the allotment of special events, the County's Departments must be more proactive to have clearly defined ordinances coupled with the ability to ensure compliance and to enforce.

Does El Dorado County have in place right now the capacity and resources to adequately staff these ordinances?

**3. Outdoor lighting** There is no mention in the revisions of the need for properties operating under these ordinances to adhere to the El Dorado County Outdoor Lighting Standards. For example, in the Placer County ordinance for Wineries and Farm Breweries it reads "Lighting. All lighting for wineries and farm breweries shall be consistent with the rural design guidelines for Placer County and shall be dark-sky compliant as specified by the International Dark-Sky Association".

Light pollution is a serious concern and can negatively affect neighboring rural residents and wildlife and nighttime ecosystems. I ask that similar language be included in these revised ordinances to protect the rural residents from light pollution including, but not limited to mixed effect sound activated LED lights, uplighting lights, moving headlight spot lights, and lights with beam/strobe/laser effects. According to El Dorado County's Section 3.5 Outdoor



Lighting Standards A. 8 it may be that these types of lighting are not permissible at all. Are these properties required to submit lighting plans/lighting inventories for review/approval? Are lighting curfews enforced in El Dorado County? Are the lumens per acre limits enforced?

Complaints about light pollution should be included as another of the prioritized complaints under section f. of the Special Events subsection (page 12). How will the County ensure that properties operating under these ordinances are familiar with and adhere to the County's requirements and limitations regarding outdoor lighting?

In summary, it is the County's responsibility to create clear consistent ordinances that can be regulated and that will be enforced.

Finally, I ask that a community stakeholders group be organized by the County that allows community members to have an organized voice on these ordinances and an ability to comment on how they influence and affect our rural residential communities. These revisions are reviewed by various commercial associations within the County that promote and rely on agri-tourism, but there is no such association for community residents to ensure their interests are recognized. If the implementation of these ordinances are going to be reviewed in one year, I expect that we have a formal community stakeholders group supported by the County to provide community feedback and recommendations. Please keep me posted on how the County may organize this group of stakeholders.

Thank you for your time and attention.  
Sharon Arsenith