

A scenic view of a vineyard at sunset. In the foreground, two wine glasses sit on a wooden table. The glass on the left contains red wine, and the glass on the right contains white wine. Several autumn leaves are scattered on the table next to the glasses. In the background, a vineyard with rows of grapevines stretches across a hillside. A small town is visible in the distance under a warm, golden sunset sky. The overall atmosphere is peaceful and picturesque.

CUP22-0013: Black Oak Mountain Vineyards – Special Events Proposal

Planning Commission Hearing
July 24, 2025

Presentation Roadmap

- I. Introduction
- II. CEQA Compliance
- III. Traffic Impact
- IV. Noise Analysis
- V. Agricultural Use & General Plan
- VI. Policy & Legal Framework
- VII. Community Considerations
- VIII. Conclusion



I. Introduction & Purpose

- **Request:** Approval of CUP22-0013 to authorize up to 165 special events annually
 - Ensure compliance with all local regulations while supporting ag-tourism in El Dorado County
- **Site:** 146.52-acre vineyard and winery (PA - Planned Agricultural Zone)
- **Applicant:** Black Oak Mountain Vineyards
 - Verified and bonded Commercial Vineyard per County Code Section 130.40.400.C
 - ATF Wine Producer Permit: CA-W-23995
 - California ABC Type 2 Winegrower License: 617688



I. Introduction (Cont'd) – Meet Black Oak Mountain Vineyards

Vineyard Management & Expansion

- BOMV inherited a mixed-varietal vineyard with irrigation and slope challenges limiting vine health and consistency.
- Since purchase, they've focused on long-term remediation through expert pruning, balanced irrigation, and improved farming practices.
- BOMV works closely with the UC Cooperative Extension and local vineyard consultants.
- In 2022, they planted 600 new vines on ½ acre, now producing their first harvest.
- They are pursuing GDPUD water access to reduce well use and support further vineyard expansion.



I. Introduction (Cont'd) – Meet Black Oak Mountain Vineyards

- **Robust, Sustainable Ag Operation**

- 5.27 acres of premium vineyards, planted with Cabernet Franc, Cabernet Sauvignon, Malbec, Petite Sirah, Petite Noir, and Primitivo

- **Sustainable Farming Practices**

- Extensive water management & irrigation system, highly efficient use of well water resources.
- Thriving bee colonies to support pollination, maintain ecological vitality, make wildflower honey.
- Future plans include lavender fields, expanded honey production, and full onsite winemaking.



I. Introduction (Cont'd) – Meet Black Oak Mountain Vineyards

- Estate Overview

- BOMV's 146-acre estate offers guests a direct experience of El Dorado County's agricultural heritage
- Visitors engage with the land through vineyard tours, tastings, and seasonal events rooted in local farm culture
- Every visit highlights the natural beauty, craftsmanship, and stewardship that define rural working lands in the Sierra foothills



I. Introduction (Cont'd) - Economic Context for Wineries

The Problem: Wholesale = Unsustainable

- Small vineyards **lose money** selling grapes or bulk wine on the wholesale market
- Grape prices often **don't cover farming costs**, especially for boutique varietals
- Inflation, labor, compliance, and insurance costs are rising — **margin is shrinking**

The Solution: Retail + Captive Audience

- On-site **direct-to-consumer sales** (DTC) offer **5x–10x higher returns** than wholesale
- Events like weddings, fundraisers, and dinners provide a **captive audience** for wine sales
- Each guest is a potential **loyal customer, wine club member, and brand ambassador**

Strategic Importance of Events

- Events drive traffic, build loyalty, and support long-term agricultural investment
- They transform the farm from a passive crop seller into an active retail destination
- Without retail sales and event hosting, most small farms cannot survive on crop revenue alone.

I. Introduction (Cont'd) – Events as Agricultural Marketing

- Events showcase EDC-grown wine and agriculture products
- Visitors experience the beauty and stewardship of rural farmland
- Weddings, art shows, fundraisers = viable ag-marketing channels
- Supported under Ranch Marketing provisions
- El Dorado County wine gains international renown by drawing visitors from across the world



I. Introduction (Cont'd) – Marketing Events vs. Special Events

- Defined Differently Under County Code

- Marketing Events

- By-right use under Winery & Ranch Marketing Ordinance
- Designed for on-site sale and promotion of wine and ag products
- Unlimited in number — no discretionary permit or neighbor notification required

- Special Events

- Include weddings, fundraisers, private facility rentals
- Require Conditional Use Permit (CUP) for more than 12–24 events/year (based on parcel size)
- Subject to site-specific conditions, oversight, and mitigation

	20+ Acres	Acres; In Ag District	19.9 Acres; Out of Ag District	10+ Acres; In Ag District	10+ Acres; Out of Ag District	Acres; Out of Ag District
Winery						
Events						
Marketing/Promotional	P	P	A	MUP	CUP	MUP
Special Events (limit allowed by E.3)	A	A	MUP	MUP	CUP	CUP

2. Tasting Facilities.

- Subordinate to Winery. Tasting facilities shall be clearly related and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared, or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.
- Wine Sales. Retail sales of wine fruit products shall be limited to those produced, vinted, cellared, or bottled by the winery operator or grown on the winery lot, or custom crushed at another facility for the winery operator, subject to the provisions of an ABC Type 2 Winegrower's license. (The ABC Type 2 Winegrower's license requires that at least 50 percent of the wine sold be produced by the winery).
- Marketing.** Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to, live music, catered food, food prepared on the premises, winemaker dinners, releases, library wines, discounted sales, "bottle-your-own," and similar activities. Live music is subject to Subsection G.8 (Outdoor Amplified Music) below in this Section. Concerts or other outdoor amplified music or voice or events sponsored by or for the benefit of an organization other than the winery shall not be allowed as marketing events, but may be allowed as special events subject to Subsection E.3 (Special Events) below in this Section.

I. Introduction (Cont'd) – Marketing Events vs. Special Events

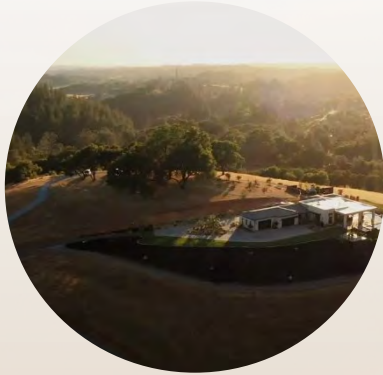
- **The Irony: Higher Oversight, Lower Impact**

- Marketing Events can run **daily**, with no music restrictions, guest limits, or traffic plans
- Yet they remain **exempt from CEQA** and operate with minimal scrutiny
- Special Events, like those hosted at BOMV, offer a **controlled, curated experience** with strict noise limits, traffic planning, and on-site staff

- **BOMV's CUP Proposal Protects & Respects the Community**

- *Noise reduced with limits on amplification and use of Silent Disco*
- *Buses encouraged, reducing car trips and road wear*
- *Responsible hospitality ensures guests are not driving under the influence*
- *On-site staff trained in sound monitoring, safety, and guest management*

II. CEQA Compliance & Exemptions



Class 1: Existing Facilities (§15301)

This exemption applies to ongoing use of existing facilities with no expansion. BOMV proposes no new buildings and reduced outdoor event activity, fitting well within these limits.



Class 23: Normal Operations of Facilities for Public Gatherings (§15323)

This exemption covers facilities with a history of similar events for three or more years. BOMV has hosted such events since 2020, and the CUP simply formalizes this existing use without changing its nature or purpose.



Common Sense Exemption (§15061(b)(3))

CEQA doesn't apply when a project clearly poses no significant environmental impact. The proposed CUP sets stricter limits than past years permitted use, with fewer events with noise impacts — making it clearly benign under the common-sense exemption.

II. CEQA (Cont'd) – Class 1 – Existing Facilities (§15301)

Definition:

Covers operation or permitting of existing private structures with **no expansion of use.**

“The proposed project fits within this exemption because it involves permitting the operation of existing facilities with negligible or no expansion of existing or former use.”

— Remy Moose Manley LLP, CEQA Analysis,
April 2, 2025

- Key Criteria:
 - Existing buildings and infrastructure
 - No new construction or grading
 - Same or reduced intensity of use
- BOMV Meets the Standard
 - No new buildings or site changes proposed
 - CUP maintains guest volume and reduces noise compared to historical use
 - Winery, tasting room, and outdoor spaces already in operation

II. CEQA (Cont'd) – Class 23 – “Public Gathering” Exemption

Definition (Guidelines §15323):

Covers normal operations of facilities designed for public gatherings with at least 3 years of similar use and no change in operation.

“The proposed project fits within this exemption because it involves the normal operations of BOMV's existing facilities for public gatherings for which the facilities were designed (e.g., special events), and there is a past history (more than three years) of the facility being used for the same or similar kind of purpose.”

— Remy Moose Manley LLP, CEQA Analysis, April 2, 2025

- Key Criteria:
 - Existing, purpose-built facility
 - Same or similar events for 3+ years
 - No increase in intensity or use
- Private Properties Qualify
 - “Public” refers to group use, not government ownership
 - Wineries, event venues, and meeting halls may qualify
- BOMV Meets the Standard
 - Events held since at least 2020
 - No change in use or intensity

II. CEQA (Cont'd) – Common Sense Exemption (§15061(b)(3))

Definition:

CEQA does not apply when it is **clear the project has no potential for significant environmental impact.**

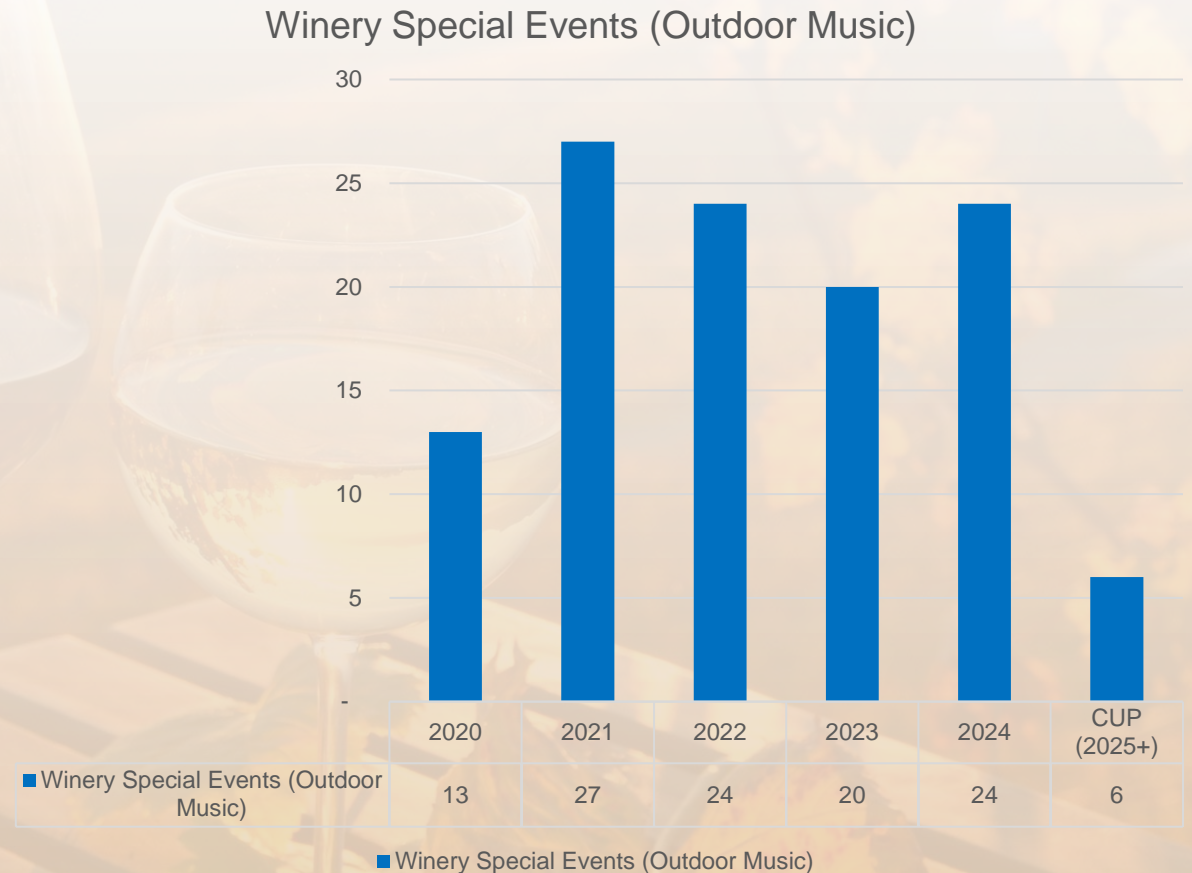
“There is no possibility that the proposed project may have a significant effect on the environment ... potential impacts would be reduced under the proposed project.”

— Remy Moose Manley LLP, CEQA Analysis, April 2, 2025

- Key Criteria:
 - No new impacts compared to existing conditions
 - No intensification of use
 - Supported by data or expert findings
- BOMV Meets the Standard
 - CUP imposes tighter controls than past by-right / admin permit operations
 - Same use as prior years, less outdoor music, reduced traffic vs. “by-right” marketing events
 - Environmental risk clearly lower than baseline trend under Winery Ordinance

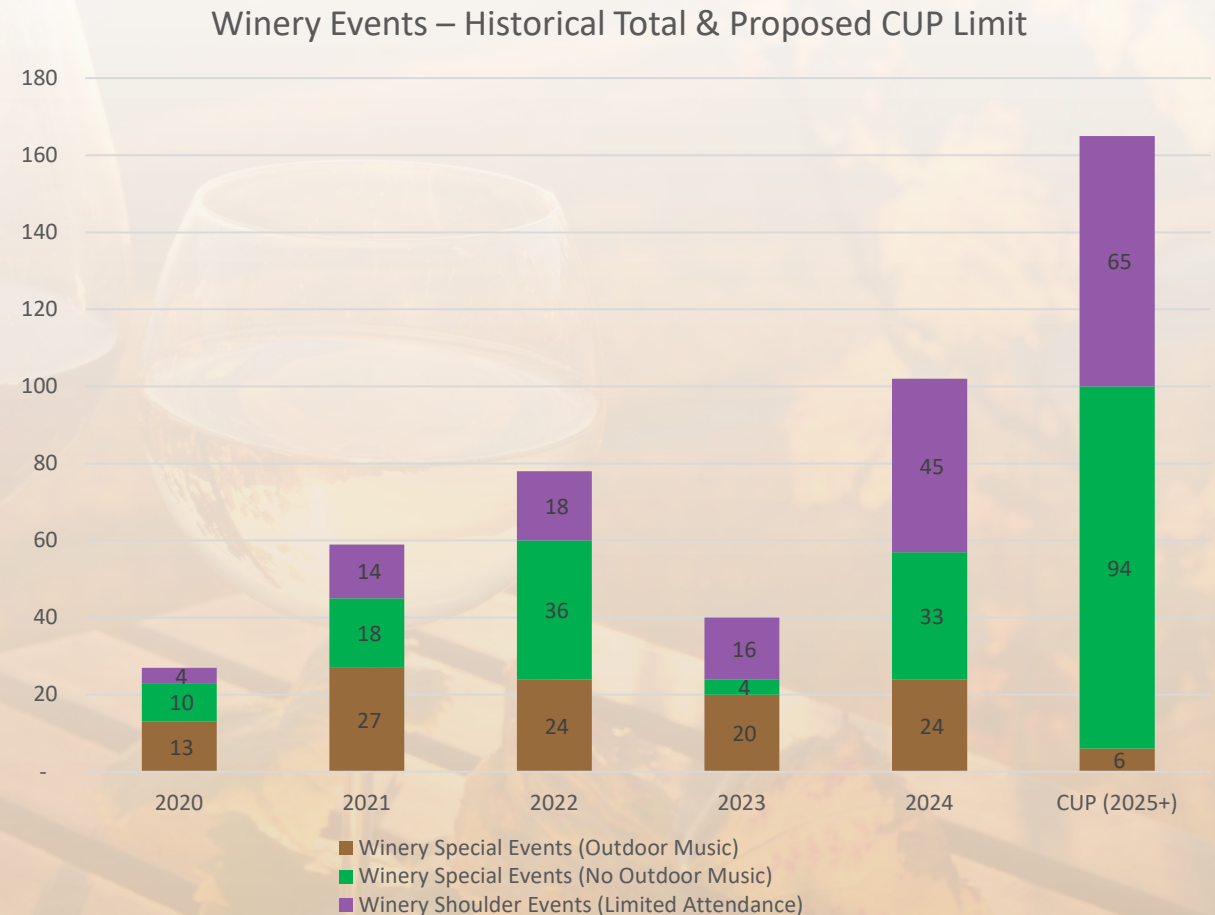
II. CEQA (Cont'd) – Historical Baseline Context

- Primary environmental impact referenced by community members is noise / music.
- BOMV proposes a substantial reduction in events with outdoor music in order to safeguard its vital direct-to-consumer sales channel for agricultural products.
- Every event utilizes strict monitoring of noise levels, with mitigation measures adopted.



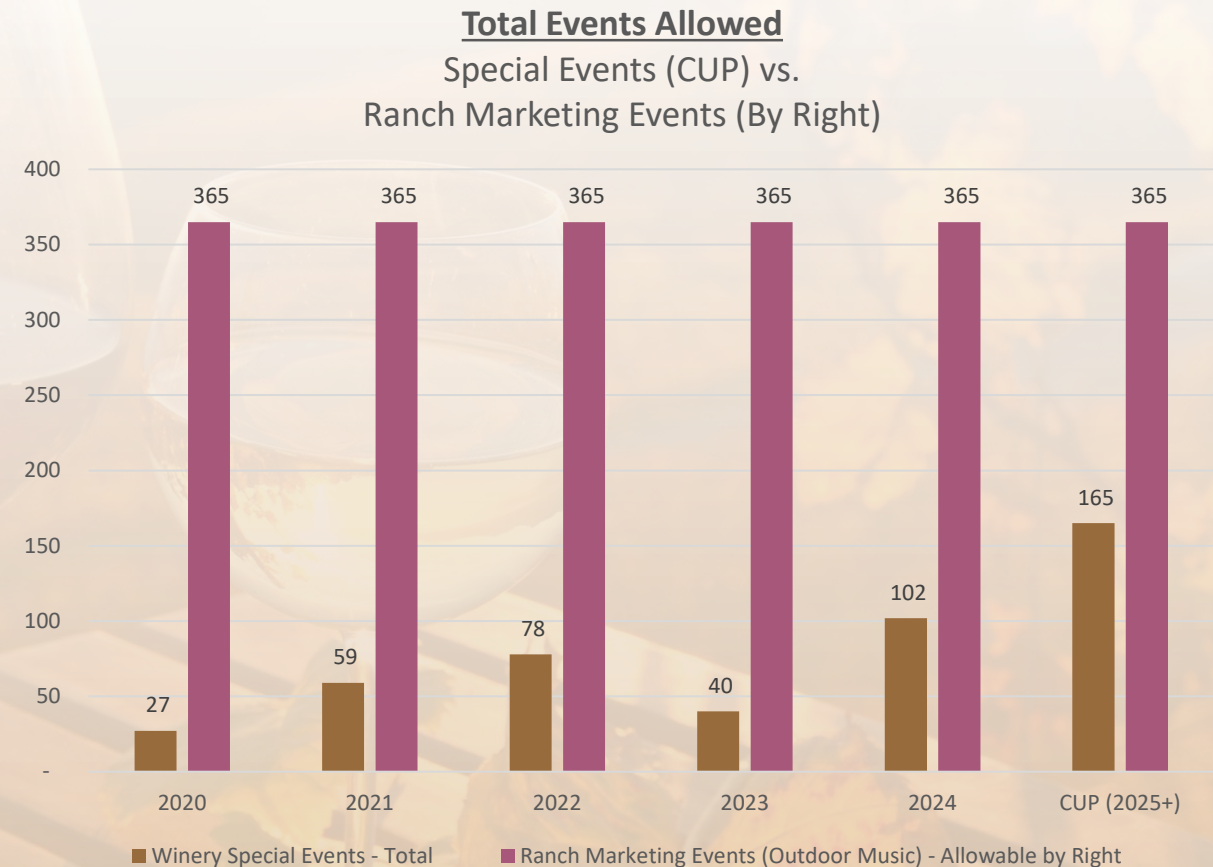
II. CEQA (Cont'd) – Historical Baseline Context

- BOMV is requesting a modest increase in the total number of annual special events allowed, with the caveat that 97% be restricted to indoor music only.
- With a sharp decrease in outdoor music events, the current CUP proposal represents a significant net reduction in environmental impact.
- BOMV will abide by however many events the Commission determines to be CEQA exempt.



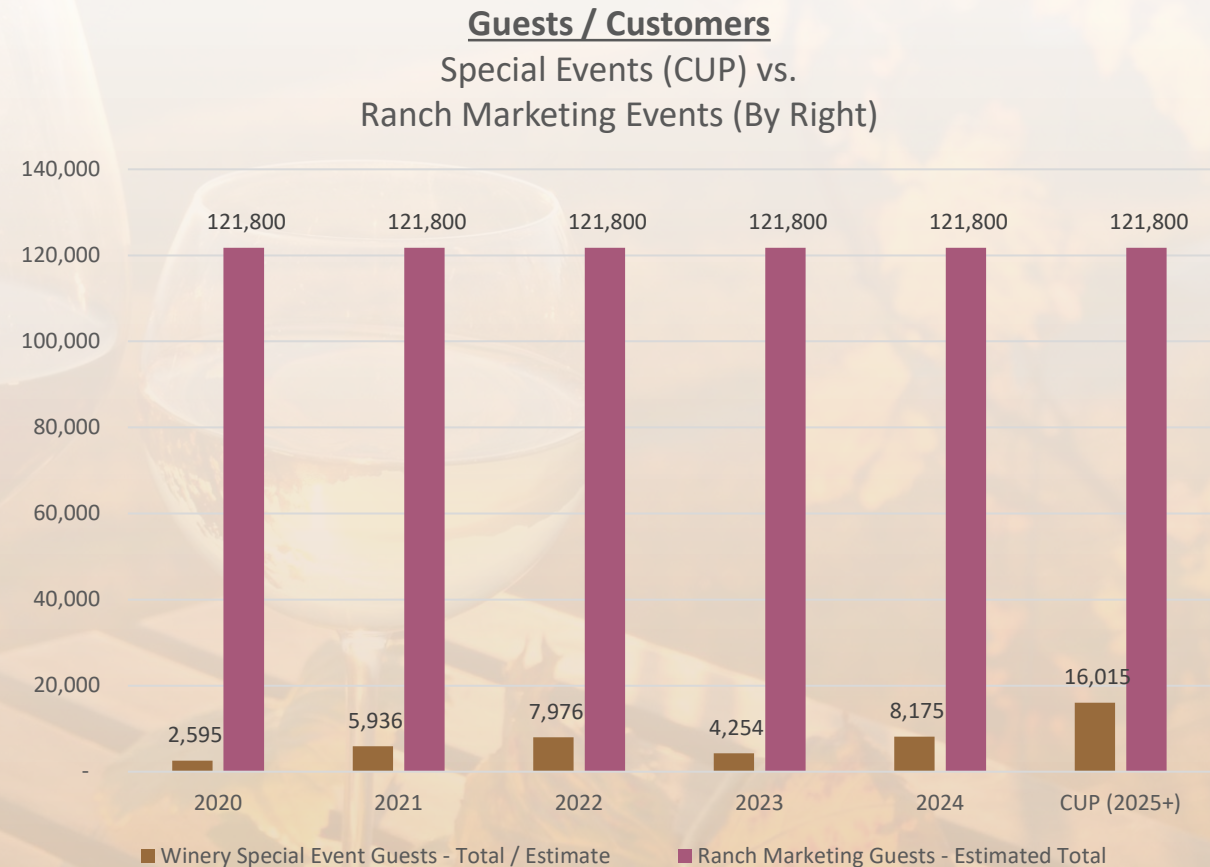
III. Traffic Impact – Ranch Marketing Event Comparison

- Under prior and current Winery and Ranch Marketing Ordinance, the number of “marketing events” solely for promotion of wine sales are unrestricted.
- Marketing events may be held every day of the year, with outdoor amplified music, subject to the EDC Noise Standards.
- Proposed CUP is thus a reduction from ‘by-right’, CEQA-exempt marketing event baseline model.



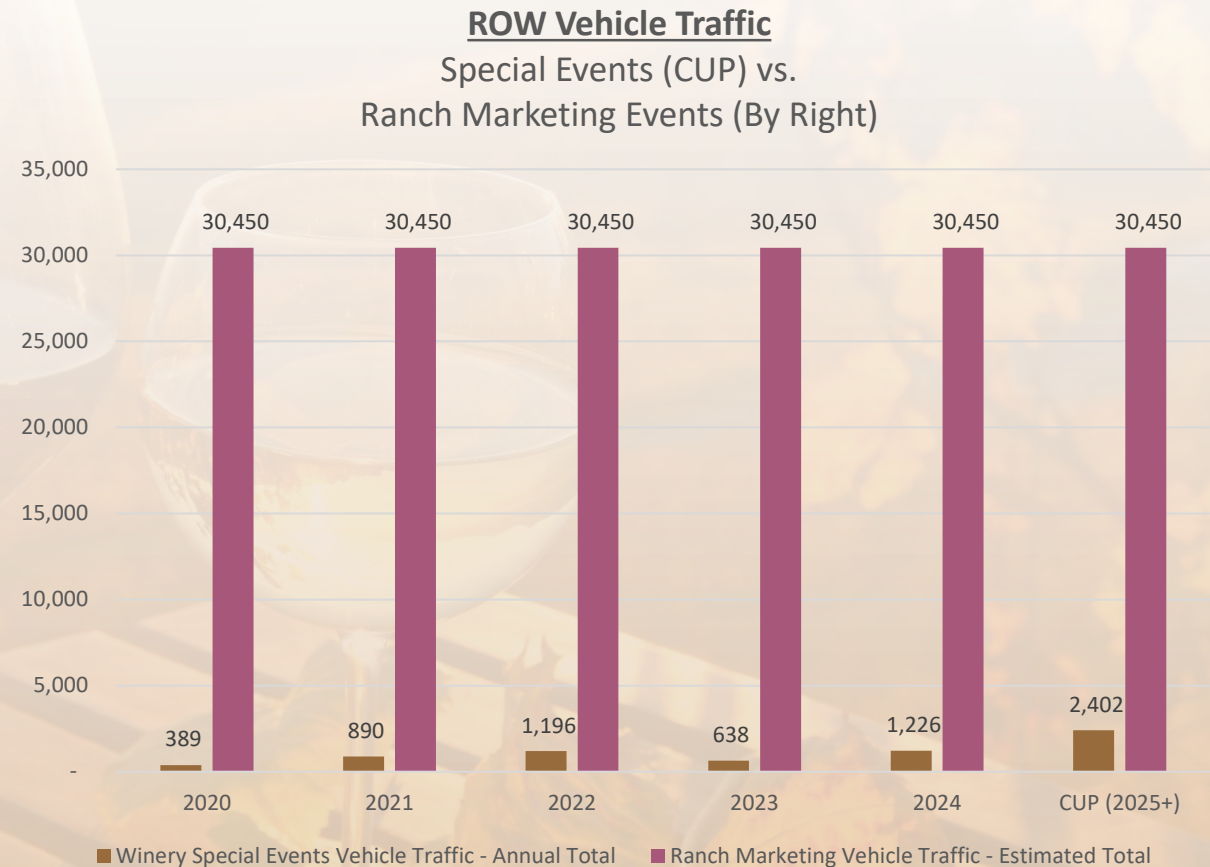
III. Traffic Impact (Cont'd) – Marketing Event Comparison

- In addition to considerations of noise impacts, traffic impacts are substantially reduced in the proposed CUP vs. the marketing event business model.
- Holding marketing events year-round would be associated with a guest / customer count far in excess of the proposed CUP.
- Many EDC wineries experience customer foot traffic totaling 40,000 – 100,000 guests / customers per year.



III. Traffic Impact (Cont'd) – Marketing Event Comparison

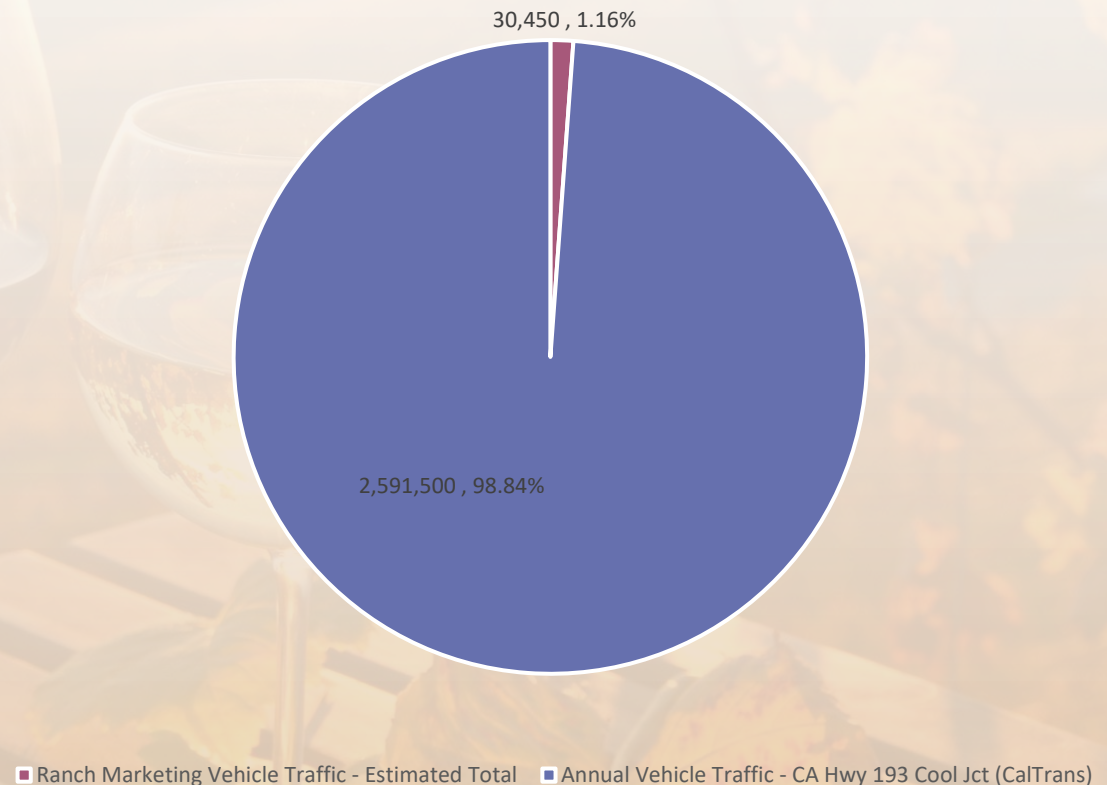
- Beyond total guests / customers, CUP motor traffic on public right-of-way (ROW) is far below the marketing event model, due to bus / shuttle transport options.
- Public safety is enhanced by mitigating potential for driving under the influence (DUI) by patrons of marketing events.
- Proposed CUP thus ensures environmental impact for traffic concerns is effectively mitigated.



III. Traffic Impact (Cont'd) – Marketing Event Comparison

- All EDC residents value upkeep and maintenance of public roads, and BOMV is committed to mitigating traffic impacts.
- State Highway 193 at the Cool junction experiences daily vehicle counts between 6,200 – 8,000, equating to annual traffic of approximately 2.5 million cars.
- Even under the year-round marketing event model, this would be 1.16% of ROW traffic.

Ranch Marketing Events (By Right) -Traffic Impact

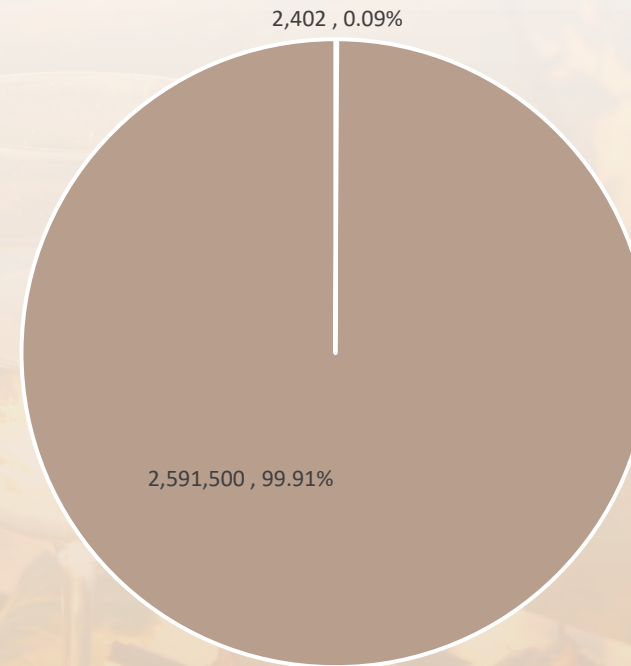


Source: Caltrans Traffic Census Program (2020-2023)

III. Traffic Impact (Cont'd) – Winery Special Events Context

- The proposed CUP represents a major reduction in vehicle traffic on public roads, which results in a 92% decrease in vehicle trips.
- The special events model of agricultural wine sales even at maximum requested capacity would result in 2,402 annual trips, approximately 0.09% of total average traffic on CA-193.

Winery Special Events (CUP) - Traffic Impact



■ Winery Special Events Vehicle Traffic - Annual Total ■ Annual Vehicle Traffic - CA Hwy 193 Cool Jct (CalTrans)

Source: Caltrans Traffic Census Program (2020-2023)

III. Traffic Impact (Cont'd) – Winery Special Events Context

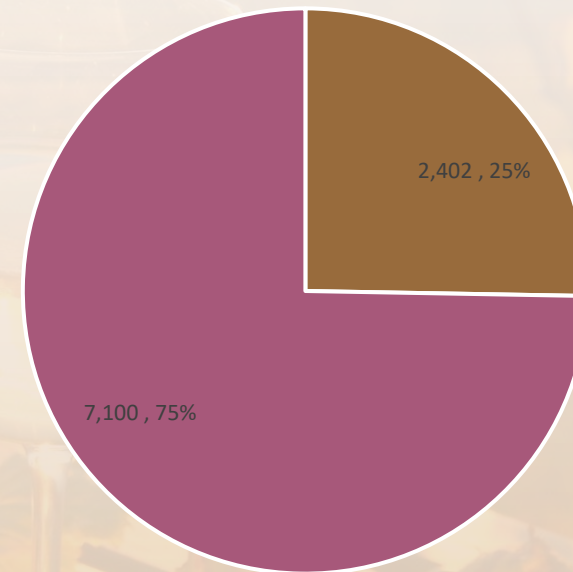
- To further illustrate the point, the annual vehicle trips associated with this CUP is equivalent to 25% of the DAILY motor traffic on CA-193.
- By providing mass transit (bus / shuttle) transportation options, the CUP is thus the best possible means of mitigating traffic impact.

*“The conclusions developed in this study indicate that **no mitigations are required of the project** for any of the twelve analysis scenarios.*

*The **project does not have any VMT impacts**, and in fact offers **VMT reducing benefits** for wedding venue traffic already on the road for numerous wineries and wedding venues, being centrally located between two east west freeway corridors (I-80 and US 50).”*

- BOMV Transportation Impact Study, PRISM Engineering, October 15, 2024

Winery Special Events (CUP)
Relative Traffic Impact
(Annual CUP vs. Daily CalTrans)



■ Winery Special Events Vehicle Traffic - Annual Total ■ Daily Vehicle Traffic - CA Hwy 193 Cool Jct (CalTrans)

Source: Caltrans Traffic Census Program (2020-2023)

IV. Noise Analysis & Compatibility

Noise Study and Monitoring

- 2020 Environmental Noise Assessment conducted by Saxelby Acoustics
- 2025 live event monitoring confirms compliance with County noise thresholds

Mitigation and Controls

- No more than 6 outdoor music events per year (3.6%)
- Remaining events: no outdoor amplification; silent disco headphones used
- All music ends by 10:00 PM
- Staff trained by Saxelby to conduct sound monitoring every 30 minutes
- BOMV has previously shut down music mid-event to ensure compliance

Noise History

- BOMV has never received a noise violation in over 5 years of operation
- Ongoing use of a community hotline for neighbor concerns; logs and response records maintained

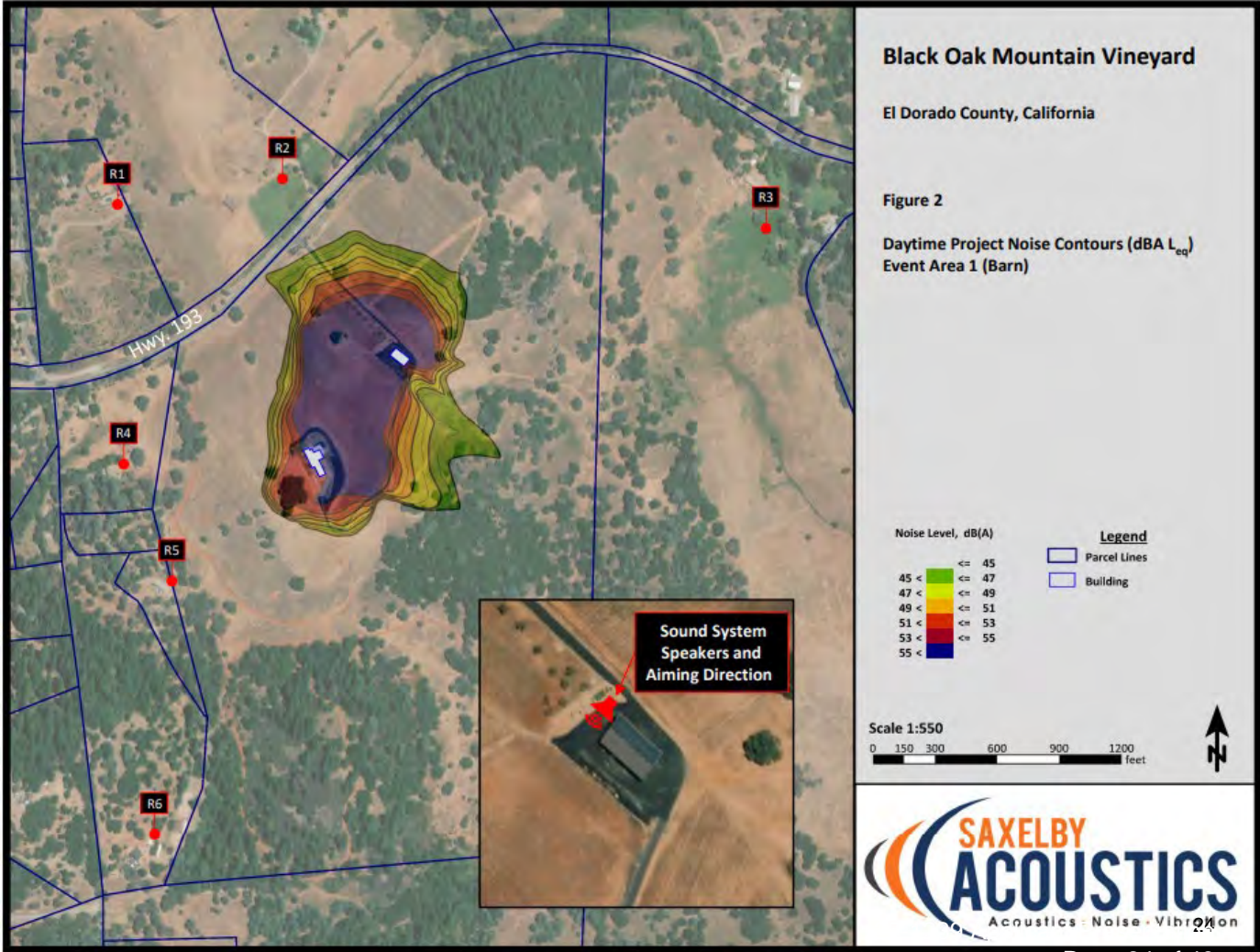
IV. Noise Analysis (Cont'd) – Sound Distribution Model - Barn



Based upon the SoundPLAN noise model, Table 5 shows the predicted project noise levels at the adjacent noise-sensitive receptors for Event Area 1. Noise levels for Event Area 2 are shown in Table 6.

TABLE 5: PROJECT NOISE LEVELS AT ADJACENT RECEPTORS – EVENT AREA 1 (BARN)

Location	Time	Predicted Noise Levels	Noise Standard	Complies with Standards?
R1	Night	30.3 dBA Leq 40.3 dBA Lmax	35 dBA Leq 45 dBA Lmax	Yes
		35.3 dBA Leq 45.3 dBA Lmax	40 dBA Leq 50 dBA Lmax	Yes
	Day	40.3 dBA Leq 50.3 dBA Lmax	45 dBA Leq 55 dBA Lmax	Yes
R2	Night	29.4 dBA Leq 39.4 dBA Lmax	35 dBA Leq 45 dBA Lmax	Yes
		34.4 dBA Leq 44.4 dBA Lmax	40 dBA Leq 50 dBA Lmax	Yes
	Day	39.4 dBA Leq 49.4 dBA Lmax	45 dBA Leq 55 dBA Lmax	Yes
R3	Night	6.3 dBA Leq 16.3 dBA Lmax	35 dBA Leq 45 dBA Lmax	Yes
		11.3 dBA Leq 21.3 dBA Lmax	40 dBA Leq 50 dBA Lmax	Yes
	Day	16.3 dBA Leq 26.3 dBA Lmax	45 dBA Leq 55 dBA Lmax	Yes
R4	Night	14.2 dBA Leq 24.2 dBA Lmax	35 dBA Leq 45 dBA Lmax	Yes
		22.7 dBA Leq 32.7 dBA Lmax	40 dBA Leq 50 dBA Lmax	Yes
	Day	22.7 dBA Leq 32.7 dBA Lmax	45 dBA Leq 55 dBA Lmax	Yes
R5	Night	19.4 dBA Leq 29.4 dBA Lmax	35 dBA Leq 45 dBA Lmax	Yes
		24.4 dBA Leq 34.4 dBA Lmax	40 dBA Leq 50 dBA Lmax	Yes
	Day	29.4 dBA Leq 39.4 dBA Lmax	45 dBA Leq 55 dBA Lmax	Yes
R6	Night	25.3 dBA Leq 35.3 dBA Lmax	35 dBA Leq 45 dBA Lmax	Yes
		30.3 dBA Leq 40.3 dBA Lmax	40 dBA Leq 50 dBA Lmax	Yes
	Day	35.3 dBA Leq 45.3 dBA Lmax	45 dBA Leq 55 dBA Lmax	Yes

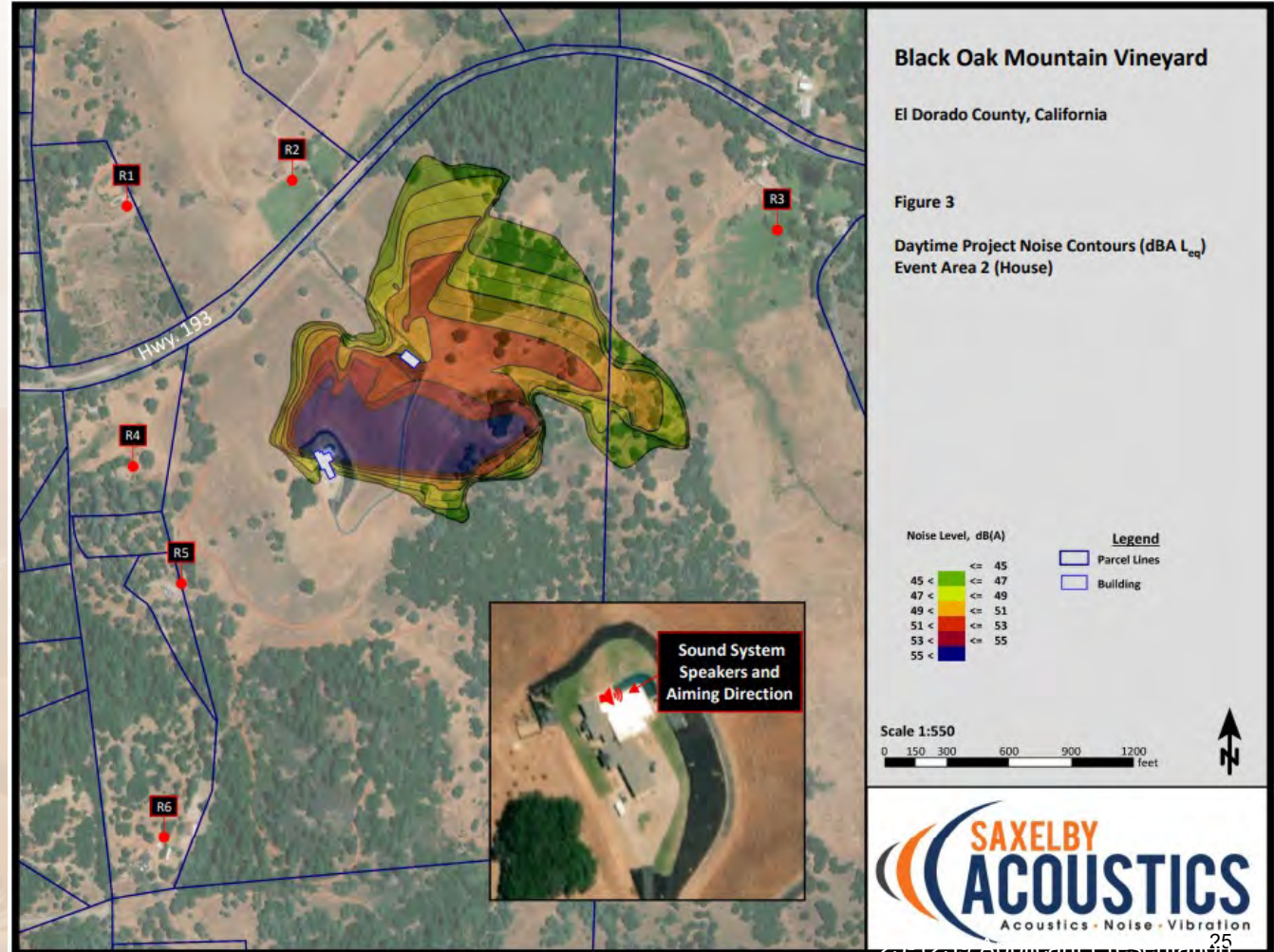


IV. Noise Analysis (Cont'd) – Sound Distribution Model - House



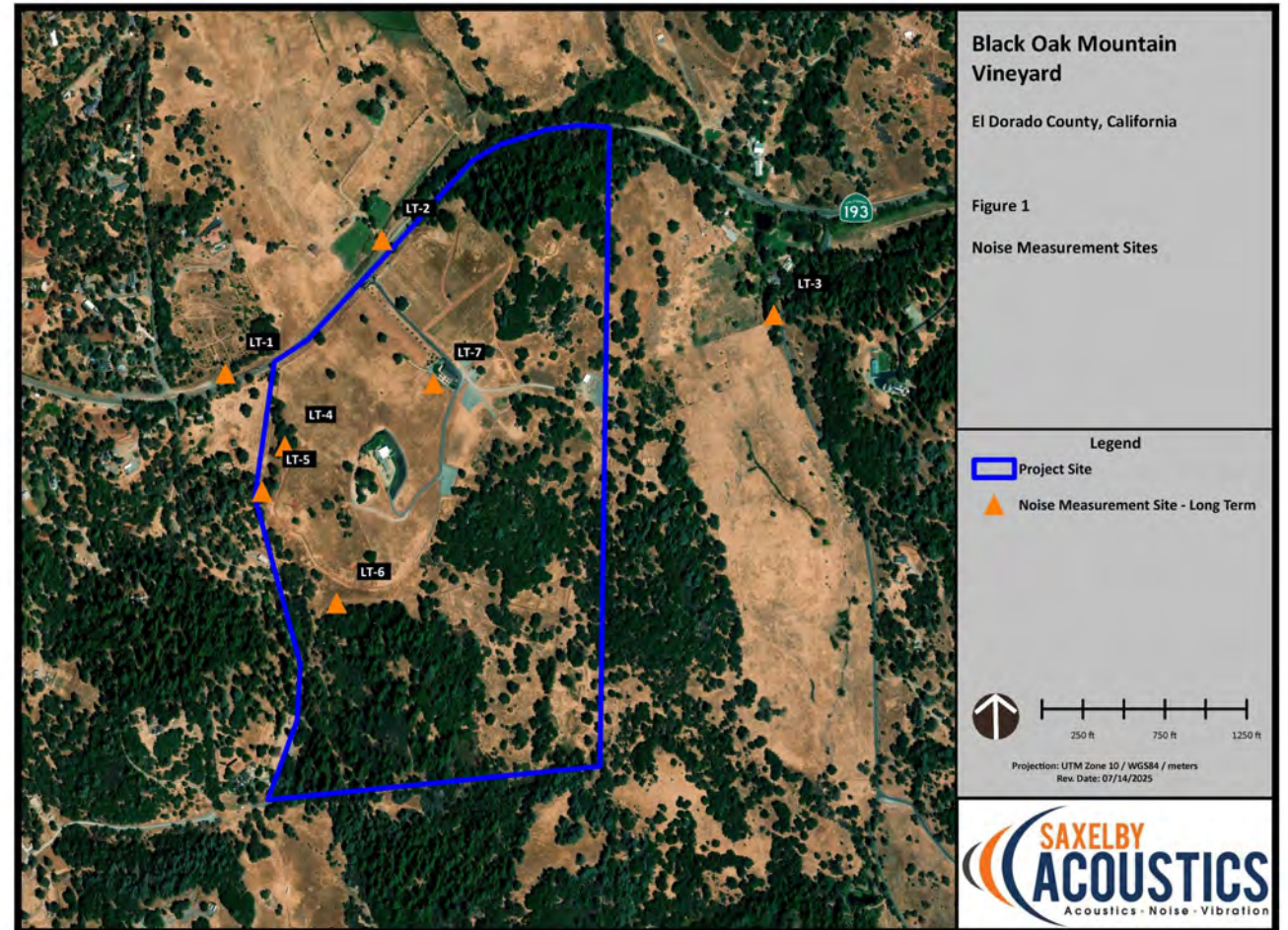
TABLE 6: PROJECT NOISE LEVELS AT ADJACENT RECEPTORS – EVENT AREA 2 (HOUSE)

Location	Time	Predicted Noise Levels	Noise Standard	Complies with Standards?
R1	Night	26.7 dBA L_{eq} 36.7 dBA L_{max}	35 dBA L_{eq} 45 dBA L_{max}	Yes
	Evening	31.7 dBA L_{eq} 31.7 dBA L_{max}	40 dBA L_{eq} 50 dBA L_{max}	Yes
	Day	36.7 dBA L_{eq} 46.7 dBA L_{max}	45 dBA L_{eq} 55 dBA L_{max}	Yes
R2	Night	30.7 dBA L_{eq} 40.7 dBA L_{max}	35 dBA L_{eq} 45 dBA L_{max}	Yes
	Evening	35.7 dBA L_{eq} 45.7 dBA L_{max}	40 dBA L_{eq} 50 dBA L_{max}	Yes
	Day	40.7 dBA L_{eq} 50.7 dBA L_{max}	45 dBA L_{eq} 55 dBA L_{max}	Yes
R3	Night	28.3 dBA L_{eq} 38.3 dBA L_{max}	35 dBA L_{eq} 45 dBA L_{max}	Yes
	Evening	33.3 dBA L_{eq} 43.3 dBA L_{max}	40 dBA L_{eq} 50 dBA L_{max}	Yes
	Day	38.3 dBA L_{eq} 48.3 dBA L_{max}	45 dBA L_{eq} 55 dBA L_{max}	Yes
R4	Night	10.7 dBA L_{eq} 20.7 dBA L_{max}	35 dBA L_{eq} 45 dBA L_{max}	Yes
	Evening	15.7 dBA L_{eq} 25.7 dBA L_{max}	40 dBA L_{eq} 50 dBA L_{max}	Yes
	Day	20.7 dBA L_{eq} 30.7 dBA L_{max}	45 dBA L_{eq} 55 dBA L_{max}	Yes
R5	Night	6.9 dBA L_{eq} 16.9 dBA L_{max}	35 dBA L_{eq} 45 dBA L_{max}	Yes
	Evening	11.9 dBA L_{eq} 21.9 dBA L_{max}	40 dBA L_{eq} 50 dBA L_{max}	Yes
	Day	16.9 dBA L_{eq} 26.9 dBA L_{max}	45 dBA L_{eq} 55 dBA L_{max}	Yes
R6	Night	6.1 dBA L_{eq} 16.1 dBA L_{max}	35 dBA L_{eq} 45 dBA L_{max}	Yes
	Evening	11.1 dBA L_{eq} 21.1 dBA L_{max}	40 dBA L_{eq} 50 dBA L_{max}	Yes
	Day	16.1 dBA L_{eq} 26.1 dBA L_{max}	45 dBA L_{eq} 55 dBA L_{max}	Yes



IV. Noise Analysis (Cont'd) – Real-Time Event Sound Measurements

- Upon request by Planning staff, BOMV conducted a 2nd noise analysis recording real-world sound measurements during an event (no outdoor amplified music) to confirm findings of 2020 Saxelby study.
- Readings were taken over a series of seven hours, from data points at the property line and/or public ROW nearest to sensitive noise receptor locations, i.e. (neighboring residences).

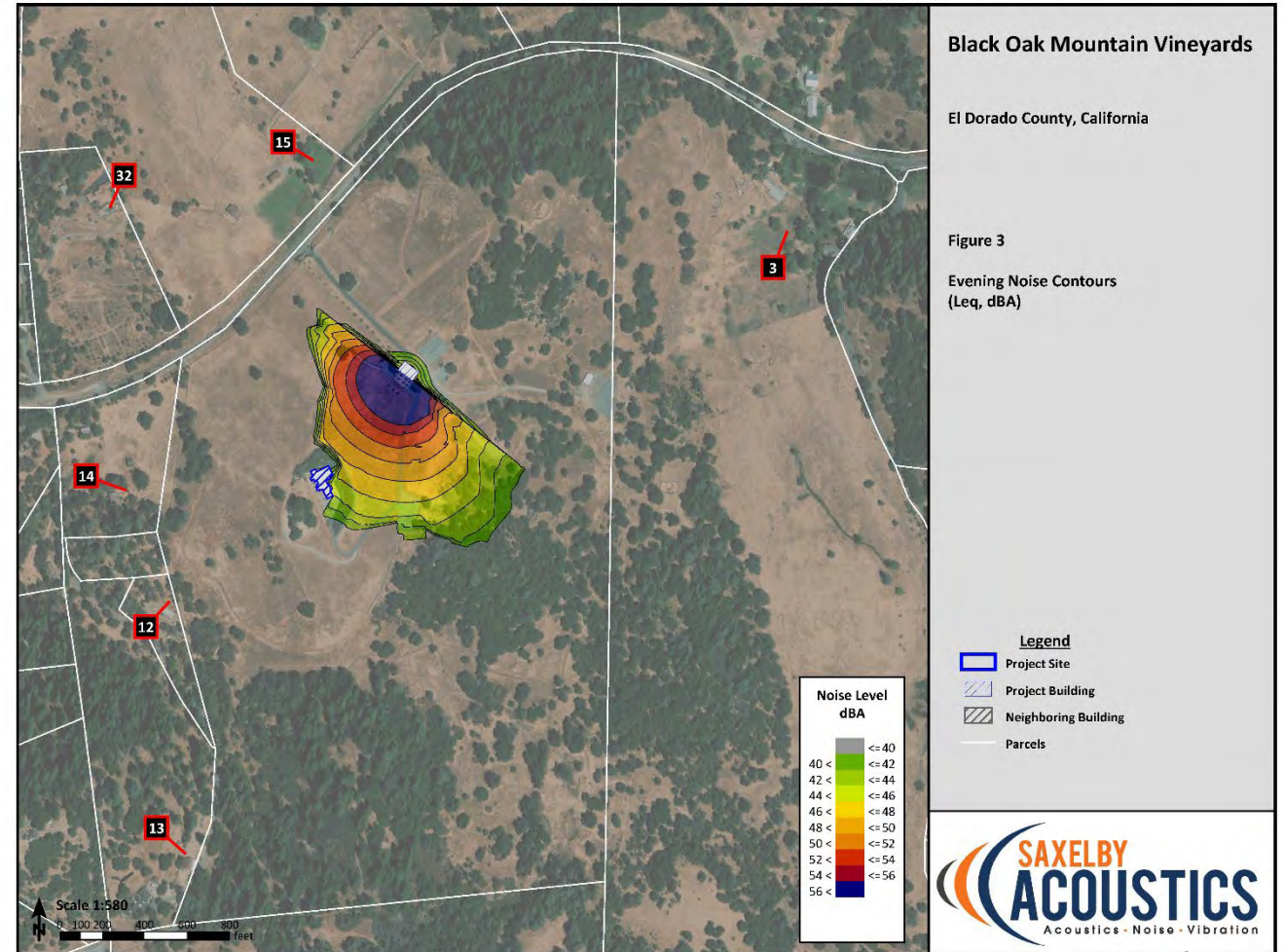


IV. Noise Analysis (Cont'd) – Real-Time Event Sound Measurements

TABLE 3: NOISE LEVEL PERFORMANCE STANDARDS FOR LAND USES AFFECTED BY NON-TRANSPORTATION SOURCES

Noise Level Descriptor	Daytime 7 a.m. – 7 p.m.		Evening 7 p.m. – 10 p.m.		Night 10 p.m. – 7 a.m.	
	Community / Rural Centers	Rural Regions	Community / Rural Centers	Rural Regions	Community / Rural Centers	Rural Regions
Hourly L_{eq} , dBA	55	50	50	45	45	40
Maximum Level (L_{max}), dBA	70	60	60	55	55	50
<ol style="list-style-type: none">Each of the noise levels specified above shall be lowered by 5 dBA for simple tone noises, noises consisting primarily of unamplified speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses, such as caretaker dwellings.The Director can impose noise level standards which are up to 5 dBA less than those specified above, based upon a determination of existing low ambient noise levels in the vicinity of the project site.The exterior noise level standard shall be applied as follows:<ol style="list-style-type: none">In Community Regions, at the property line of the receiving property;In Rural Centers and Regions, at a point 100 feet away from a sensitive receptor or, if the sensitive receptor is within the Platted Lands Overlay (-PL) where the underlying land use designation is consistent with Community Region densities, at the property line of the receiving property or 100 feet away from the sensitive receptor, whichever is less; orIn all areas, at the boundary of a recorded noise easement between affected properties.						

- Data confirmed that non-amplified events are fully contained within the subject property, i.e. zero noise impact to neighboring residences.



V. Agricultural Use & General Plan Protections

- **Foundational Principle**

The Agriculture and Forestry Element exists specifically to protect working lands from incompatible uses—**especially low-density residential development**, which has increasingly threatened commercial agriculture operations.



EL DORADO COUNTY GENERAL PLAN AGRICULTURE AND FORESTRY ELEMENT

PRINCIPLE

The Plan must provide for the conservation and protection of El Dorado County's important natural resources, and recognize that the presence of these resources pose a constraint to development.

INTRODUCTION

The Agriculture and Forestry Element addresses the conservation, management, and utilization of the County's agricultural and forest lands. In El Dorado County, these lands are regarded by residents as fundamental components of the County's rural character and way of life. In recent years, large influxes of new residents have resulted in increased development and thus a changed landscape. While this growth has benefited the County in many ways, the low-density residential growth has threatened important agricultural and forest lands. Prudent management of the County's agriculture and forestry resources is needed to provide future generations with opportunities to experience both the economic benefits and rural lifestyle residents now enjoy. This prudent management strategy involves maintenance of large parcel sizes and the minimization of incompatible land use encroachment into these resource rich lands.

V. Agricultural Use & General Plan (Cont'd) – Right to Farm

- **Right to Farm and Disclosure**

El Dorado County has adopted a **Right to Farm Ordinance** to protect agriculture operations from nuisance claims like noise, dust, or activity hours.

All new residential parcels adjacent to ag zones must carry a **disclosure** notifying buyers of possible impacts from nearby farms and commercial ag operations.

As long as agricultural support services, including operation of “**agri-tourism facilities**” for event sales, are part of a farm’s ordinary, legal activity, it's shielded from nuisance claims under the ordinance — just like planting, spraying, or harvesting.

130.40.290 Right To Farm

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.

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 130.40.070: Agricultural Support Services).

V. Agricultural Use & General Plan (Cont'd) – Primary Use

- **Black Oak meets the legal standard for a “Commercial Vineyard”** under §130.40.400.G.1 of the Zoning Ordinance, with 5+ acres of actively maintained wine grapes on site.
- BOMV holds all required licenses for legitimate agricultural use:
 - ABC Type 02 Winegrower’s License
 - ATF Bonded Winery Permit
- All special events and marketing events are designed to directly promote, showcase, and sell wine produced:
 - From **BOMV’s estate-grown grapes**, and
 - From **other El Dorado County vineyards**, ensuring local agriculture remains central to all event activities.
- Where demand temporarily exceeds in-house capacity, BOMV sources **additional wine from other El Dorado wineries**—strengthening the broader agricultural economy and maintaining full compliance with Winery Ordinance §130.40.400.E.1.a.
- A vineyard expansion plan is currently under development to increase estate production, further reinforcing BOMV’s long-term agricultural investment.



V. Agricultural Use & General Plan (Cont'd) – Special Events

- **Special Events = Compatible Ag Use**
 - Policy 8.2.2.1(E) defines **ranch marketing** (including weddings, tastings, on-site sales) as a **protected commercial practice**.
 - These are explicitly allowed on agricultural lands and **not considered incompatible** with surrounding land uses.

OBJECTIVE 8.2.2: AGRICULTURAL OPERATIONS

Protection of the rights of agricultural operators to continue agricultural practices on all lands designated for agricultural land use and expand the agricultural-related uses allowed on such lands.

- Policy 8.2.2.1 Agricultural operations allowed by right on agricultural lands shall include, but not be limited to:
- A. Cultivation and tillage of the soil, grazing, dairying, irrigation, frost protection, cultivation, growing, harvesting, sound devices, use of approved fertilizers, pesticides, and crop protection;
 - B. Processing of any agricultural commodity, including timber, Christmas trees, shrubs, flowers, herbs, and other plants;
 - C. Raising of livestock, fur-bearing animals, and all animal husbandry;
 - D. Culture or breeding of poultry and aquatic species;
 - E. Commercial practices (ranch marketing) performed incidental to or in conjunction with such agricultural operations including the packaging, processing, and on-site sale of agricultural products produced in the County; and
 - F. Agricultural resource management including wildlife management, recreation, tours, riding and hiking access, fishing, and picnicking.

V. Agricultural Use & General Plan (Cont'd) – Winery Ordinance

- Definition under County Code
 - El Dorado County Zoning Code includes weddings, fundraisers, and similar gatherings under “special events” permitted for wineries and ranch marketing.
 - These events are not commercial intrusions—they are a recognized form of agricultural promotion.

130.40.400 Wineries

A. Content. The winery ordinance:

1. Provides for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses (General Plan Policy 2.2.5.21.)
2. Encourages the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products (General Plan Policy 10.1.5.4.)
3. Implements General Plan policies that encourage development of agriculturally-related uses while protecting the agricultural character and long-term productivity of agricultural lands. (General Plan Policies: 8.2.2.1, 8.2.4.2., 8.2.4.3, 8.2.4.4, and 8.2.4.5)

Special Events. (Use Type) Temporary events that are usually held outdoors whether or not for compensation, such as auctions, carnivals, rodeos, concerts, and religious revival meetings. Special events may be further defined based on the use types below:

Special Events, Wineries. Events held on-site that are not considered to be tasting or marketing activities, as described in Section 130.40.400 (Wineries), such as charitable, promotional, or facility rental events, including those listed under “Special events, Ranch Marketing” below.

Special Events, Ranch Marketing. Events such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. (See Section 130.40.260: Ranch Marketing).

V. Agricultural Use & General Plan (Cont'd) – Special Events Sales

- Integrated into Direct-to-Consumer Sales
 - Events provide a **captive audience** for the sale of El Dorado–grown wine and ag products.
 - They support the core business of farming by driving revenue **directly tied to local production**.
 - Protected under **Policy 8.2.2.1(E)** of the General Plan: Ranch marketing and related events are **compatible and encouraged** on agricultural lands.



VI. Policy & Legal Framework

- Zoning and Ordinance Context
 - CUP required solely due to the number of events, not the type
 - BOMV well exceeds minimum parcel size for marketing events (10 acres required vs. 146.5 acres actual)
- Application History and Vested Rights
 - CUP submitted in 2022, deemed complete before 2025 Winery Ordinance revisions
 - Under review nearly 3 years; staff acknowledged delays and changes in interpretation
 - Initial intent of the ordinance revision was to encourage CUP applications vs. administrative permits for better oversight

County of El Dorado

Agriculture, Weights & Measures

LeeAnne Mila

Agricultural Commissioner, Sealer of Weights & Measures



ADVISORY LETTER

RE: Updates to the El Dorado County Ranch Marketing and Winery Ordinance for Special Events

Use Permits

As a reminder, Use Permits (CUP, SUP, TUP) may be required for some activities or land uses on agriculturally zoned lands. Many issues will trigger the need for a Use Permit, such as concerts, amplified music, number of attendees at an event, and number of events in a calendar year. If you are unsure about what is allowed by right on your property or whether you may need a Use Permit, please contact the Department of Agriculture (530)-621-5520 or the Department of Planning and Building at (530) 621-5355.

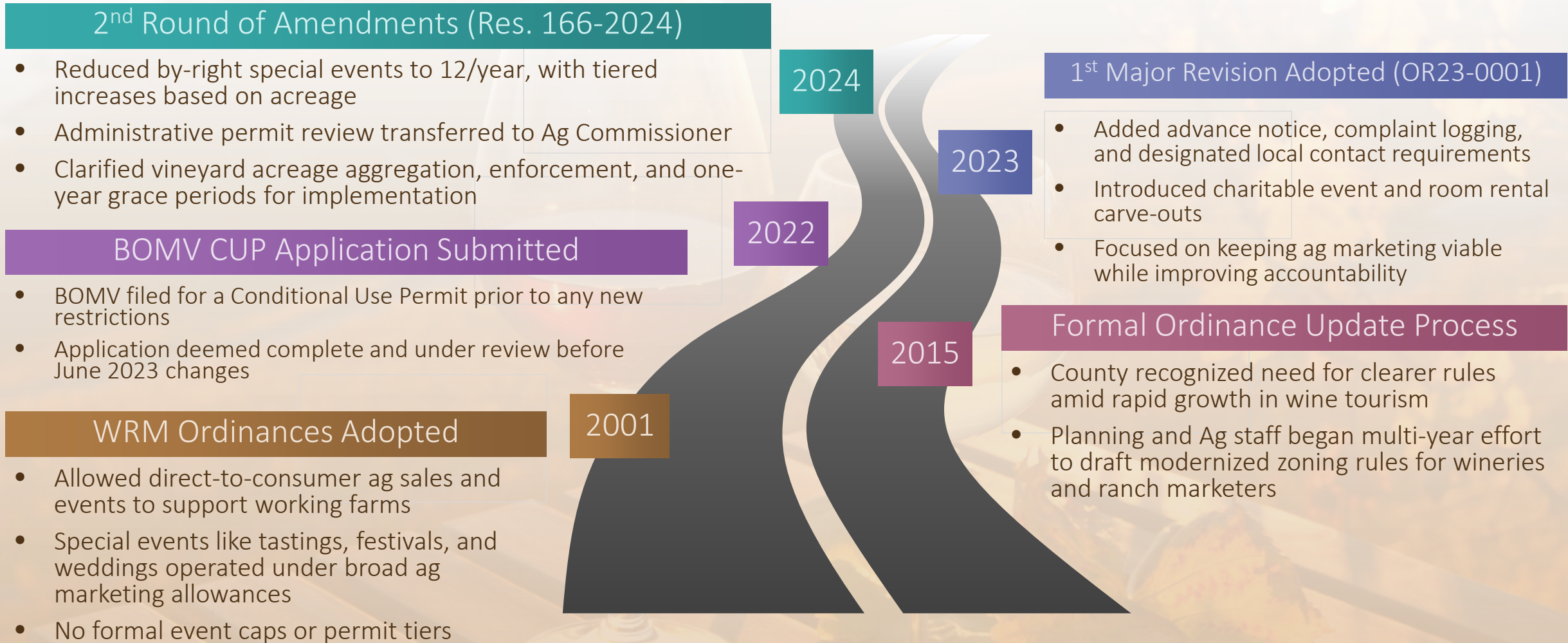
October 16, 2023

Protecting Agriculture, People, and the Environment

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VI. Policy & Legal Framework (Cont'd)

– Winery & Ranch Marketing



VI. Policy & Legal Framework (Cont'd) – CUP Compliance Model

- **Why It Matters for BOMV**

CUP submitted **before** major restrictions and policy shifts.

BOMV voluntarily pursued the CUP path for long-term clarity, not in response to enforcement.

CUP allows tailored conditions and structured oversight — a **model approach** now encouraged by County staff.

- **Enforcement and Oversight**

CUP provides stronger framework for compliance enforcement than administrative permits.

BOMV supports robust enforcement standards and has a strong record of good faith adherence to County requirements.

CUP model is thus the best path to ensure harmonious operations for all parties (BOMV, County staff, community members).



VII. Community Considerations

- **BOMV's Commitment to Being a Good Neighbor**
 - Zero noise violations in over 5 years of operations
 - Sound decibel readings recorded every 30 minutes with County-approved equipment
 - Staff training, calibrated equipment, and real-time sound enforcement
- **Smaller Events Scaled Back**
 - Rehearsal dinners & brunches capped at 40 guests
 - Amplified music played indoors only, using BOMV's sound-controlled speaker systems
 - Amplified sound via downward-facing speakers only, monitored throughout duration of event



VII. Community Considerations (Cont'd) – Mitigation Measures

- **Event Reforms: Mitigation Measures Implemented**
 - **Guest count** reduced to 150 max (below County threshold of 250)
 - **Outdoor amplified music** limited to 6 events/year
 - **Silent Disco headsets** required for any outdoor dancing beyond that
 - **All dancing now indoors** with doors closed and automated shutoffs
 - **Live music acoustic-only** during cocktail hours
 - **Ceremony and speaker direction** strictly controlled to reduce sound escape



VII. Community (Cont'd) – Dispelling the “Bad Actor” Narrative

- **False Assumption:** BOMV is a noncompliant, disruptive venue.
- **Reality:** Our record tells a different story — zero sound violations, extensive mitigation, and ongoing good-faith engagement.

“I don’t know what you did, but THANK YOU!”
— Neighbor text after 2024 sound reforms



VII. Community (Cont'd) – Wildfire Preparedness: A+ Compliance

- **BOMV Fire Prevention Measures**
 - ✓ Actively-maintained 12-foot **firebreak** and **access roads** throughout property
 - ✓ **Annual mowing** of rolling hills at significant cost
 - ✓ **New fire hydrants** installed at EDC Fire's request
 - ✓ *"Amazing work, you guys get an A+"*
— El Dorado County Fire Inspector, during last visit to property



VII. Community (Cont'd) – Public Engagement & Local Support

- We're more than a venue — we're a community partner
 - 🎓 Hosted Golden Sierra High School Prom for 3 years — free of charge
 - 🚔 Supported El Dorado Sheriff's Department fundraisers
 - 🏛️ Hosting State Senator Alvarado-Gil for a regional civic event
- BOMV provides a **safe, local setting** for youth, law enforcement, and civic engagement.
- Every visit includes a beautiful experience of our rural EDC agricultural heritage.



VII. Community (Cont'd) – Local Economic Impact

- A Catalyst for Rural Economic Development
 - BOMV drives year-round tourism to the Coloma-Cool corridor and broader West Slope
 - Visitors support local restaurants, lodging, transportation, floral, catering, and AV vendors
 - Every event generates a multiplier effect that ripples through the county's small businesses
- Quantifiable Agricultural Value
 - Events at BOMV directly support local wine sales, a key ag output for the region
 - El Dorado County agriculture, gross crop value = \$80.5 million annually
 - Retail sales / ranch marketing multiplier: 10x economic impact, \$804 million total revenue



VII. Community (Cont'd) – Local Economic Impact

- Jobs, Services & Tax Base
 - BOMV sustains dozens of local jobs (event coordinators, vineyard crew, security, cleaning)
 - Indirectly supports contractors, rental providers, shuttle drivers, and musicians
 - Guests generate TOT (transient occupancy tax), sales tax, and local permits & fees
- *BOMV is a rural anchor business — delivering jobs, taxes, and ag-based tourism without expanding its footprint or straining County infrastructure*



VIII. Conclusion – Winery CUP Policy Context & Industry Promise

Ranch Marketing Has Sustained Local Ag

- For over two decades, farms have hosted events to stay viable
- Weddings, tastings, and on-site sales are the **lifeline for small ag operations**
- These events have fueled El Dorado County's rise as a **wine tourism destination**

2023 & 2024 Ordinance Revisions: New Guardrails

- BOS limited special events to 24-48 (2023) then 12–24 (2024) per year
- Industry was promised an open pathway for more events via **Conditional Use Permits (CUPs)**
- CUPs are **site-specific, transparent**, and encourage **good stewardship**

Assurance from County Leadership

- Agriculture Commissioner Mila assured BOS: CUPs **would be processed in 6–12 months**
- The CUP track is now the **preferred, enforceable model**—not administrative permits

VIII. Conclusion – BOMV CUP: First Test of the New Ordinance Pathway



- **BOMV Applied Early and In Good Faith**
 - CUP submitted in 2022, long before limits took effect
 - BOMV reported hundreds of events in County systems and followed booking rules
 - Delays in CUP processing created compliance uncertainty—not venue misbehavior
- **Industry Is Watching This Decision**
 - BOMV is the first winery CUP to reach the Planning Commission under the new rules
 - Dozens of farms are awaiting the outcome to determine their own path forward
 - Approval shows that the CUP process is functional and fair
- **A Choice Between Oversight or Evasion**
 - Approving the CUP means: conditions, enforcement, and accountability
 - Denying it pushes operators back toward by-right marketing events with less public process

VIII. Conclusion – Key Benefits

- Summary of Key Benefits
 - *Compliant with CEQA via categorical and common-sense exemptions*
 - *Supported by data and expert studies on noise, traffic, and environmental impact*
 - *Directly aligned with County policies for agriculture protection and economic development*
 - *Reinforces El Dorado County's brand as a premier ag-tourism destination*



VIII. Conclusion – Request & Recommendation

- Recommendation for Commission
 - *Approve CUP22-0013 as CEQA-exempt and consistent with General Plan goals*
 - *Set enforceable conditions that protect neighbors and uphold agricultural property rights*
 - *Decide based on facts and evidence, rather than general opposition or perceptions of controversy*
 - *Show that El Dorado County honors its word — and supports its ag economy*



BOMV stands ready to work with staff and community to ensure continued success as a responsible ag operation

Thank You!

