

County Outline

Major Roads

**CUP22-0013/Black Oak Mountain Winery**  
**Location Map**  
**Exhibit A**





CUP22-0013/Black Oak Mountain Winery  
Aerial Map  
Exhibit B

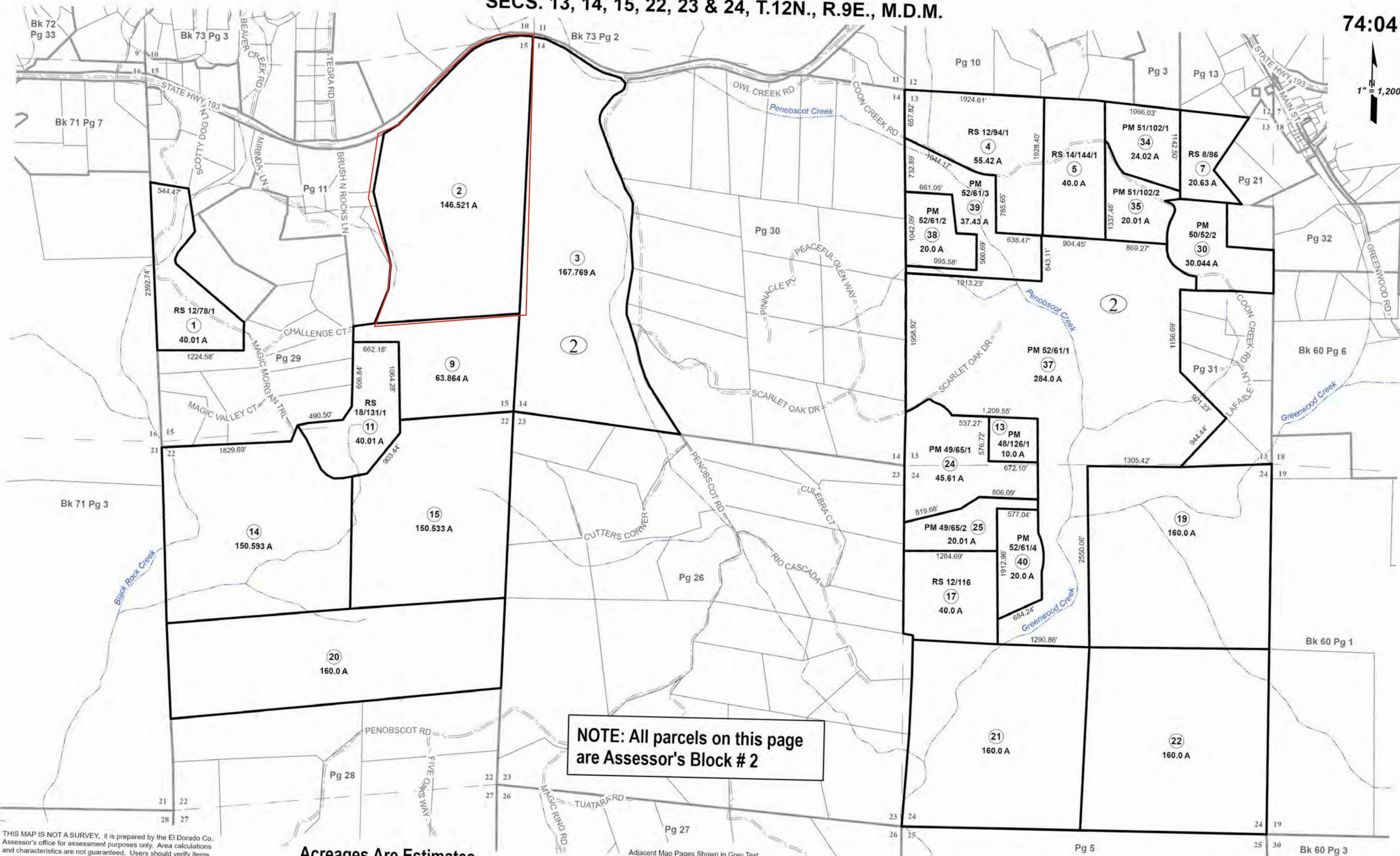
0 0.125 0.25 0.5 Miles

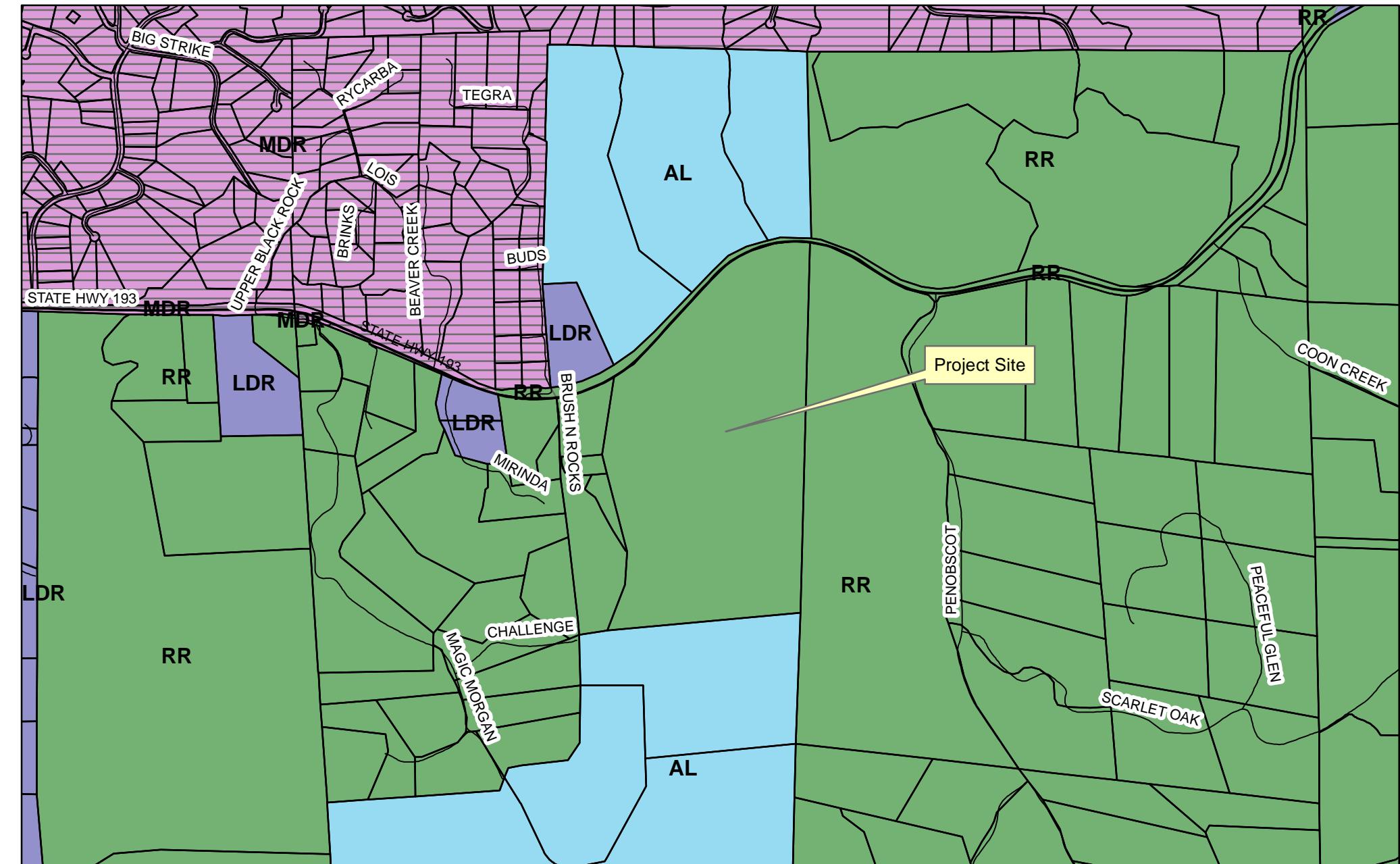
25-1239 C Page 2 of 62



SECS. 13, 14, 15, 22, 23 & 24, T.12N., R.9E., M.D.M.

74:04



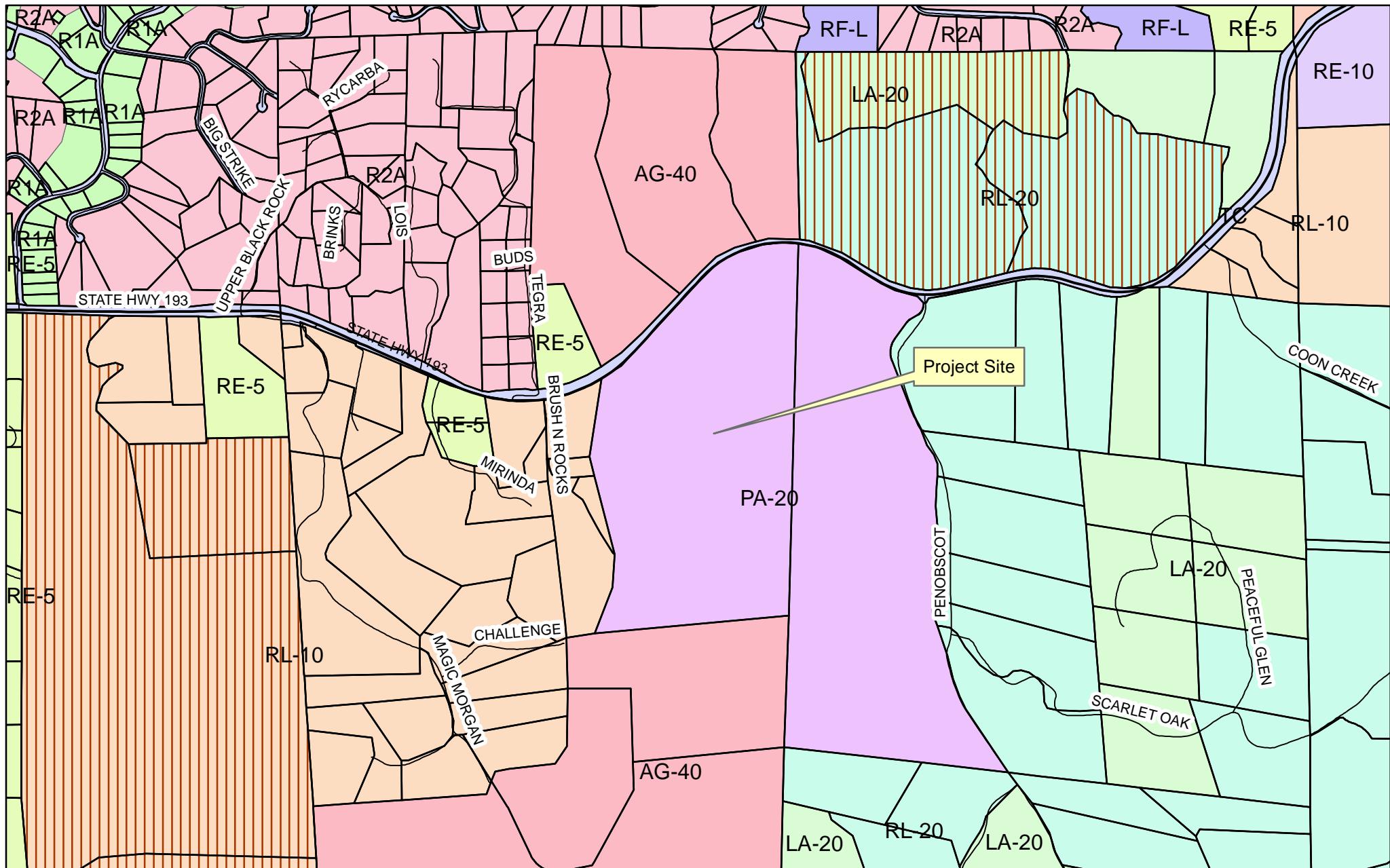


CUP22-0013/Black Oak Mountain Winery  
General Plan Land Use Designation Map  
Exhibit D

0 0.25 0.5 Miles

25-1239 C Page 4 of 62



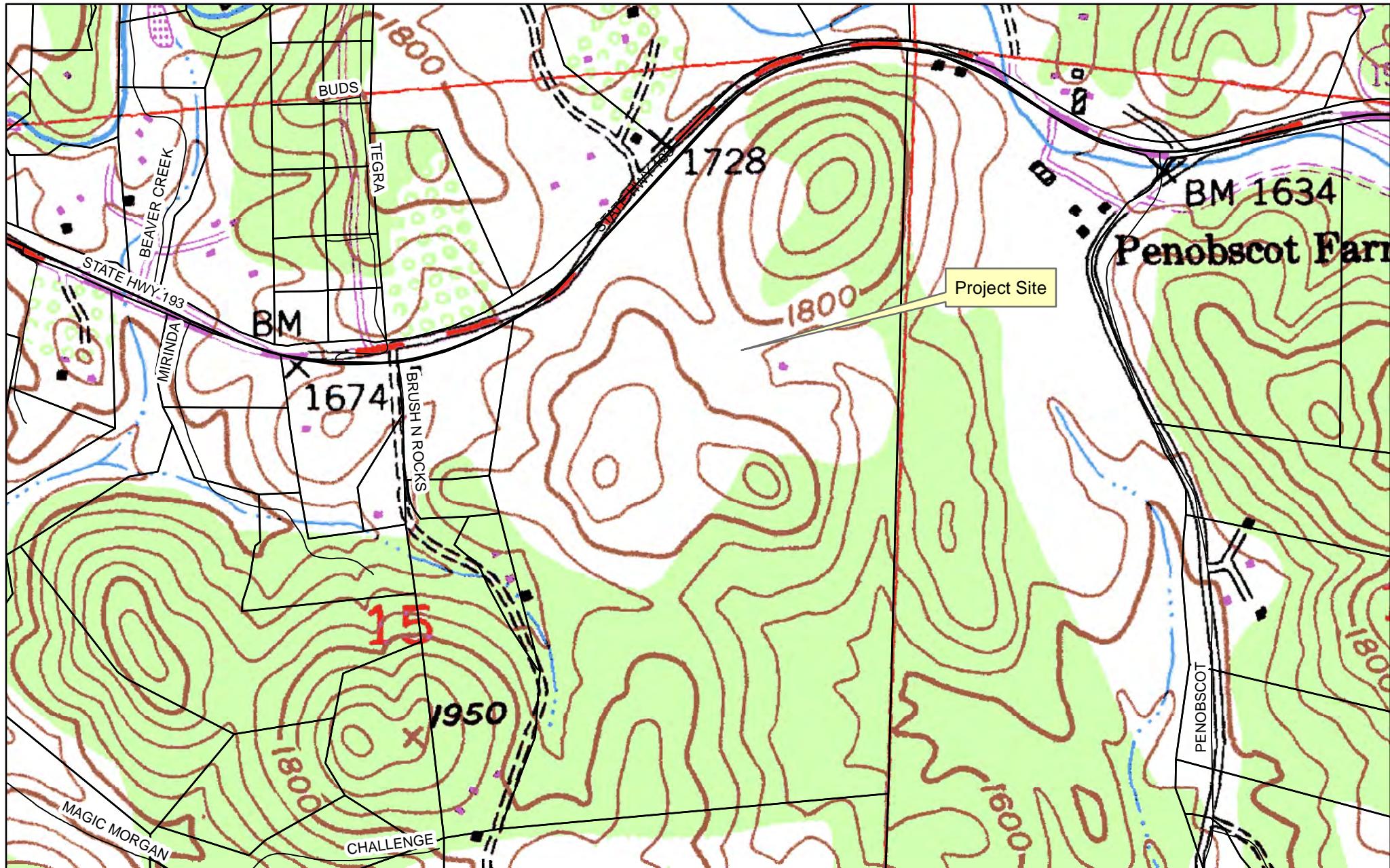


CUP22-0013/Black Oak Mountain Winery  
Zoning Designation Map  
Exhibit E

0 0.25 0.5 Miles

25-1239 C Page 5 of 62





CUP22-0013/Black Oak Mountain Winery  
Topographic Map  
Exhibit F



BLACK OAK MOUNTAIN VINEYARD  
**CONDITIONAL USE PERMIT**

# OWNER

**BLACK OAK MOUNTAIN VINEYARD**  
2480 STATE HIGHWAY 193  
COOL, CA 95614

# ARCHITECT

**SYNDICATE ARCHITECTS**  
P.O. BOX 87  
GEORGETOWN, CA 95634

# CONSULTANTS

# INDEX TO DRAWINGS

CVR      COVER SHEET

ARCHITECTURAL

A1.1      OVERALL SITE & ENLARGED SITE PLAN

**Syndicate Architects**

*Syndicate Architects.com*

**(530) 308-3706**

**BLACK OAK MOUNTAIN  
VINEYARD**  
CURTIS VAN WINKLE  
2480 STATE HIGHWAY 193  
COOL, CA 95614  
530.344.3076  
[maintenance@blackoak.cool](mailto:maintenance@blackoak.cool)

# BLACK OAK MOUNTAIN VINEYARD CONDITIONAL USE PERMIT

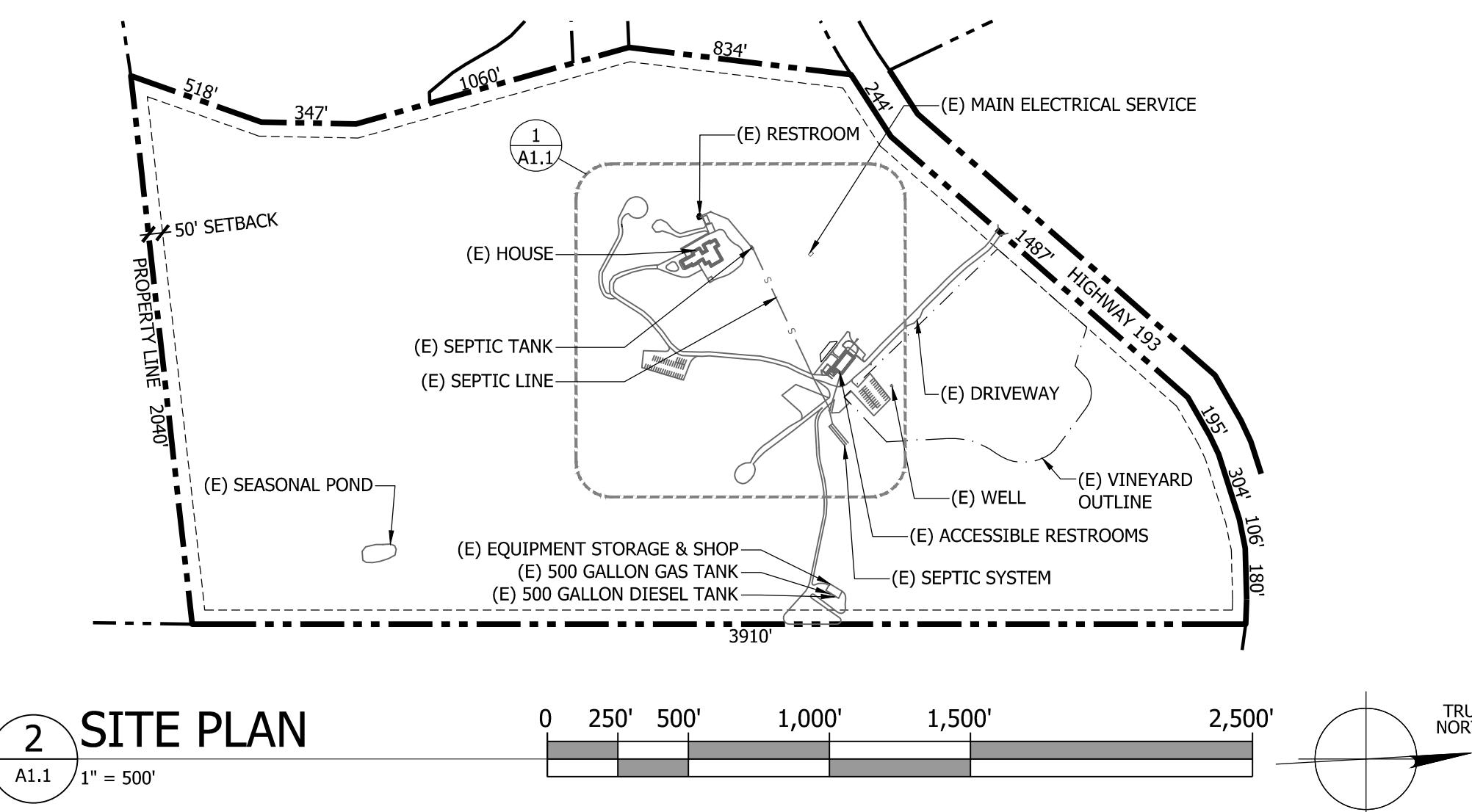
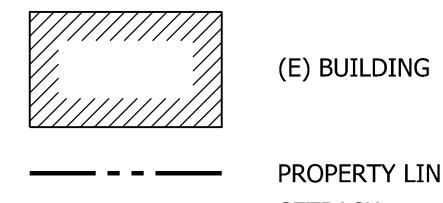
**2478 HWY. 193  
COOL, CA 95614  
APN# 074-042-002**

ABBREVIATIONS		SYMBOLS		PROJECT SCOPE		PROJECT LOCATION	
A.B. AGGREGATE BASE A.C. ASPHALT CONCRETE A/C AIR CONDITIONING ACC ACCESSIBLE A.D. AREA DRAIN ADJ ADJUSTABLE A.F.F. ABOVE FINISH FLOOR ALT ALTERNATE ALUM ALUMINUM APPROX APPROXIMATE A.T. ACOUSTIC TILE  BLDG BUILDING BLKG BLOCKING B.O. BOTTOM OF BOT BOTTOM B.U.R. BUILT UP ROOFING  CAB CABINET CBC CALIFORNIA BUILDING CODE C.J. CONSTRUCTION JOINT CLG CEILING CLR CLEAR CMU CONCRETE MASONRY UNIT C.O. CLEAN OUT COL COLUMN COMP COMPOSITION CONT CONTINUOUS CONC CONCRETE CTSK COUNTERSUNK  D DEPTH DTL DETAIL D.F. DRINKING FOUNTAIN DIA. DIAMETER DIM. DIMENSION DN DOWN DS DOWNSPOUT DW DISHWASHER DWG DRAWING  (E) EXISTING EA EACH E.J. EXPANSION JOINT ELEC ELECTRICAL ELEV ELEVATION EQ EQUAL EQUIP EQUIPMENT EXT EXTERIOR  (F) FUTURE F.D. FLOOR DRAIN F.E. FIRE EXTINGUISHER F.E.C. FIRE EXTINGUISHER CABINET F.F.E. FINISH FLOOR ELEVATION F.G. FINISH GRADE F.H. FIRE HYDRANT F.H.W.S. FLAT HEAD WOOD SCREW FIN. FINISH FLR FLOOR FLUOR FLUORESCENT F.O.F. FACE OF FINISH F.O.M. FACE OF MASONRY  F.O.S. FACE OF STUD FTG FOOTING  GA. GAUGE GALV GALVANIZED GLB GLUE LAMINATED BEAM G.S.M. GALVANIZED SHEET METAL GWB GYPSUM WALLBOARD  H.B. HOSE BIBB H.C. HOLLOW CORE HARDWARE H.M. HOLLOW METAL HORIZ. HORIZONTAL HT HEIGHT  I.D. INSIDE DIAMETER INSUL INSULATION INT INTERIOR  JAN JANITOR JT JOINT  L LENGTH LAM LAMINATED LAV LAVATORY LB. POUND L.S. LAG SCREW LT LIGHT  MFR MANUFACTURER MAX MAXIMUM MECH MECHANICAL MIN MINIMUM MISC MISCELLANEOUS MPE MULTI-PURPOSE EASEMENT M.O. MASONRY OPENING M.R. MOISTURE RESISTANT  (N) NEW N.I.C. NOT IN CONTRACT NO. NUMBER NOM NOMINAL  OBSC OBSCURE O.C. ON CENTER O.D. OUTSIDE DIAMETER OPP OPPOSITE OZ. OUNCE  O.F.C.I. OWNER FURNISHED, CONTRACTOR INSTALLED O.F.O.I. OWNER FURNISHED, OWNER INSTALLED  PERF PERFORATED PL PLATE PLAS PLASTIC PLUMB. PLUMBING PLYWD PLYWOOD PMF PRESSED METAL FRAME PR PAIR PSI POUNDS PER SQUARE INCH  RAD RADIUS REINF REINFORCE REQ'D REQUIRED RM ROOM R.O. ROUGH OPENING RWD REDWOOD RWL RAIN WATER LEADER R.H.W.S. ROUND HEAD WOOD SCREW  SAF SELF-ADHERED FLASHING S.C. SOLID CORE SDE SIDE DRAINAGE EASEMENT SHT SHEET SIM SIMILAR S.M.S. SHEET METAL SCREW SPEC SPECIFICATION SQ SQUARE S.S. STAINLESS STEEL STD STANDARD S.T.S. SELF-TAPPING SCREW STL STEEL STOR STORAGE STRUCT STRUCTURAL SUSP SUSPENDED SYM SYMMETRICAL  T&G TONGUE & GROOVE TEL TELEPHONE THK THICK T.O. TOP OF T.O.C. TOP OF CONCRETE TYP TYPICAL  U.O.N. UNLESS OTHERWISE NOTED UNREINF UNREINFORCED UR URINAL  VCT VINYL COMPOSITION TILE VERT VERTICAL VEST. VESTIBULE VWC VINYL WALL COVERING  W WIDTH WC WATER CLOSET WD WOOD W.H. WATER HEATER WSCT WAINSCOT WT WEIGHT  CHARACTER SYMBOLS & AND /_ ANGLE @ AT ¢ CENTER LINE ∅ DIAMETER # NUMBER O/ OVER W/ WITH  F. 2435.12 T.O.P. E. 2438.18 + A A001 RI		<p>PROJECT SCOPE</p> <p>CONDITIONAL USE PERMIT FOR SPECIAL EVENTS AT PROPERTY</p> <p>APPLICABLE CODES</p> <p>2022 CALIFORNIA CODE OF REGULATIONS (CCR) APPLICABLE CODES EFFECTIVE JAN 1, 2023:</p> <ul style="list-style-type: none"> <li>TITLE 19 CCR, PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS</li> <li>TITLE 24 CCR, PART 1 - 2022 BUILDING STANDARDS ADMINISTRATIVE CODE</li> <li>TITLE 24 CCR, PART 2 - 2022 CALIFORNIA BUILDING CODE, VOL. 1 &amp; 2 (CBO)</li> <li>TITLE 24 CCR, PART 2.5 - 2022 CALIFORNIA RESIDENTIAL CODE (CRC)</li> <li>TITLE 24 CCR, PART 3 - 2022 CALIFORNIA ELECTRICAL CODE (CEC)</li> <li>TITLE 24 CCR, PART 4 - 2022 CALIFORNIA MECHANICAL CODE (CMC)</li> <li>TITLE 24 CCR, PART 5 - 2022 CALIFORNIA PLUMBING CODE (CPC)</li> <li>TITLE 24 CCR, PART 6 - 2022 CALIFORNIA ENERGY CODE</li> <li>TITLE 24 CCR, PART 7 - 2022 CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE</li> <li>TITLE 24 CCR, PART 8 - 2022 CALIFORNIA HISTORICAL BUILDING CODE</li> <li>TITLE 24 CCR, PART 9 - 2022 CALIFORNIA FIRE CODE (CFC)</li> <li>TITLE 24 CCR, PART 10 - 2022 EXISTING BUILDING CODE</li> <li>TITLE 24 CCR, PART 11 - 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE</li> <li>TITLE 24 CCR, PART 12 - 2022 CALIFORNIA REFERENCED STANDARDS</li> </ul> <p>BLDG INFORMATION</p> <p>OCCUPANCY: A-2 / S-1 / U</p> <p>TYPE OF CONSTRUCTION: V-B</p> <p>SPRINKLED: NO</p> <p>BUILDING AREA: 3,590 SF</p> <p>DEFERRED SUBMITTALS</p> <p>None</p> <p>PROJECT LOCATION</p> <p>2480 California 193</p> <p>CUP22-0013/Black Oak Mountain Winery</p>					
<p>SYNCLADE ARCHITECTS  P.O. BOX 87  GREENWOOD, CA 9563  S.BRADLEY@SYNCLADEARCHITECTS.COM</p> <p>DATE: 12.22.2023</p> <p>PROJ. # 23-056</p> <p>HEET TITLE</p> <p>COVER SHEET</p> <p>CVR</p>							

LOT INFORMATION:

APN - 074-042-02  
LOT SIZE - 160.15 AC  
ZONING DESIGNATION - LA-20  
FRONT SETBACK - 50'  
SIDE SETBACK - 50'  
HEIGHT LIMITS - 50' MAX

LEGEND



CUP22-0013/Black Oak Mountain Winery  
Site Plan  
Exhibit G

**BLACK OAK MOUNTAIN VINEYARD  
CONDITIONAL USE PERMIT**  
2478 HWY. 193  
COOL, CA 95614  
APN# 074-042-002

SYNDICATE ARCHITECTS  
P.O. BOX 87  
GREENWOOD, CA 95635  
(530) 308-3700  
SBRADLEY@SYNDICATEARCHITECTS.COM

REVISIONS  
\_\_\_\_\_

ARCHITECT CONTACT INFORMATION  
SYNDICATE ARCHITECTS

DATE 12.28.2023 PROJECT # 23-056

**OVERALL SITE &  
ENLARGED SITE  
PLAN**

**A1.1**

PLOTTED 25-03-2023 12:14:53 PM  
25-1239 C Page 8 of 62



CLIENT  
BLACK OAK MOUNTAIN  
VINEYARD  
CURTIS VAN WINKLE  
2480 STATE HIGHWAY 193  
COOL, CA 95614  
530.344.3076  
maintenance@blackoak.cool



## Environmental Noise Assessment

### Black Oak Mountain Vineyard Events

El Dorado County, California

December 15, 2020

Project #201201

Prepared for:

**Black Oak Mountain Vineyard**  
2480 State Highway 193  
Cool, CA 95614

Prepared by:

**Saxelby Acoustics LLC**



**Luke Saxelby, INCE Bd. Cert.**  
**Principal Consultant**  
**Board Certified, Institute of Noise Control Engineering (INCE)**

(916) 760-8821  
[www.SaxNoise.com](http://www.SaxNoise.com) | [Luke@SaxNoise.com](mailto:Luke@SaxNoise.com)  
915 Highland Pointe Drive, Suite 250  
Roseville, CA 95678

## INTRODUCTION

Saxelby Acoustics was retained by Black Oak Mountain Vineyard to perform a noise study for proposed outdoor activities which may include the use of amplified sound or live music (i.e. wedding receptions, etc.). The project is located at 2480 State Highway 193 in El Dorado County, California. This study analyzes two potential locations where amplified sound or live music could occur.

**Figure 1** shows an aerial photo of the project and noise measurement locations.

## ENVIRONMENTAL SETTING

### BACKGROUND INFORMATION ON NOISE

#### *Fundamentals of Acoustics*

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10-dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound.



Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level ( $L_{eq}$ ), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The  $L_{eq}$  is the foundation of the composite noise descriptor,  $L_{dn}$ , and shows very good correlation with community response to noise.

The day/night average level ( $L_{dn}$ ) is based upon the average noise level over a 24-hour day, with a +10-decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. The Community Equivalent Noise Level (CNEL) is similar to  $L_{dn}$ , but also includes an evening (7:00 a.m. to 7:00 p.m.) with a +5 dB penalty applied to noise occurring during this timeframe.

**Table 1** lists several examples of the noise levels associated with common situations. **Appendix A** provides a summary of acoustical terms used in this report.

**TABLE 1: TYPICAL NOISE LEVELS**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft.)	--100--	
Gas Lawn Mower at 1 m (3 ft.)	--90--	
Diesel Truck at 15 m (50 ft.), at 80 km/hr. (50 mph)	--80--	Food Blender at 1 m (3 ft.) Garbage Disposal at 1 m (3 ft.)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft.)	--70--	Vacuum Cleaner at 3 m (10 ft.)
Commercial Area Heavy Traffic at 90 m (300 ft.)	--60--	Normal Speech at 1 m (3 ft.)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

Source: *Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. September, 2013.*

## EFFECTS OF NOISE ON PEOPLE

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6-dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

## REGULATORY CONTEXT

### ***El Dorado County General Plan***

The El Dorado County General Plan establishes maximum allowable noise exposure for sensitive land uses affected by transportation noise sources. **Table 2** below shows the El Dorado County Land Use Compatibility Chart.

**TABLE 2: MAXIMUM ALLOWABLE NOISE EXPOSURE FOR TRANSPORTATION NOISE SOURCES**

Land Use	Outdoor Activity Areas <sup>1</sup> L <sub>dn</sub> /CNEL, dB	Interior Spaces	
		L <sub>dn</sub> /CNEL, dB	L <sub>eq</sub> , dB <sup>2</sup>
Residential	60 <sup>3</sup>	45	--
Transient Lodging	60 <sup>3</sup>	45	--
Hospitals, Nursing Homes	60 <sup>3</sup>	45	--
Theaters, Auditoriums, Music Halls	--	--	35
Churches, Meeting Halls, Schools	60 <sup>3</sup>	--	40
Office Buildings	--	--	45
Libraries, Museums	--	--	45
Playgrounds, Neighborhood Parks	70	--	--

**Notes:**

<sup>1</sup> In Communities and Rural Centers, where the location of outdoor activity areas is not clearly defined, the exterior noise level standard shall be applied to the property line of the receiving land use. For residential uses with front yards facing the identified noise source, an exterior noise level criterion of 65 dB L<sub>dn</sub> shall be applied at the building facade, in addition to a 60 dB L<sub>dn</sub> criterion at the outdoor activity area. In Rural Regions, an exterior noise level criterion of 60 dB L<sub>dn</sub> shall be applied at a 100 foot radius from the residence unless it is within Platted Lands where the underlying land use designation is consistent with Community Region densities in which case the 65 dB L<sub>dn</sub> may apply. The 100-foot radius applies to properties which are five acres and larger; the balance will fall under the property line requirement.

<sup>2</sup> As determined for a typical worst-case hour during periods of use.

<sup>3</sup> Where it is not possible to reduce noise in outdoor activity areas to 60 dB L<sub>dn</sub>/CNEL or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 65 dB L<sub>dn</sub>/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.

The El Dorado County General Plan also establishes noise level performance standards for noise sensitive land uses affected by non-transportation noise sources. **Table 3** shows the County standards. The Rural Region noise standards apply to the Project. The standards listed in **Table 3** shall be lowered by 5 dBA as Project generated noise will consist of amplified speech and/or music.

**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
1. 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. 2. 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. 3. The exterior noise level standard shall be applied as follows: a. In Community Regions, at the property line of the receiving property; b. 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; or c. In all areas, at the boundary of a recorded noise easement between affected properties.						

## EXISTING NOISE AND VIBRATION ENVIRONMENT

### EXISTING NOISE RECEPTORS

Some land uses are considered more sensitive to noise than others. Land uses often associated with sensitive receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Sensitive noise receptors may also include threatened or endangered noise sensitive biological species, although many jurisdictions have not adopted noise standards for wildlife areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise.

Sensitivity is a function of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities involved. In the vicinity of the project site, sensitive land uses include existing single-family residential uses located north, south, east, and west of the project site.

### EXISTING GENERAL AMBIENT NOISE LEVELS

The existing noise environment in the project area is primarily defined by traffic on Highway 193.

To quantify the existing ambient noise environment in the project vicinity, Saxelby Acoustics conducted continuous (24-hr.) noise level measurements at two locations on the project site. Noise measurement locations are shown on **Figure 1**. A summary of the noise level measurement survey results is provided in **Table 4**. **Appendix B** contains the complete results of the noise monitoring.

The sound level meters were programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value, denoted  $L_{max}$ , represents the highest noise level measured. The average value, denoted  $L_{eq}$ , represents the energy average of all the noise received by the sound level meter microphone during the monitoring period. The median value, denoted  $L_{50}$ , represents the sound level exceeded 50 percent of the time during the monitoring period.

Larson Davis Laboratories (LDL) model 820 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with a B&K Model 4230 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

**TABLE 4: SUMMARY OF EXISTING BACKGROUND NOISE MEASUREMENT DATA**

Site	Location	Date	$L_{dn}$	Daytime $L_{eq}$	Daytime $L_{50}$	Daytime $L_{max}$	Nighttime $L_{eq}$	Nighttime $L_{50}$	Nighttime $L_{max}$
LT-1	Northeastern Boundary	Friday, 12/4/2020	54	52	47	67	47	37	63
		Sunday, 12/6/2020	51	50	44	66	42	34	62
LT-2	Western Boundary	Friday, 12/4/2020	46	43	37	61	39	30	54
		Sunday, 12/6/2020	59	42	35	59	53	25	59

Notes:

- All values shown in dBA
- Daytime hours: 7:00 a.m. to 10:00 p.m.
- Nighttime Hours: 10:00 p.m. to 7:00 a.m.
- Source: Saxelby Acoustics 2020

## EVALUATION OF PROJECT NOISE EXPOSURE

Saxelby Acoustics prepared noise contour graphics showing average ( $L_{eq}$ ) noise contours for the proposed Project at both of the potential activity areas. Noise contours were prepared using the SoundPLAN noise prediction model. Inputs to the model included sound system typical output, existing buildings, topography, terrain type, and locations of sensitive receptors. These predictions are made in accordance with International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation. Noise levels are predicted at the outdoor activity areas of sensitive receptors according to the requirements of El Dorado County for stationary noise sources.

**Figure 2** shows the average ( $L_{eq}$ ) noise contours for daytime noise at Event Area 1 (Barn). **Figure 3** shows the average ( $L_{eq}$ ) noise contours for daytime noise at Event Area 2 (House).

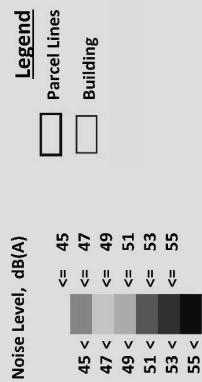
Due to the number of potential activity areas and the different times of day that activities may occur, noise contour graphics are not shown for each potential operating scenario. However, noise levels for each operating scenario are shown in **Tables 5 and 6** for the closest noise-sensitive receptor to the project site.

## Black Oak Mountain Vineyard

El Dorado County, California

Figure 2

Daytime Project Noise Contours (dBA  $L_{eq}$ )  
Event Area 1 (Barn)



Scale 1:550  
0 150 300 600 900 1200 feet  
N

**SAXELBY**  
**ACOUSTICS**  
Acoustics • Noise • Vibration



## Black Oak Mountain Vineyard

El Dorado County, California

Figure 3

Daytime Project Noise Contours (dBA  $L_{eq}$ )  
Event Area 2 (House)



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 L <sub>eq</sub> 40.3 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	35.3 dBA L <sub>eq</sub> 45.3 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	40.3 dBA L <sub>eq</sub> 50.3 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R2	Night	29.4 dBA L <sub>eq</sub> 39.4 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	34.4 dBA L <sub>eq</sub> 44.4 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	39.4 dBA L <sub>eq</sub> 49.4 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R3	Night	6.3 dBA L <sub>eq</sub> 16.3 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	11.3 dBA L <sub>eq</sub> 21.3 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	16.3 dBA L <sub>eq</sub> 26.3 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R4	Night	14.2 dBA L <sub>eq</sub> 24.2 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	22.7 dBA L <sub>eq</sub> 32.7 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	22.7 dBA L <sub>eq</sub> 32.7 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R5	Night	19.4 dBA L <sub>eq</sub> 29.4 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	24.4 dBA L <sub>eq</sub> 34.4 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	29.4 dBA L <sub>eq</sub> 39.4 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R6	Night	25.3 dBA L <sub>eq</sub> 35.3 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	30.3 dBA L <sub>eq</sub> 40.3 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	35.3 dBA L <sub>eq</sub> 45.3 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes

**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 <sub>eq</sub> 36.7 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	31.7 dBA L <sub>eq</sub> 31.7 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	36.7 dBA L <sub>eq</sub> 46.7 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R2	Night	30.7 dBA L <sub>eq</sub> 40.7 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	35.7 dBA L <sub>eq</sub> 45.7 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	40.7 dBA L <sub>eq</sub> 50.7 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R3	Night	28.3 dBA L <sub>eq</sub> 38.3 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	33.3 dBA L <sub>eq</sub> 43.3 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	38.3 dBA L <sub>eq</sub> 48.3 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R4	Night	10.7 dBA L <sub>eq</sub> 20.7 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	15.7 dBA L <sub>eq</sub> 25.7 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	20.7 dBA L <sub>eq</sub> 30.7 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R5	Night	6.9 dBA L <sub>eq</sub> 16.9 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	11.9 dBA L <sub>eq</sub> 21.9 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	16.9 dBA L <sub>eq</sub> 26.9 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes
R6	Night	6.1 dBA L <sub>eq</sub> 16.1 dBA L <sub>max</sub>	35 dBA L <sub>eq</sub> 45 dBA L <sub>max</sub>	Yes
	Evening	11.1 dBA L <sub>eq</sub> 21.1 dBA L <sub>max</sub>	40 dBA L <sub>eq</sub> 50 dBA L <sub>max</sub>	Yes
	Day	16.1 dBA L <sub>eq</sub> 26.1 dBA L <sub>max</sub>	45 dBA L <sub>eq</sub> 55 dBA L <sub>max</sub>	Yes

As shown in **Tables 5 and 6**, the project noise levels are predicted to comply with the County General Plan Noise Element standards. This conclusion is based upon the following assumptions for project-generated noise:

**Event Area 1 (Barn)**

- Sound system speakers shall be oriented towards the southwest, away from building façades;
- Nighttime (past 10:00 p.m.) sound system output shall not exceed 85 dBA  $L_{eq}$  and 95 dBA  $L_{max}$  at a distance of 50 feet;
- Evening (7:00 p.m. to 10:00 p.m.) sound system output shall not exceed 90 dBA  $L_{eq}$  and 100 dBA  $L_{max}$  at a distance of 50 feet;
- Daytime (7:00 a.m. to 7:00 p.m.) sound system output shall not exceed 95 dBA  $L_{eq}$  and 105 dBA  $L_{max}$  at a distance of 50 feet.

**Event Area 2 (House)**

- Sound system speakers shall be oriented towards the east, away from building façades;
- Nighttime (past 10:00 p.m.) sound system output shall not exceed 80 dBA  $L_{eq}$  and 90 dBA  $L_{max}$  at a distance of 50 feet;
- Evening (7:00 p.m. to 10:00 p.m.) sound system output shall not exceed 85 dBA  $L_{eq}$  and 95 dBA  $L_{max}$  at a distance of 50 feet;
- Daytime (7:00 a.m. to 7:00 p.m.) sound system output shall not exceed 90 dBA  $L_{eq}$  and 100 dBA  $L_{max}$  at a distance of 50 feet.

## Conclusions

The proposed project is predicted to comply with the El Dorado County exterior noise standards assuming the following project noise limits at each event area:

### Event Area 1 (Barn)

- Sound system speakers shall be oriented towards the southwest, away from building façades;
- Nighttime (past 10:00 p.m.) sound system output shall not exceed 85 dBA  $L_{eq}$  and 95 dBA  $L_{max}$  at a distance of 50 feet;
- Evening (7:00 p.m. to 10:00 p.m.) sound system output shall not exceed 90 dBA  $L_{eq}$  and 100 dBA  $L_{max}$  at a distance of 50 feet;
- Daytime (7:00 a.m. to 7:00 p.m.) sound system output shall not exceed 95 dBA  $L_{eq}$  and 105 dBA  $L_{max}$  at a distance of 50 feet.

### Event Area 2 (House)

- Sound system speakers shall be oriented towards the east, away from building façades;
- Nighttime (past 10:00 p.m.) sound system output shall not exceed 80 dBA  $L_{eq}$  and 90 dBA  $L_{max}$  at a distance of 50 feet;
- Evening (7:00 p.m. to 10:00 p.m.) sound system output shall not exceed 85 dBA  $L_{eq}$  and 95 dBA  $L_{max}$  at a distance of 50 feet;
- Daytime (7:00 a.m. to 7:00 p.m.) sound system output shall not exceed 90 dBA  $L_{eq}$  and 100 dBA  $L_{max}$  at a distance of 50 feet.

## Appendix A: Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>ASTC</b>	Apparent Sound Transmission Class. Similar to STC but includes sound from flanking paths and correct for room reverberation. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by +5 dBA and nighttime hours weighted by +10 dBA.
<b>DNL</b>	See definition of Ldn.
<b>IIC</b>	Impact Insulation Class. An integer-number rating of how well a building floor attenuates impact sounds, such as footsteps. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz).
<b>Ldn</b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>Lmax</b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>L(n)</b>	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one-hour period.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>NIC</b>	Noise Isolation Class. A rating of the noise reduction between two spaces. Similar to STC but includes sound from flanking paths and no correction for room reverberation.
<b>NNIC</b>	Normalized Noise Isolation Class. Similar to NIC but includes a correction for room reverberation.
<b>Noise</b>	Unwanted sound.
<b>NRC</b>	Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption.
<b>RT60</b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin.
<b>SEL</b>	Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train pass by, that compresses the total sound energy into a one-second event.
<b>SPC</b>	Speech Privacy Class. SPC is a method of rating speech privacy in buildings. It is designed to measure the degree of speech privacy provided by a closed room, indicating the degree to which conversations occurring within are kept private from listeners outside the room.
<b>STC</b>	Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations. The STC rating is typically used to rate the sound transmission of a specific building element when tested in laboratory conditions where flanking paths around the assembly don't exist. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.
<b>Impulsive</b>	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
<b>Simple Tone</b>	Any sound which can be judged as audible as a single pitch or set of single pitches.

## Appendix B: Continuous Ambient Noise Measurement Results



### Appendix B1: Continuous Noise Monitoring Results

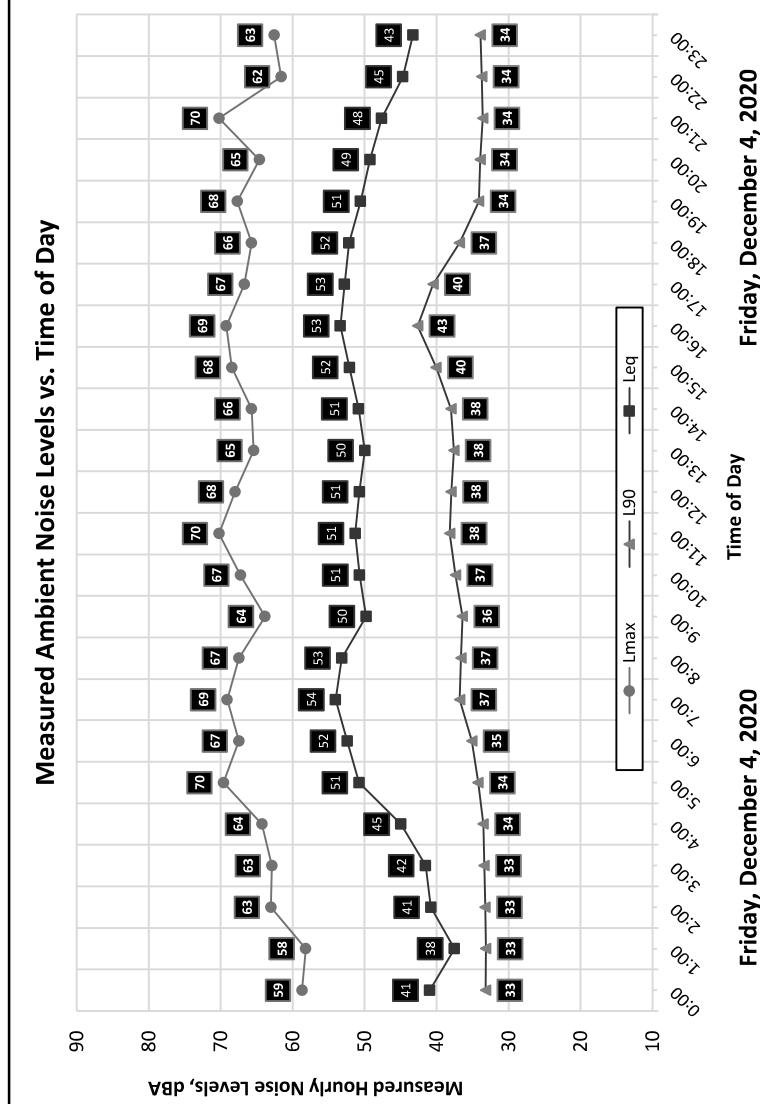
Site: LT-1

Project: Black Oak Mountain Vineyard

Location: Northeastern Project Boundary  
Coordinates: 38.89853°, -120.95462°

Meter: LDL 820-3  
Calibrator: CAL200

Date	Time	Measured Level, dBA			
		L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>90</sub>
Friday, December 4, 2020	0:00	41	59	34	33
Friday, December 4, 2020	1:00	38	58	34	33
Friday, December 4, 2020	2:00	41	63	34	33
Friday, December 4, 2020	3:00	42	63	34	33
Friday, December 4, 2020	4:00	45	64	34	34
Friday, December 4, 2020	5:00	51	70	44	34
Friday, December 4, 2020	6:00	52	67	49	35
Friday, December 4, 2020	7:00	54	69	51	37
Friday, December 4, 2020	8:00	53	67	50	37
Friday, December 4, 2020	9:00	50	64	46	36
Friday, December 4, 2020	10:00	51	67	47	37
Friday, December 4, 2020	11:00	51	70	47	38
Friday, December 4, 2020	12:00	51	68	47	38
Friday, December 4, 2020	13:00	50	65	47	38
Friday, December 4, 2020	14:00	51	66	48	38
Friday, December 4, 2020	15:00	52	68	50	40
Friday, December 4, 2020	16:00	53	69	52	43
Friday, December 4, 2020	17:00	53	67	51	40
Friday, December 4, 2020	18:00	52	66	50	37
Friday, December 4, 2020	19:00	51	68	46	34
Friday, December 4, 2020	20:00	49	65	38	34
Friday, December 4, 2020	21:00	48	70	35	34
Friday, December 4, 2020	22:00	45	62	35	34
Friday, December 4, 2020	23:00	43	63	35	34



Noise Measurement Site



**SAXELBY**  
ACOUSTICS  
Acoustics. Noise. Vibration.

## Appendix B2: Continuous Noise Monitoring Results

Site: LT-1

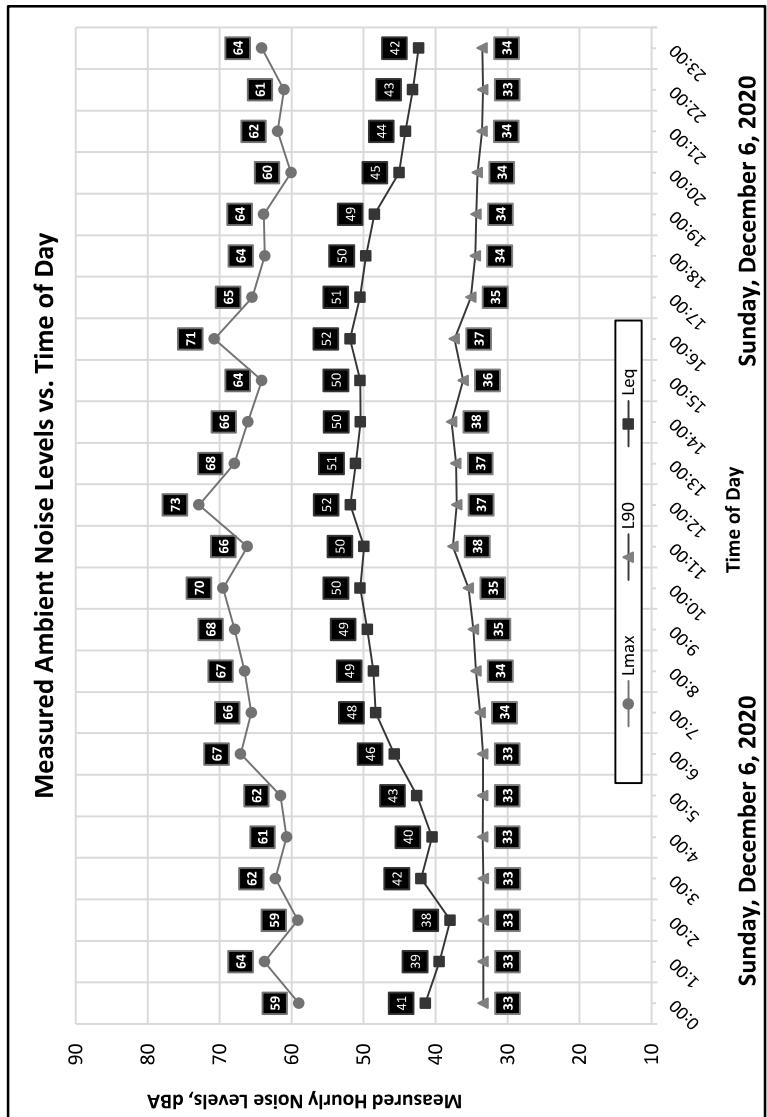
Project: Black Oak Mountain Vineyard

Location: Northeastern Project Boundary  
Coordinates: 38.89853°, -120.95462°

Meter: LDL 820-3  
Calibrator: CAL200

Date	Time	Measured Level, dBA			
		L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>90</sub>
Sunday, December 6, 2020	0:00	41	59	34	33
Sunday, December 6, 2020	1:00	39	64	34	33
Sunday, December 6, 2020	2:00	38	59	34	33
Sunday, December 6, 2020	3:00	42	62	34	33
Sunday, December 6, 2020	4:00	40	61	34	33
Sunday, December 6, 2020	5:00	43	62	34	33
Sunday, December 6, 2020	6:00	46	67	34	33
Sunday, December 6, 2020	7:00	48	66	36	34
Sunday, December 6, 2020	8:00	49	67	42	34
Sunday, December 6, 2020	9:00	49	68	45	35
Sunday, December 6, 2020	10:00	50	70	47	35
Sunday, December 6, 2020	11:00	50	66	46	38
Sunday, December 6, 2020	12:00	52	73	47	37
Sunday, December 6, 2020	13:00	51	68	47	37
Sunday, December 6, 2020	14:00	50	66	47	38
Sunday, December 6, 2020	15:00	50	64	47	36
Sunday, December 6, 2020	16:00	52	71	49	37
Sunday, December 6, 2020	17:00	51	65	47	35
Sunday, December 6, 2020	18:00	50	64	45	34
Sunday, December 6, 2020	19:00	49	64	42	34
Sunday, December 6, 2020	20:00	45	60	37	34
Sunday, December 6, 2020	21:00	44	62	35	34
Sunday, December 6, 2020	22:00	43	61	34	33
Sunday, December 6, 2020	23:00	42	64	34	34

Statistics	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>90</sub>
Day Average	50	66	44	36
Night Average	42	62	34	33
Day Low	44	60	35	34
Day High	52	73	49	38
Night Low	38	59	34	33
Night High	46	67	34	34
Ldn	51	Day %	92	
CNEL	51	Night %	8	



### Appendix B3: Continuous Noise Monitoring Results

Site: LT-2

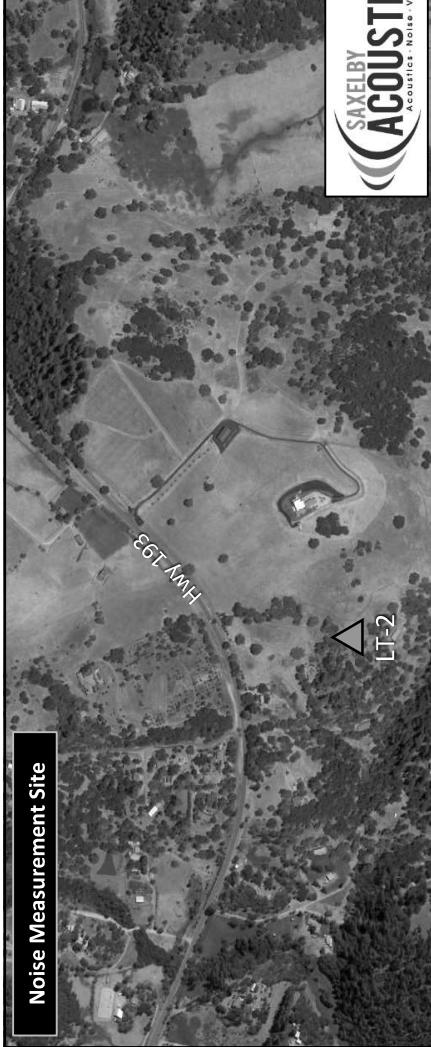
Project: Black Oak Mountain Vineyard

Location: Southwestern Project Boundary

Coordinates: 38.89400°, -120.95897°

Meter: LDL 820-2  
Calibrator: CAL200

Date	Time	Measured Level, dBA			
		L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>90</sub>
Friday, December 4, 2020	0:00	32	49	26	22
Friday, December 4, 2020	1:00	27	48	22	20
Friday, December 4, 2020	2:00	31	53	23	21
Friday, December 4, 2020	3:00	33	55	27	23
Friday, December 4, 2020	4:00	39	57	28	24
Friday, December 4, 2020	5:00	43	60	37	28
Friday, December 4, 2020	6:00	44	60	39	31
Friday, December 4, 2020	7:00	45	60	42	33
Friday, December 4, 2020	8:00	44	63	40	31
Friday, December 4, 2020	9:00	40	56	35	28
Friday, December 4, 2020	10:00	44	69	37	28
Friday, December 4, 2020	11:00	44	66	39	29
Friday, December 4, 2020	12:00	41	62	36	28
Friday, December 4, 2020	13:00	39	59	35	27
Friday, December 4, 2020	14:00	41	61	36	28
Friday, December 4, 2020	15:00	41	55	37	30
Friday, December 4, 2020	16:00	43	57	40	32
Friday, December 4, 2020	17:00	46	67	40	32
Friday, December 4, 2020	18:00	42	55	39	32
Friday, December 4, 2020	19:00	42	61	36	27
Friday, December 4, 2020	20:00	40	59	34	27
Friday, December 4, 2020	21:00	39	63	30	24
Friday, December 4, 2020	22:00	37	55	31	25
Friday, December 4, 2020	23:00	36	53	32	27



#### Appendix B4: Continuous Noise Monitoring Results

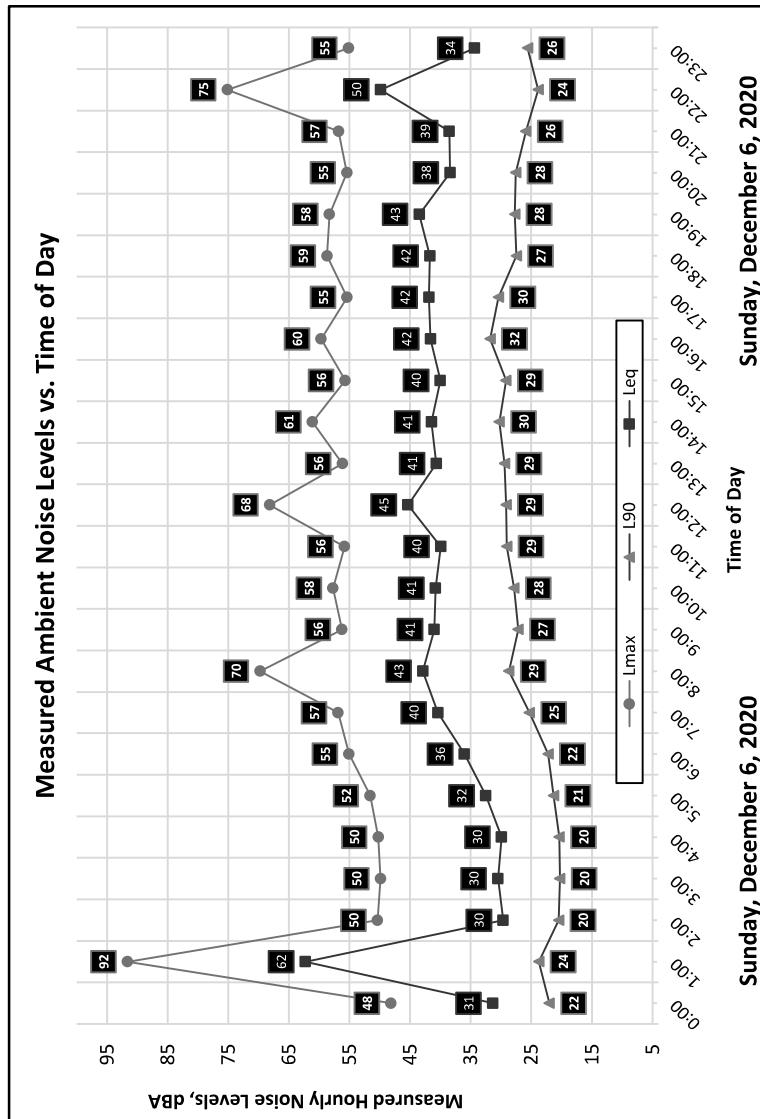
Site: LT-2

Project: Black Oak Mountain Vineyard

Location: Southwestern Project Boundary

Coordinates: 38.89400°, -120.95897°

Meter: LDL 820-2  
Calibrator: CAL200



Date	Time	Measured Level, dBA			
		L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>90</sub>
Sunday, December 6, 2020	0:00	31	48	26	22
Sunday, December 6, 2020	1:00	62	92	27	24
Sunday, December 6, 2020	2:00	30	50	24	20
Sunday, December 6, 2020	3:00	30	50	21	20
Sunday, December 6, 2020	4:00	30	50	22	20
Sunday, December 6, 2020	5:00	32	52	24	21
Sunday, December 6, 2020	6:00	36	55	28	22
Sunday, December 6, 2020	7:00	40	57	32	25
Sunday, December 6, 2020	8:00	43	70	36	29
Sunday, December 6, 2020	9:00	41	56	35	27
Sunday, December 6, 2020	10:00	41	58	36	28
Sunday, December 6, 2020	11:00	40	56	36	29
Sunday, December 6, 2020	12:00	45	68	36	29
Sunday, December 6, 2020	13:00	41	56	36	29
Sunday, December 6, 2020	14:00	41	61	37	30
Sunday, December 6, 2020	15:00	40	56	35	29
Sunday, December 6, 2020	16:00	42	60	38	32
Sunday, December 6, 2020	17:00	42	55	38	30
Sunday, December 6, 2020	18:00	42	59	36	27
Sunday, December 6, 2020	19:00	43	58	37	28
Sunday, December 6, 2020	20:00	38	55	33	28
Sunday, December 6, 2020	21:00	39	57	29	26
Sunday, December 6, 2020	22:00	50	75	27	24
Sunday, December 6, 2020	23:00	34	55	29	26

Statistics	L <sub>eq</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>90</sub>
Day Average	42	59	35	28
Night Average	53	59	25	22
Day Low	38	55	29	25
Day High	45	70	38	32
Night Low	30	48	21	20
Night High	62	92	29	26
Ldn	59	Day %	11	
CNEL	59	Night %	89	

4. Maximum generating capacity of the WECS unit(s) proposed to be installed.
5. Manufacturer's specifications documenting maximum noise levels generated by the WECS on the surrounding area.
6. A statement by the manufacturer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice, and have been approved by the California Energy Commission or certified by a national program, such as National Electrical Code (NEC), American National Standards Institute (ANSI), or Underwriters Laboratories (UL).
7. Certification by a state licensed structural, mechanical or civil engineer that the tower structures are designed and constructed in compliance with the pertinent provisions of the Building Code and California Electric Code.
8. Written evidence that the electric utility service provider for the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect.
9. A description of the proposed measures to minimize adverse noise, transmission interference, visual, and safety impacts to adjacent properties, and methods to prevent public access to the structure.

#### **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).

B. **Applicability.** Except as provided in Subsection H (Micro-Wineries and Small Vineyards) below in this Section, the regulations and standards of this Section shall apply to wineries, as defined in Article 8 (Glossary: see “Wineries”) of this Title, where allowed in the use matrices for the zones, on lots that are a minimum of 10 acres or more in size with a commercial vineyard.

C. **Definitions.** As used in this Section, the terms below will mean the following:

**“Commercial Vineyard”** means a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner.

**“County Maintained Road”** means a road that is listed on the current County Maintained Mileage List by the Department of Transportation. This list does not typically include County Service Area (CSA) or Zones of Benefit (ZOB) roads.

**“Properly maintained”** means that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including, but not limited to, the provision of irrigation, the control of pests and diseases, and the protection against deer depredation.

**“Winery”** means an agricultural processing facility that produces wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine, that is bonded through the Alcohol, Tobacco Tax and Trade Bureau, and that has a current California Alcohol Beverage Control (ABC) Type 2 Winegrower’s License.

D. **Table of Allowed Uses.** Uses allowed under Table 130.40.400.1 (Wineries Allowed Uses Matrix), below in this Section, are subject to compliance with all applicable provisions of this Title and the County Code of Ordinances. Allowed uses may require a discretionary permit in compliance with Subsections F.1 and G.5 (Use Compatibility Limitations, and Access Standards, respectively) below in this Section. The following winery and accessory uses are further defined in Subsection E (Winery Uses) below in this Section:

**Table 130.40.400.1 – Wineries Allowed Uses Matrix**

<b>LA: Limited Agricultural</b> <b>PA: Planned Agricultural</b> <b>AG: Agricultural Grazing</b> <b>RL: Rural Lands</b> <b>RE: Estate Residential</b>		A	Administrative Permit (Section 130.52.010)			
		MUP	Minor Use Permit (Section 130.52.020)			
		P	Allowed use			
		CUP	Conditional Use Permit required (Section 130.52.021)			
		TUP	Temporary Use Permit (Section 130.52.060)			
		—	Use not allowed in zone			
<b>USE</b>	<b>PERMIT REQUIRED BY ZONE</b>					
	<b>AG &amp; PA</b> 20+ Acres	<b>PA</b> 10 - 19.9 Acres; In Ag District	<b>PA</b> 10 - 19.9 Acres; Out of Ag District	<b>RE-10 &amp; RL</b> 10+ Acres; In Ag District	<b>RE-10 &amp; RL</b> 10+ Acres; Out of Ag District	<b>LA</b> 10+ Acres
Winery						
Production Facilities	P	P	P	P	P	P
Full Service Facilities	P	P	MUP	MUP	CUP	CUP
Wholesale/Retail Sale of Wine	P	P	MUP	MUP	CUP	CUP
Art/merchandise Sales	P	P	P	A	CUP	MUP
Campground						
Temporary	TUP	TUP	TUP	TUP	TUP	TUP
Permanent	CUP	CUP	CUP	CUP	CUP	CUP
Picnic Areas	P	P	P	P	A	A
Events						
Marketing/Promotional	P	P	A	MUP	CUP	MUP
Special Events	P	P	MUP	MUP	CUP	CUP
Agricultural museums	P	P	A	MUP	CUP	CUP
Commercial Kitchen						
Food preparation, on-site	P	P	A	MUP	CUP	MUP
Catering, off-site	P	P	A	MUP	CUP	MUP
Dining facilities	CUP	CUP	CUP	CUP	CUP	CUP
Distilleries Large Commercial	CUP	CUP	CUP	CUP	CUP	CUP
Craft	CUP	CUP	CUP	CUP	CUP	CUP
Lodging						
Agricultural Homestays	See Table 130.40.170.1 (Agricultural Lodging)					
Agricultural & Timber Lodging	See Table 130.40.170.1 (Agricultural Lodging)					
Special Events (in excess of E.3)	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP
Music Festivals & Concerts	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP

E. **Winery Uses:** The following provisions shall apply to all wineries, accessory structures, and accessory uses:

1. **General Winery Provisions.**

- a. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.
- b. Wineries include those areas of a winery where grapes are crushed, fermented, or pressed; where bulk wine is stored in tanks or barrels; where winery operations such as racking, filtering, blending, or bottling of wines are carried out; and where on-site case goods are stored.
- c. Multiple lots under the same ownership are not considered to be a single lot for purposes of this Section.

2. **Tasting Facilities.**

- a. **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.
- b. **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).
- c. **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 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.

3. **Special Events.** Special events, as defined in Article 8 (Glossary) of this Title, 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 in this Section;
  - a. **Number Allowed.** Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. Facility rental events are a type of special event where the property 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.
  - b. **Capacity Limitation.** All special events are limited to 250 persons at one time.
  - c. **Ranch Marketing.** The number of special events shall not be added to or combined with those allowed by right under Section 130.40.260 (Ranch Marketing) above in this Chapter.
  - d. **Temporary Use Permit.** Those special events, such as fundraisers, concerts, or other special functions where the number of attendees will exceed 250 persons at any given time and where such events are held no greater than three times per calendar year and no more than one time per calendar month, may be allowed by Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title.
4. **Dining Facility.** The dining facility, as defined in Article 8 (Glossary: see “Ranch Marketing, Dining Facility”) of this Title, shall be subordinate to the sale of wine. Areas of a winery that are temporarily set up for winemaker dinners are not considered to be part of the dining facility.
5. **Distilleries.** A distillery, as defined in Article 8 (Glossary: see “Distillery”) of this Title, shall be bonded through the Alcohol and Tobacco Tax and Trade Bureau and have a current California ABC License. Distilleries are allowed in Industrial Low (IL) and with a Conditional Use Permit in Industrial High (IH), Research and Development (R&D) and in Agricultural Zones (see Table 130.40.400.1-Wineries Allowed Uses Matrix), in compliance with Section 130.51.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. Allowed activities include, but are not limited to, blending, aging,

storing, bottling, and warehousing operations; tasting facilities; wholesale and retail sales; and administrative functions.

6. **Commercial Kitchen.** A commercial kitchen, as defined in Article 8 (Glossary: see “Commercial Kitchen”) of this Title, shall be accessory to the winery, tasting room, and any other authorized accessory use.
7. **Museum.** Agriculture-related museums shall be accessory to a winery and tasting room and shall primarily display items from California’s agricultural history.
8. **Picnic Areas.** Picnic areas shall be subordinate to the winery and tasting room.
9. **Retail Sales.** Retail sales of merchandise, art, and prepackaged food items shall only be allowed within the tasting facilities and shall not be located in a separate structure. The sale of prepackaged food items shall comply with the California Health and Safety Code and be permitted by Environmental Management. Sale of non-wine merchandise shall be subordinate to the wine sales.
10. **Catering.** As defined in Article 8 (Glossary: see “Catering”) of this Title, use of an on-site commercial kitchen for catering off-site events may be allowed by Conditional Use Permit, in compliance with Section 130.51.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, and only when the catering use is found to be subordinate to the winery’s wine sales.

**F. Special Provisions.**

1. **Use Compatibility Limitations.** Proposed winery facilities that are not located within an Agricultural District and that have property lines adjacent to a lot with a noncompatible zone designation shall require a Conditional Use Permit in compliance with Section 130.51.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. For purposes of this Subsection, noncompatible shall be RM, R1, R20K, R1A, R2A and R3A. The use compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility’s structures or uses will require additional use compatibility determinations.

**G. Development Standards.** These standards are the minimum required for all wineries, accessory uses, and structures listed in Subsection E (Winery Uses) above in this Section. Additional requirements may be added through the discretionary permitting process, if applicable.

1. **Commercial Vineyard.** Should the minimum acreage of wine grapes cease to exist or be properly maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are

re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Ag Commission whose decision shall be final.

2. **Setbacks.** The following minimum setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:
  - a. Adjacent to non-residential zones: 50 feet from all property lines.
  - b. Adjacent to residential zones: 200 feet from all property lines.
  - c. The 200 foot setback in 2.b above in this Section may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title.
3. **Signs.** See Chapter 130.36 (Signs) in Article 3 (Site Planning and Project Design Standards) of this Title.
4. **Parking.** The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
  - a. Permanent parking spaces shall be provided for wineries, tasting rooms, and retail sales areas in compliance with Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title.
  - b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
  - c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off street parking in compliance with Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title. All temporary parking shall be accommodated on-site and shall meet any fire district requirements.

5. **Access Standards.** Access standards shall be as follows:
  - a. Direct access from a non-county maintained road, regardless of whether the road is located on or off-site, shall require the following:
    - (1) **In an Agricultural District.** An Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, following a recommendation by the Ag Commission.
    - (2) **Not in an Agricultural District.** A Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.
  - b. **Road Maintenance.** The winery owner will be required to participate in a private road maintenance entity, annex into a road zone of benefit (ZOB), or otherwise pay a fair share for road maintenance as determined by the review authority.
  - c. **Fire Safe/Code Standards.** Access to a winery open to the public shall meet the minimum access requirements of the applicable fire district, including both on-site and off-site access roads. Exceptions to these standards may be allowed by the fire district, subject to the appeal processes identified in the SRA Fire Safe Regulations.
  - d. **Facilities Not Open to the Public.** A winery that is not open to the public and does not provide on-site sales may be accessed by a non-county maintained road.

6. **Size Limitation.**

- a. The winery, accessory buildings, and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.
- b. All new wineries and expansions of existing wineries that exceed 10,000 square feet of floor area and are visible from a County-maintained road shall require a Design Review Permit in compliance with Section 130.52.030 (Design Review Permit) in Article 5 (Planning Permit Processing) of this Title.
- c. Tent structures that exceed 1,200 square feet of floor area and are visible from a County-maintained road shall be limited to a 30 day period, three times per calendar year, unless additional time frames are approved by a Temporary or Conditional Use Permit, in compliance with Section 130.52.060 (Temporary Use Permit) or Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.

- d. The total enclosed square footage of all floors of a winery building shall not exceed the square footage shown in the Table 130.40.400.2 (Allowed Square Footage for Winery Buildings) below in this Section. Any winery building or group of winery buildings and accessory buildings exceeding the square footage in Table 130.40.400.2 (Allowed Square Footage for Winery Building) below in this Section shall require a Conditional Use Permit in compliance with Section 130.51.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

**Table 130.40.400.2 – Allowed Square Footage for Winery Buildings**

LOT ON WHICH THE WINERY IS LOCATED	MAXIMUM ALLOWABLE WINERY BUILDING SIZE
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

**7. Cultural Resource Protection.**

- a. Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.
- b. Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.
8. **Outdoor Amplified Music.** All events featuring outdoor amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards) in Article 3 (Site Planning and Project Design Standards) of this Title. For any events occurring between 7 p.m. and 10 p.m., a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10 p.m.

9. **Wine Caves.** The use of subterranean space for winery facilities in natural or manmade caves shall be in compliance with all applicable building and fire codes, and permit requirements.

H. **Micro-Wineries and Small Vineyards.** Wineries that do not meet the minimum acreage requirement for a commercial vineyard, as defined under Subsection C (Definitions) above in this Section, or the minimum lot size under Table 130.40.400.1 (Wineries Allowed Uses Matrix) above in this Section, shall be allowed in compliance with Table 130.40.400.3 (Micro-Winery and Small Vineyards Use Matrix) below in this Section, subject to the following requirements in this Subsection:

**Table 130.40.400.3 – Micro-Winery and Small Vineyards Use Matrix**

USE	PA & AG 10+ Acres; In Ag District	LA, PA, AG, RL, & RE 5+ Acres; In/Out of Ag District
Small Vineyard Winery	CUP	—
Micro-Winery	—	CUP

1. **Small Vineyard Winery Standards.** Wineries with a minimum of one to less than five acres of a planted wine-making crop (wine grapes or other fruit) shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:
  - a. The only accessory use allowed shall be a distillery; and
  - b. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County.
2. **Micro-Winery Standards.** Micro-wineries shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:
  - a. All micro-wineries shall have a minimum of one acre of planted wine grapes on the same lot;
  - b. The capacity of the micro-winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot, with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA may exceed these amounts in compliance with the Conditional Use Permit if:
    - (1) The lot is within an Agricultural District; and
    - (2) The Ag Commission finds that the land is not capable of supporting five acres of vineyard and potential on-site agricultural land is not being precluded from future agricultural production;

- c. No other accessory uses described in this Section are allowed on the site;
  - d. On-site signs are limited to one, single-faced, non-illuminated sign advertising the name of the winery and owner, and stating "Not Open to the Public". The sign face shall measure a maximum of six square feet in area and shall stand no higher than six feet from natural grade, as measured directly below the sign; and
  - e. The total enclosed floor area(s) of the micro-winery shall measure no greater than 2,000 square feet.
3. **General Standards.** The following standards shall apply to both small vineyard wineries and micro-wineries:
  - a. One acre shall mean a planting of wine grapes spanning an area of at least 43,560 square feet and consisting of a minimum of 440 grape vines;
  - b. The wine grapes or fruit crop shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum acreage cease, as determined by the Agricultural Commissioner, the right to operate the winery becomes void;
  - c. Wine sales shall be conducted off-site or by internet, mail order, telephone, facsimile, or similar means, only. No on-site sales, tasting, or public access shall be allowed either directly or by appointment;
  - d. Compliance with all applicable local, State, and federal laws shall be verified prior to operation. At a minimum, the following shall be required:
    - (1) Fire district review of the facility for consistency with the fire code;
    - (2) Waste Discharge Permit or Waiver of Discharge Permit from Regional Water Quality Control Board;
    - (3) Winegrower license from the ABC;
    - (4) Bonding through the Alcohol and Tobacco Tax and Trade Bureau; and
    - (5) Building permit, subject to review and approval of the Planning and Building and Environmental Management Departments.
- I. **Uses Requiring an Administrative Permit or a Minor Use Permit.** Uses allowed by Administrative Permit or Minor Use permit as shown in Table 130.40.400.1 (Wineries Allowed Uses Matrix) shall comply with Section 130.52 (Permit

Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title and the following:

1. The use is incidental and accessory to the winery;
2. A commercial kitchen established for a winery may be used for preparation of food served on-site or off-site or may be leased as a catering facility under an administrative permit. The administrative permit shall verify that all approvals from applicable agencies including, but not limited to El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture have been obtained.

## Sec. 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.)

B. Applicability. Except as provided in Subsection H (Micro-Wineries and Small Vineyards) below in this Section, the regulations and standards of this Section shall apply to wineries, as defined in Article 8 (Glossary: see "Wineries") of this Title, where allowed in the use matrices for the zones, on lots that are a minimum or ten acres or more in size with a commercial vineyard.

## C. Definitions. As used in this Section, the terms below will mean the following:

*Agricultural Commissioner* means the County Agricultural Commissioner.

*Commercial Vineyard* means a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop. The Agricultural Commissioner may, when calculating acreage under this paragraph, include wine grapes planted on contiguous property under common ownership. The operator of the commercial vineyard area may demonstrate the vineyard area is under common ownership by providing proof that the operator is the record title holder of the land or by providing a notarized lease agreement with the record title holder of the land. This paragraph does not modify the minimum lot size requirement in Subsection B (Applicability), above.

The Agricultural Commissioner may determine and verify whether the vineyard is in compliance with this paragraph consistent with Subsection G.1. (Commercial Vineyard) below.

*Concerts or Other Outdoor Amplified Music or Voice* means any musical outdoor performance, including the playing of recorded music, in which sound amplification devices are used by one or more performers, including, but not limited to, concerts, music festivals, performance by a disc jockey, or any other musical performance.

*County-Maintained Road* means a road that is listed on the current County Maintained Mileage List by the Department of Transportation. This list does not typically include County Service Area (CSA) or Zones of Benefit (ZOB) roads.

*Indoors* means any fully enclosed area covered with a roof.

*Properly Maintained* means that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including, but not limited to, the provision of irrigation, the control of pests and diseases, and the protection against deer depredation.

*Room Rental Event* means an event that involves the winery owner renting or donating a portion of the winery for hire that is held indoors.

*Winery* means an agricultural processing facility that produces wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine, that is bonded through the Alcohol, Tobacco Tax and Trade Bureau, and that has a current California Alcohol Beverage Control (ABC) Type 2 Winegrower's License.

D. **Table of Allowed Uses.** Uses allowed under Table 130.40.400.1 (Wineries Allowed Uses Matrix), below in this Section, are subject to compliance with all applicable provisions of this Title and the County Code of Ordinances. Allowed uses may require a discretionary permit in compliance with Subsections F.1 and G.5 (Use Compatibility Limitations, and Access Standards, respectively) below in this Section. The following winery and accessory uses are further defined in Subsection E (Winery Uses) below in this Section:

**Table 130.40.400.1—Wineries Allowed Uses Matrix**

LA: Limited Agricultural	A	<b>Administrative Permit (<a href="#">Section 130.52.010</a>)</b>
PA: Planned Agricultural	MUP	<b>Minor Use Permit (<a href="#">Section 130.52.020</a>)</b>
AG: Agricultural Grazing	P	<b>Allowed use</b>
RL: Rural Lands	CUP	<b>Conditional Use Permit required (<a href="#">Section 130.52.021</a>)</b>
RE: Estate Residential	TUP —	<b>Temporary Use Permit (<a href="#">Section 130.52.060</a>)</b> <b>Use not allowed in zone</b>

USE	PERMIT REQUIRED BY ZONE					
	AG & PA	PA & LA 10+ 20+ Acres	PA 10— 19.9 Acres; In Ag District	RE-10 & RL 10+ Acres; Out of Ag District	RE-10 & RL 10+ Acres; Out of Ag District	LA 10+ Acres; Out of Ag District
Winery						
Production Facilities	P	P	P	P	P	P
Full Service Facilities	P	P	MUP	MUP	CUP	CUP
Wholesale/Retail Sale of Wine	P	P	MUP	MUP	CUP	CUP
Art/Merchandise Sales	P	P	P	A	CUP	MUP
Campground						
Temporary	TUP	TUP	TUP	TUP	TUP	TUP
Permanent	CUP	CUP	CUP	CUP	CUP	CUP
Picnic Areas	P	P	P	P	A	A
Events						
Marketing/Promotional	P	P	A	MUP	CUP	MUP
Special Events (limit allowed by E.3)	A	A	MUP	MUP	CUP	CUP
Agricultural Museums	P	P	A	MUP	CUP	CUP

Commercial Kitchen						
Food Preparation, On-site	P	P	A	MUP	CUP	MUP
Catering, Off-site	P	P	A	MUP	CUP	MUP
Dining Facilities	CUP	CUP	CUP	CUP	CUP	CUP
Distilleries						
Large Commercial	CUP	CUP	CUP	CUP	CUP	CUP
Craft	CUP	CUP	CUP	CUP	CUP	CUP
Lodging						
Agricultural Homestays	See Table 130.40.170.1 (Agricultural Lodging)					
Agricultural and Timber Lodging	See Table 130.40.170.1 (Agricultural Lodging)					
Special Events (in excess of E.3)	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP
Concerts or Other Outdoor Amplified Music or Voice	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP
Room Rental Events	P	P	P	P	P	P

E. Winery Uses. The following provisions shall apply to all wineries, accessory structures, and accessory uses:

1. General Winery Provisions.

- The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.

b.

Wineries include those areas of a winery where grapes are crushed, fermented, or pressed; where bulk wine is stored in tanks or barrels; where winery operations such as racking, filtering, blending, or bottling of wines are carried out; and where on-site case goods are stored.

- c. Multiple lots under the same ownership are not considered to be a single lot for purposes of this Section, except for the purposes of calculating the qualifying acreage of a commercial vineyard under Subsection C (Definitions - Commercial Vineyard) above.

2. Tasting Facilities.

- a. 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.
  - b. 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.)
  - c. 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.
3. Special Events. Special events, as defined in Article 8 (Glossary) of this Title, 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 in this Section.
- a. Number Allowed. Except as provided in Subsection i. (Charitable Events) and Subsection b.2 (Administrative Permit Process) below, special events are limited to a total of 12 events per calendar year for any Commercial Vineyard.
  - b. Administrative Permit Process. Special events are allowed with the issuance of an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, and subject to the

following requirements:

- (1) The winery owner shall apply to the Agricultural Commissioner on a form prescribed by the County that meets all County requirements, including payment of any applicable fees. On that application, the winery owner must attach proof that the Agricultural Commissioner has verified that the winery meets the minimum five acres of grapes planted and capable of producing a commercial crop that is required to be a Commercial Winery within 30 days of the date of the application, or the winery owner will provide consent for the Agricultural Commissioner to perform that verification.
- (2) The winery owner may, in that application, request to hold an additional two special events per calendar year, up to a maximum of 24 special events per calendar year, for every additional five acres of grapes over the minimum required to meet the definition of a Commercial Vineyard that the Agricultural Commissioner verifies are planted and capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop. The Agricultural Commissioner shall verify the total acres of grapes the winery owner has planted that is capable of producing a commercial crop and report the final number of eligible special events on the approved administrative permit. A winery owner that qualifies in Subsection E.3.b.3, below, may request to hold additional special events in compliance with this paragraph.
- (3) Notwithstanding the maximum special events described in E.3.a (Number Allowed) above, the winery owner may, in its application, state that it submitted to the Agricultural Commissioner Advance Notice of at least one special event between January 2024 and October 2024 in compliance with Subsection E.3.h (Advance Notice), below. The Agricultural Commissioner shall verify whether County records confirm that the owner provided advance notice as required by this paragraph and report the final number of eligible special events on the approved administrative permit. If the winery owner qualifies under this paragraph, then the owner is limited to the following number of special events per calendar year:
  - a. For the 2025 Calendar Year: 18 special events.
  - b. For the 2026 Calendar Year, and every year thereafter: 12 events.
- (4) The Agricultural Commissioner shall review any application for an Administrative Permit to hold special events as they are received. The application shall be approved if it meets all applicable requirements of this Title, and shall be denied if the Agricultural Commissioner finds that any of the following has occurred:
  - a. The application is based on inaccurate or incomplete information.

- b. The applicant has failed to pay any required application fees in full.
  - c. The applicant is ineligible under Subsection J.4 (Suspension for Repeat Violations), below.
- (5) Any approved administrative permit is valid for one calendar year. An administrative permit issued under this Section does not grant any entitlement or interest in real property, does not create any interest of value, and it does not run with the land.
- c. 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 h (Advance Notice) below, and each event will be included in the maximum number of special events event limit calculated under Subsection 3.b, above.
  - d. Capacity Limitation. 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.
  - e. Ranch Marketing. 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 under Chapter 130.44 (Ranch Marketing).
  - f. Temporary Use Permit. The winery owner may apply for a Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title for a special event that meets all the following requirements:
    - (1) The number of attendees will exceed 250 persons at any given time.
    - (2) The winery owner has been issued no more than three Temporary Use Permits for that property per calendar year, including the special event that the Temporary Use Permit would apply to.
    - (3) The winery owner shall not hold more than one special event under this Subsection per calendar month.
  - g. Concerts or Other Amplified Outdoor Music or Voice. Concerts or other outdoor amplified music or voice in which the music is the primary attraction may be allowed if the winery owner obtains a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, or a Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title. If it is reasonably anticipated that more than 150 persons will be present at the event, the winery owner shall also obtain a permit under Chapter 12.39 or a permit for an outdoor music festival under Chapter 5.32, as applicable.

## h. Advance Notice.

- (1) The winery owner shall notify the Agricultural Commissioner, on a form prescribed by the Agricultural Commissioner, no later 14 days in advance of each special event held under this Section. Notwithstanding the 14-day period in the previous sentence, the winery owner may, no later than seven days before the special event, submit a request to the Agricultural Commissioner for an exception to submit the advance notice no later than 48 hours before the event, and shall include in that request the reasons why special circumstances exist to grant this exception. The Agricultural Commissioner may grant that request if the Agricultural Commissioner finds, in his or her sole discretion, that special circumstances exist that justify the lesser period of advance notice.
  - (2) The winery owner shall list all the following in the notice required by this Subsection:
    - (a) The name and contact information for a Designated Local Contact for the event and the date.
    - (b) The approximate duration for when the event will commence and end.
    - (c) The address of the event.
  - (3) The Agricultural Commissioner shall make the information submitted by this Subsection f available on the County's website, including the name and contact information of the Designated Local Contact.
  - (4) The Designated Local Contact must be available via telephone during the duration of the event, as stated in the notice sent to the Agricultural Commissioner, and two hours before and one hour after the event.
  - (5) The Designated Local Contact shall respond to the County within 30 minutes and complete any corrective action that is requested by the County in a timely manner. The Designated Local Contact shall respond to any complaints from any member of the public within 30 minutes and take corrective action to resolve any reasonable complaint. The Designated Local Contact shall prioritize complaints related to noise, lighting, trash, or parking.
  - (6) A failure to comply with this Subsection h (Advance Notice) constitutes a violation subject to enforcement under Subsection J (Enforcement) below.
- i. Charitable Events. The winery owner may hold a maximum of three special events per calendar year under this paragraph that are charitable or fundraising events held for the benefit of a nonprofit organization that qualifies for exempt status under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code. A special event held under this paragraph must comply with all requirements of this Section applicable to special events, including Subsection E.3.h (Advance Notice), except that the three special events

authorized under this paragraph are not counted for purposes of determining the maximum number of special events allowed under Subsection E.3 (Special Events) above in this Section. The winery owner must also provide to the Agricultural Commissioner documentation acceptable to the Agricultural Commissioner demonstrating that the organization qualifies for exempt status, and that any proceeds of the event, excluding the costs of the winery owner, will be used solely by that organization. Any charitable or fundraising events held in excess of the three authorized by this paragraph are counted for purposes of determining the maximum number of special events allowed under Subsection E.3 (Special Events) above in this Section.

4. Room Rental Event. Room rental events are allowed, and are not counted for purposes of determining the maximum number of special events allowed under Subsection E.3 (Special Events) above in this Section, if the winery owner complies with all the following requirements:
  - a. The event is held indoors and involves the rental of a portion of the winery.
  - b. There will be no more than 40 persons in attendance.
  - c. No amplified music or amplified speech is allowed.
  - d. Only one room rental event may be held each calendar day.
  - e. The event is limited in duration to eight hours and must be held during the normal business hours of the winery.
5. Dining Facility. The dining facility, as defined in Article 8 (Glossary: see "Ranch Marketing, Dining Facility") of this Title, shall be subordinate to the sale of wine. Areas of a winery that are temporarily set up for winemaker dinners are not considered to be part of the dining facility.
6. Distilleries. A distillery, as defined in Article 8 (Glossary: See "Distillery") of this Title, shall be bonded through the Alcohol and Tobacco Tax and Trade Bureau and have a current California ABC License. Distilleries are allowed in Industrial Low (IL) and with a Conditional Use Permit in Industrial High (IH), Research and Development (R&D) and in Agricultural Zones (see Table 130.40.400.1—Wineries Allowed Uses Matrix), in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. Allowed activities include, but are not limited to, blending, aging, storing, bottling, and warehousing operations; tasting facilities; wholesale and retail sales; and administrative functions.
7. Commercial Kitchen. A commercial kitchen, as defined in Article 8 (Glossary: see "Commercial Kitchen") of this Title, shall be accessory to the winery, tasting room, and any other authorized accessory use.
8. Museum. Agriculture-related museums shall be accessory to a winery and tasting room and shall primarily display items from California's agricultural history.

9. **Picnic Areas.** Picnic areas shall be subordinate to the winery and tasting room.
10. **Retail Sales.** Retail sales of merchandise, art, and prepackaged food items shall only be allowed within the tasting facilities and shall not be located in a separate structure. The sale of prepackaged food items shall comply with the California Health and Safety Code and be permitted by Environmental Management. Sale of non-wine merchandise shall be subordinate to the wine sales.
11. **Catering.** As defined in Article 8 (Glossary: see "Catering") of this Title, use of an onsite commercial kitchen for catering off-site events may be allowed by Conditional Use Permit, in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, and only when the catering use is found to be subordinate to the winery's wine sales.

**F. Special Provisions.**

1. **Use Compatibility Limitations.** Proposed winery facilities that are not located within an Agricultural District and that have property lines adjacent to a lot with a noncompatible zone designation shall require a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. For purposes of this Subsection, noncompatible shall be RM, RI, R20K, R1A, R2A and R3A. The use compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility's structures or uses will require additional use compatibility determinations.
- G. Development Standards.** These standards are the minimum required for all wineries, accessory uses, and structures listed in Subsection E (Winery Uses) above in this Section. Additional requirements may be added through the discretionary permitting process, if applicable.
  1. **Commercial Vineyard.** The Agricultural Commissioner may, with advance notice of at least 24 hours, inspect a winery to determine whether the minimum acreage of wine grapes cease to exist or be properly maintained. The Agricultural Commissioner may issue an order, in writing, if the Agricultural Commissioner determines that the winery does not meet the standard in the previous sentence and shall explain in that order the deficiencies and any steps to cure that deficiency. The winery owner has 30 days to address the deficiencies in that order to the satisfaction of the Agricultural Commissioner. If the winery owner has not addressed the deficiencies within that time period and has not appealed the order, then the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. If the winery owner appeals the order consistent with the following paragraph, then the winery owner may continue to operate during the pendency of that appeal with the Ag Commission. If the Ag Commission affirms the order in its decision, then the right to

operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner.

The winery owner who was issued the order may appeal the Agricultural Commissioner's determination to the Ag Commission within 30 calendar days of the order being issued. The Ag Commission shall review the determination for consistency with this Section and issue a decision. The winery owner has 20 calendar days to file a timely appeal of that decision to the superior court. If any party fails to file a timely appeal to the Ag Commission or the superior court shall be deemed to have waived any and all objections to the Agricultural Commissioner or the Ag Commission's determination.

2. Setbacks. The following minimum setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:
  - a. Adjacent to nonresidential zones: 50 feet from all property lines.
  - b. Adjacent to residential zones: 200 feet from all property lines.
  - c. The 200-foot setback in [Subsection] 2.b above in this Section may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title.
3. Signs. See Chapter 130.36 (Signs) in Article 3 (Site Planning and Project Design Standards) of this Title.
4. Parking. The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
  - a. Permanent parking spaces shall be provided for wineries, tasting rooms, and retail sales areas in compliance with Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title.
  - b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
  - c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off street parking in compliance with Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title. All temporary parking shall be accommodated onsite and shall meet any fire district requirements.
5. Access Standards. Access standards shall be as follows:
  - a. Direct access from a non-County-maintained road, regardless of whether the road is located on or off-site, shall require the following:
    - (1)

In an Agricultural District. An Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, following a recommendation by the Ag Commission.

- (2) Not in an Agricultural District. A Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.
- b. Road Maintenance. The winery owner will be required to participate in a private road maintenance entity, annex into a road zone of benefit (ZOB), or otherwise pay a fair share for road maintenance as determined by the review authority.
  - c. Fire Safe/Code Standards. Access to a winery open to the public shall meet the minimum access requirements of the applicable fire district, including both on-site and off-site access roads. Exceptions to these standards may be allowed by the fire district, subject to the appeal processes identified in the SRA Fire Safe Regulations.
  - d. Facilities Not Open to the Public. A winery that is not open to the public and does not provide on-site sales may be accessed by a non-County-maintained road.
6. Size Limitation.
- a. The winery, accessory buildings, and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.
  - b. All new wineries and expansions of existing wineries that exceed 10,000 square feet of floor area and are visible from a County-maintained road shall require a Design Review Permit in compliance with Section 130.52.030 (Design Review Permit) in Article 5 (Planning Permit Processing) of this Title.
  - c. Tent structures that exceed 1,200 square feet of floor area and are visible from a County-maintained road shall be limited to a 30-day period, three times per calendar year, unless additional time frames are approved by a Temporary or Conditional Use Permit, in compliance with Section 130.52.060 (Temporary Use Permit) or Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.
  - d. The total enclosed square footage of all floors of a winery building shall not exceed the square footage shown in the Table 130.40.400.2 (Allowed Square Footage for Winery Buildings) below in this Section. Any winery building or group of winery buildings and accessory buildings exceeding the square footage in Table 130.40.400.2 (Allowed Square Footage for Winery Building) below in this Section shall require a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

Table 130.40.400.2—Allowed Square Footage for Winery Buildings

Lot on which the Winery is Located	Maximum Allowable Winery Building Size
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

7. Cultural Resource Protection.

a. Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHP) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.

b. Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

8. Outdoor Amplified Music. All events, including special events, featuring outdoor amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards) in Article 3 (Site Planning and Project Design Standards) of this Title. For any events occurring between 7:00 p.m. and 10:00 p.m., a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10:00 p.m.

9. Wine Caves. The use of subterranean space for winery facilities in natural or manmade caves shall be in compliance with all applicable building and fire codes, and permit requirements.

H. Micro-Wineries and Small Vineyards. Wineries that do not meet the minimum acreage requirement for a commercial vineyard, as defined under Subsection C (Definitions) above in this Section, or the minimum lot size under Table 130.40.400.1 (Wineries Allowed Uses Matrix) above in this Section, shall be allowed in compliance with Table 130.40.400.3 (Micro-Winery and Small Vineyards Use Matrix) below in this Section, subject to the following requirements in this Subsection:

Table 130.40.400.3—Micro-Winery and Small Vineyards Use Matrix

USE	PA & AG 10+ Acres; In Ag District	LA, PA, AG, RL, & RE 5+ Acres; In/Out of Ag District
Small Vineyard Winery	CUP	—
Micro-Winery	—	CUP

1. Small Vineyard Winery Standards. Wineries with a minimum of one to less than five acres of a planted wine-making crop (wine grapes or other fruit) shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:
  - a. The only accessory use allowed shall be a distillery; and
  - b. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County.
2. Micro-Winery Standards. Micro-wineries shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:
  - a. All micro-wineries shall have a minimum of one acre of planted wine grapes on the same lot;
  - b. The capacity of the micro-winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot, with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA may exceed these amounts in compliance with the Conditional Use Permit if:
    - (1) The lot is within an Agricultural District; and
    - (2) The Ag Commission finds that the land is not capable of supporting five acres of vineyard and potential on-site agricultural land is not being precluded from future agricultural production;
  - c. No other accessory uses described in this Section are allowed on the site;
  - d. On-site signs are limited to one, single-faced, non-illuminated sign advertising the name of the winery and owner, and stating "Not Open to the Public." The sign face shall measure a maximum of six square feet in area and shall stand no higher than six feet from natural grade, as measured directly below the sign; and
  - e. The total enclosed floor area(s) of the micro-winery shall measure no greater than 2,000 square feet.

3. General Standards. The following standards shall apply to both small vineyard wineries and micro-wineries:
  - a. One acre shall mean a planting of wine grapes spanning an area of at least 43,560 square feet and consisting of a minimum of 440 grape vines;
  - b. The wine grapes or fruit crop shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum acreage cease, as determined by the Agricultural Commissioner, the right to operate the winery becomes void, consistent with Subsection G.1 (Commercial Vineyard) above;
  - c. Wine sales shall be conducted off-site or by internet, mail order, telephone, facsimile, or similar means, only. No on-site sales, tasting, or public access shall be allowed either directly or by appointment;
  - d. Compliance with all applicable local, State, and Federal laws shall be verified prior to operation. At a minimum, the following shall be required:
    - (1) Fire district review of the facility for consistency with the fire code;
    - (2) Waste Discharge Permit or Waiver of Discharge Permit from Regional Water Quality Control Board;
    - (3) Winegrower license from the ABC;
    - (4) Bonding through the Alcohol and Tobacco Tax and Trade Bureau; and
    - (5) Building permit, subject to review and approval of the Planning and Building and Environmental Management Departments.

- I. Uses Requiring an Administrative Permit or a Minor Use Permit. Uses allowed by Administrative Permit or Minor Use permit as shown in Table 130.40.400.1 (Wineries Allowed Uses Matrix) shall comply with Section 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title and the following:

1. The use is incidental and accessory to the winery;
2. A commercial kitchen established for a winery may be used for preparation of food served on-site or off-site or may be leased as a catering facility under an administrative permit. The administrative permit shall verify that all approvals from applicable agencies including, but not limited to, El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture have been obtained.

J. Enforcement.

1. Any violation of Subsection E.3 (Special Events) is subject to enforcement under Chapter 9.02, except that, notwithstanding Section 9.02.210, a violation of Subsection E.3 (Special Events) may be 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.
2. The County may recover the costs of abatement incurred by the County in its code enforcement efforts, including administrative fines or fees, under Section 9.02.090.
3. All fines or costs collected under this Section shall be deposited into the General Fund and used for costs related to enforcement and administration of this Section.
4. Suspension for Repeat Violations. If a winery owner has received three substantiated violations or more occurring on separate dates related to a violation of Subsection E.3 (Special Events) within any 18-month period, then the County shall revoke any associated administrative permit that authorized the winery owner to hold special events, and that person will be ineligible to submit an application for an administrative permit to hold special events for six months after the date of the last violation. For purposes of determining whether a substantiated violation occurred within the 18-month period, that period is calculated from the date of violation and not the date that the notice and order is substantiated and includes any violation that occurred on a date after the effective date of Ordinance No. 5177 and before the effective date of the ordinance amending this Subsection. Any subsequent substantiated violation of this paragraph will extend that six-month period for an additional six months. The County may enforce any violation of this paragraph as a public nuisance and may take all reasonable actions consistent with law to abate that public nuisance, including injunctive relief. For purposes of this paragraph, *substantiated violation* means the winery owner received a notice and order under Chapter 9.02 and either did not contest such violation or filed a timely appeal and the violation in the notice and order was upheld by the administrative hearing officer. A *substantiated violation* does not include a complaint that did not result in a substantiated violation, nor does it include a violation that led to a notice and order that was withdrawn by both parties due to compliance.

(Ord. No. 5127, §§ 10, 11, 9-1-2020; Ord. No. 5177, § 6, 6-20-2023; Ord. No. 5218, § 2, 12-10-2024)

Christopher L. Stiles  
cstiles@rmmenvirolaw.com

April 2, 2025

Ande Flower, Planning Manager  
Evan Mattes, Senior Planner  
El Dorado County  
2850 Fairlane Court  
Placerville, CA 95667

Re: CEQA Compliance for Black Oak Mountain Vineyards' Conditional Use Permit Application

Dear Mr. Flower and Mr. Mattes,

My firm, Remy Moose Manley LLP, represents Black Oak Mountain Vineyards (BOMV). As you know, BOMV has applied to the County for a Conditional Use Permit (CUP) that would allow BOMV to continue to host a variety of events at its property in Cool. We understand the County is in the process of determining what type of environmental review is required under the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) (CEQA). We also understand that the County is considering requiring a Mitigated Negative Declaration (MND). As explained below, however, the proposed project qualifies for at least three separate CEQA exemptions. Requiring an MND under these circumstances is not necessary and would cause unnecessary delay, uncertainty, and risk for both the BOMV and the County. We respectfully urge the County to process the CUP application without delay, utilizing the CEQA exemptions described below.

#### I. Background and Proposed Project

BOMV has been in operation for more than five years. Over that time, in addition to operating a winery and tasting room, BOMV has hosted many weddings, as well as other social, corporate, marketing, or similar events. Under the proposed project, BOMV is seeking a CUP to hold up to 165 "special events" per year, which exceeds the number currently permitted by right or through an administrative permit under the El Dorado County Winery and Ranch Marketing Ordinances. Importantly, however, BOMV is not asking the County to increase the number of visitors allowed on the property. Nor is BOMV asking for more visitors to be allowed at the property at any given time, or for permission to hold more, or larger, events than what has historically occurred at the property, consistent with allowable limits under the County's Winery Ordinance. In other

words, the CUP will not increase or otherwise change the use of the property. In fact, the proposed project would result in a *reduction* in use compared to current and past conditions. And the type of uses that could result in environmental impacts, including amplified noise and the maximum size of events, will be *substantially reduced* under the proposed project.

Under the proposed project, BOMV would be able to accommodate the following number of guests per year, broken down by event type:

- 6 “facility rental events” with outdoor amplified music.
  - Full attendance (up to 150 attendees), average six (6) hour duration.
- 94 “facility rental events” with no outdoor amplified music.
  - Full attendance (up to 150 attendees), average six (6) hour duration.
- 60 “special events” with no outdoor amplified music.
  - Full attendance (up to 150 attendees), average six (6) hour duration.
- 5 “special events” for nonprofit or charitable organizations.
  - Limited attendance (up to 40 attendees), average two (2) hour duration.

For comparison, BOMV already holds numerous special events each year with up to 250 guests at each event. In addition, BOMV holds marketing and other events each year that do not constitute “special events” under the County Code. Notably, under the County Code there is no limit on the number of marketing events that can be held at BOMV, nor are there any restrictions on the number of guests that can attend those events. With the requested CUP, in contrast, the use of the property would be limited to the 165 events identified in the project description, and BOMV would not host any marketing or other events at the property outside the total number of events proposed under the CUP. As such, the CUP would reduce the number of visitors, both annually and on a maximum per-event basis.

In short, although BOMV is requesting a CUP to allow more “special events” than currently authorized under the County Code, the proposed project does not increase the overall number of visitors, or the number or size of events, compared to what already occurs, and has historically occurred, at the property. Put in CEQA terms, the proposed project would not increase or expand the use of the existing facilities at BOMV. It would also not authorize any uses that have the potential to result in significant environmental impacts compared to existing conditions. Of particular note, the proposed project would reduce the number of events with amplified outdoor noise.

Furthermore, although not relevant to whether the project qualifies for a categorical exemption, the proposed project will comply with standards that will avoid the potential for environmental impacts. Indeed, as already noted, the proposed project would entail fewer events with amplified noise and lower maximum attendance compared to what is currently authorized and occurring at the property.

## II. Applicable CEQA Exemptions

The first step under CEQA is for the County to determine whether the proposed project qualifies an exemption. Indeed, this sequence of events is required under CEQA. (See Guidelines, §15061, subd. (a) [Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.”].) If a project qualifies for an exemption, CEQA simply does not apply and no environmental review is required. (See, e.g., Guidelines, § 15061 [describing three-step process for deciding which type of document to prepare for a project subject to CEQA; “In the first step the lead agency examines the project to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any farther.”].)

The question for the County is whether there is “substantial evidence” that supports a determination that the project qualifies for one or more CEQA exemption. If the answer is “yes,” and the use of an exemption is not precluded by an exception listed in CEQA Guidelines section 15300.2, the project is exempt from CEQA. Whether the project would result in environmental impacts is not relevant; indeed, the entire purpose of CEQA exemptions is to exempt projects from that type of CEQA analysis.

Here, as explained below, the proposed project qualifies for at least three CEQA exemptions: The “Class 1” and “Class 23” categorical exemptions, and the “common sense” exemption. Accordingly, there is no basis for the County to require an MND. Utilizing an exemption is not a shortcut or an improper workaround to avoid CEQA review but rather a mechanism to comply with CEQA exactly as the Legislature intended. It is also worth noting that an exemption is typically more defensible than an MND, in addition to being less burdensome. While an MND is subject to the “fair argument” standard of review, an agency’s determination that a project is exempt from CEQA is typically reviewed under the “substantial evidence” standard, which is much more deferential to the agency. (See *Davidon Homes v. City of San Jose* (1997) 54 Cal.App.4th 106, 115 “[A]n agency’s categorical exemption determination will be affirmed if supported by substantial evidence that the project fell within the exempt

category of projects.”].) Thus, when afforded the option, an exemption is preferable to an MND.

### 1. The “Class 1” Categorical Exemption - Existing Facilities

The “Class 1” exemption consists of “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” (CEQA Guidelines, § 15301.)

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. BOMV is not proposing any new development, additional structures, or any construction whatsoever, so the proposed project is solely limited to the continued operation of existing facilities at BOMV.

The proposed project would also not expand the existing or former use of BOMV’s facilities. First, BOMV is not proposing to change the type of uses that occur on the property, so the type of uses allowed would not expand or otherwise change. Second, as described above, the proposed project would not increase the intensity of use compared to the existing and former use of BOMV facilities. Indeed, under the proposed project, there would be a similar (if not smaller) number of guests per year, the maximum attendance at special events would be reduced, and the overall use would be less intense (e.g., less amplified noise) than what currently occurs at the property.

Courts have frequently upheld the Class 1 Categorical Exemption for permits, leases, or other contracts that authorize the use of existing facilities. (See, e.g., *San Diegans for Open Government. v. City of San Diego* (2019) 31 Cal.App.5th 349, 371; *World Business Academy v. Cal. State Lands Com.* (2018) 24 Cal.App.5th 476, 483; *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal.App.4th 832, 868; *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.)

Courts have also recognized that agencies have some discretion in determining whether a project would result in an increase or expansion of an existing or former use. In *Sunflower Alliance v. Dept. of Conservation* (2024) 105 Cal.App.5th 771, for example, the court upheld the use of the Class 1 Categorical Exemption for the approval of a project to convert an oil well, which formerly pumped oil and water from an aquifer, into an injection well, which would pump water into the aquifer. Although this was a change in the use of the facilities, the court noted that under CEQA Guidelines section 15301,

the term “negligible” is “intended to allow changes or expansions in use that are inconsequential and to exclude changes in use that threaten environmental harm. In other words, when a modified project is put to a new use, the change in use is unimportant, as far as CEQA goes, if the risk of environmental harm from the new use is negligible.” (*Ibid.*) The court concluded that the Class 1 exemption applied despite the conversion as an altogether new use. (*Id.* at p. 786.) Here, for reasons already explained, the project would not increase or expand any uses, and any change would be at most negligible under CEQA.

Please also note that while we are confident that the proposed project qualifies for the Class 1 exemption as is, BOMV is willing to discuss the proposed project description with the County and, if desired, will consider revisions to clarify that the proposed project will not expand the existing or former use of BOMV facilities.

## 2. The “Class 23” Categorical Exemption – Normal Operations of Facilities for Public Gatherings

Class 23 consists of the “normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose.” (CEQA Guidelines, § 15323.) For the purposes of this section, “past history” means that “the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility.” (*Ibid.*) The CEQA Guideline lists examples of the types of facilities that qualify for this exemption, including but not limited to, “racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.” (*Ibid.*)

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. As already explained, the proposed project would not change the operation of BOMV’s facilities compared to the existing and former use of the property.

## 3. The “Common Sense” Exemption

In addition to categorical and statutory exemptions, a project is exempt from CEQA if the activity is covered by the “common sense exemption” that CEQA applies

only to projects which have the potential for causing a significant effect on the environment. (CEQA Guidelines, § 15061, subd. (b)(3).) “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” (*Ibid.*)

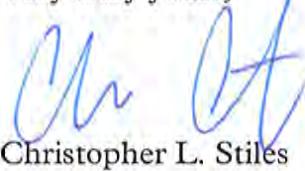
Here, there is no possibility that the proposed project may have a significant effect on the environment. The analytical baseline for this exemption, like other types of CEQA review, is “existing conditions.” The question is whether there is a possibility that the proposed project would result in a significant environmental impact compared to existing conditions. As already explained, the requested CUP would not authorize any additional use or activity that could potentially result in significant environmental impacts. Stated differently, there would be no change from existing baseline conditions (i.e., existing facility operations) that could potentially result in a significant impact. Indeed, as explained above, the potential for environmental impacts would be *reduced* under the proposed project compared to existing conditions.

### **III. Conclusion**

Because the proposed project qualifies for a CEQA exemption—in fact three—an MND is not necessary. We respectfully request that the County process the CUP application without delay, utilizing the CEQA exemptions described above.

Thank you for your consideration. Please let us know if you have any questions or need any additional information to accommodate this request.

Very truly yours,



Christopher L. Stiles

cc: Brad Christian ([bc@ellusionist.com](mailto:bc@ellusionist.com))

Jane Dildine ([jane@blackoak.cool](mailto:jane@blackoak.cool))

Curtis Van Winkle ([maintenance@blackoak.cool](mailto:maintenance@blackoak.cool))

Kevin McCarty ([kevinwmccarty@pm.me](mailto:kevinwmccarty@pm.me))