

REQUIRED FINDINGS

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

1.0 CEQA FINDINGS

- 1.1 Pursuant to Section 15002(k) of the California Environmental Quality Act (CEQA) Guidelines, a lead agency will normally take up to three (3) separate steps in deciding which document to prepare subject to CEQA. In the first step, the lead agency examines the project to determine whether the project is subject to CEQA. If the project is exempt, the process does not need to proceed any further. If the project is not exempt, the lead agency takes the second step and conducts an Initial Study to determine whether the project may have a significant effect on the environment. If the Initial Study shows that there is no substantial evidence that the project may have a significant effect, the lead agency prepares a Negative Declaration. If the Initial Study shows that the project may have a significant effect, the lead agency takes the third step and prepares an Environmental Impact Report (EIR). No CEQA Initial Study was prepared analyzing the potential impacts the project may have on the project site. Applicant takes the position that the proposed project will not result in an increase in activity on the parcel and claims three (3) CEQA exemptions: Class 1, “Existing Facilities” (15301); Class 23, “Normal Operations of Facilities for Public Gatherings” (15323); and the “Common Sense” exemption (15061(b)(3)). Should it be determined that the findings cannot be made for issuance of a Conditional Use Permit (CUP), there is a specific CEQA exemption (15270) applicable to project denial.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project requires consistency with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the Rural Residential (RR) designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. This designation is considered appropriate only in the Rural Regions.

2.2 The project requires consistency with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

2.3 The project requires consistency with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

2.4 The project requires consistency with General Plan Policy 5.1.2.1

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

2.5 The project requires consistency with General Plan Policy 5.1.2.2

General Plan Policy 5.1.2.2 requires provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users, pursuant to Table 5-1.

2.6 The project requires consistency with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

2.7 The project requires consistency with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

2.8 The project requires consistency with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 requires that prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as Conditions of Approval.

2.9 The project requires consistency with General Plan Policy 5.7.3.1.

General Plan Policy 5.7.3.1 requires that prior to approval of new development, the Sheriff's Department shall be requested to review all applications to determine the ability of the department to provide protection services. The ability to provide protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as Conditions of Approval.

2.10 The project requires consistency with General Plan Policy 6.2.2.2, 6.2.3.2, , 6.2.3.1.

General Plan Policy 6.2.2.2 requires that the County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire, as listed in the Federal Register Executive Order 13728 of May 18, 2016, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction and/or California Department of Forestry and Fire Protection. (Resolution 124- 2019, August 6, 2019).

General Plan Policy 6.2.3.2 requires the applicant demonstrate that adequate access exists or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

General Plan Policy 6.2.3.1 requires that as a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and firefighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

2.11 The project requires consistency with General Plan Policy 6.5.1.2.

General Plan Policy 6.5.1.2 requires where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.

2.12 The project requires consistency with General Plan Policy 6.5.1.7.

General Plan Policy 6.5.1.7 noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

2.13 The project requires consistency with General Plan Policy 7.4.2.9

General Plan Policy 7.4.2.9 identifies the Important Biological Corridor (-IBC) overlay as applying to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. In order to evaluate project-specific compatibility with the -IBC overlay, applicants for discretionary projects, shall be required to provide to the County a biological resources technical report. The site-specific biological resources technical report will determine the presence of special-status species or habitat for such species that may be affected by a proposed project as well as the presence of wildlife corridors. Mitigation measures may include land use siting and design tools. These

provisions do not apply to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation.

2.14 The project requires consistency with General Plan Policy 8.1.3.5

General Plan Policy 8.1.3.5 requires that any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use or potential of the parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

2.15 The project requires consistency with General Plan Policy 8.1.4.1.

General Plan Policy 8.1.4.1 requires that the County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

2.16 The project requires consistency with General Plan Policy 8.2.2.2

General Plan Policy 8.2.2.2 requires that the approving authority shall make the following findings when approving special (conditional) use permits for agricultural support services:

- A. The use will not substantially detract from agricultural production in the surrounding area; and
- B. The use is compatible with and will not have a significant adverse impact on adjacent or nearby neighborhoods beyond that allowed by the right to Farm Ordinance and other applicable law.

2.17 The project requires consistency with General Plan Policy 8.2.2.4

General Plan Policy 8.2.2.4 states that agricultural activities shall be protected from the encroachment of incompatible land use by the Right to Farm Ordinance, which recognizes that nuisances such as noise, odors, dust, fumes, smoke, and chemical usage are a part of recognized acceptable agricultural practices and production.

2.18 The project requires consistency with General Plan Policy 8.2.4.4

General Plan Policy 8.2.4.4 requires ranch marketing, winery, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural parcels, subject to a compatibility review to ensure that the establishment of the use is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on surrounding properties.

3.0 ZONING FINDINGS

3.1 The project requires consistency with Title 130.

The parcel is within the Planned Agricultural 20-Acres (PA-20) zone district. The PA zone applies to the development of agricultural enterprises and uses, whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. Agricultural enterprise is intended to be the primary use of these lands, but compatible commercial uses may also be allowed.

3.2 The project requires consistency with Chapter 130.37, Noise Standards.

Chapter 130.37 establishes noise standards for amplified and unamplified noise throughout the County. Within the Rural Regions of the County, noise levels are measured at a point 100 feet away from a sensitive receptor as applied (Table 1).

Table 1						
NOISE LEVEL PERFORMANCE STANDARDS FOR NOISE SENSITIVE 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 Leq, dBA	55	50	50	45	45	40
Maximum level, dBA	70	60	60	55	55	50

3.3 The project requires consistency with Section 130.40.400.E.1.a, General Winery Provisions.

Section 130.41.400.E.1.a requires that 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.

3.4 The project requires consistency with Section 130.40.400.E.3, Special Events.

Section 130.40.400.E.3 establishes the number allowed and capacity limitations of special events.

3.5 The project requires consistency with Section 130.40.400.G.1, Commercial Vineyard.

Section 130.40.400.G.1 establishes a required minimum five (5) acres of properly maintained wine grapes as determined by the Agricultural Commissioner.

3.6 The project requires consistency with Section 130.40.400.G.2, Setbacks.

Section 130.40.400.G.2 establishes a minimum setback to all wineries, tasting facilities, and outdoor use areas of 50 feet from all property lines adjacent to non-residential zones and 200 feet adjacent to all residential zones.

3.7 The project requires consistency with Section 130.40.400.G.3, Signs.

Section 130.40.400.G.3 requires that winery signs are compliant with Chapter 130.36, Signs, of the Zoning Ordinance.

3.8 The project requires consistency with Section 130.40.400.G.8, Outdoor Amplified Music.

Section 130.40.400.G.8 requires that all events featuring outdoor amplified music or amplified speech shall comply with Chapter 130.37, Noise Standards, of the Zoning Ordinance. For any events occurring between 7 p.m. and 10 p.m., a noise analysis shall be submitted to the Planning and Building Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10 p.m.

4.0 CONDITIONAL USE PERMIT FINDINGS

4.1 The issuance of the permit must be consistent with the General Plan.

4.2 The proposed use shall not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

4.3 The proposed use is specifically permitted by Conditional Use Permit.