

1/16/2015

Edcgov.us Mail - Fwd: Special Use Permit Number S08-0012R/Rancho Olivo Vineyards

PC 1-22-15

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Charlene Tim <charlene.tim@edcgov.us>

7 pages



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## Fwd: Special Use Permit Number S08-0012R/Rancho Olivo Vineyards

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Linda Stanfel <linda.stanfel@gmail.com>

Thu, Jan 15, 2015 at 6:46 PM

To: planning@edcgov.us

Cc: aaron.mount@edcgov.us, charlene.tim@edcgov.us, rich.stewart@edcgov.us, gary.millar@edcgov.us, tom.heflin@edcgov.us, walter.mathews@edcgov.us, brian.shinault@edcgov.us, lewis.ridgeway@edcgov.us, Shiva Frentzen <bostwo@edcgov.us>

El Dorado County Planning Services Staff and Commissioners,

Please see attached letter with request to deny Special Use Permit Number S08-0012R/Rancho Olivo Vineyards.

I appreciate your consideration.

Respectively,

Linda A. Stanfel

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Linda Stanfel  
916 798-9609



**Letter re-SUP Number S08-0012R .docx**

144K

Linda A. Stanfel  
5091 Highcrest Drive  
Cameron Park, CA 95682  
916.798-9609 linda.stanfel@gmail.com

January 15, 2015

El Dorado County  
Planning Services Division  
2850 Fairlane Court  
Placerville, CA 95667

RE: Special Use Permit Number S08-0012R/Rancho Olivo Vineyards

Dear Staff and Commissioners of the El Dorado County Planning Services Division:

I have been a property owner in the Cameron Estates since 1978 and have been a resident and taxpayer of El Dorado County and a resident of the Cameron Estates since 1980. Our family and friends helped us build our home and to develop the land over the past 34 years. It is precious to us, has very significant economic investment of both money and sweat, and is definitely not just a house on five acres. We treasure this home and our lifestyle here and will fight to preserve it if necessary. I am very familiar with Nello and Danica Olivo who are requesting Special Use Permit Number S08-0012R/Rancho Olivo Vineyards. I have enjoyed their wine, have been a frequent guest in their home and they have been frequent guests in mine. I enjoy their wine and admire their tenacity and hard work, despite their advanced years when most people of similar age are not nearly as ambitious.

I strongly object to the use of the *Olivo Vineyard and Commercial Event Center* for commercial events. I also object to El Dorado County Planning Services staff recommendations to expand the events and allow wine tasting as requested under Special Use Permit Number S08-0012R/Rancho Olivo Vineyards. The Olivos have an existing wine tasting facility in Placerville. They held many similar commercial events in the recent past in blatant violation of the existing 2009 Special Use Permit (SUP) constraints. Despite numerous complaints about noise and traffic the El Dorado County Planning Services Division has not enforced the terms and restrictions of the current SUP and doubtfully has the resources to police and enforce an expanded version. *Olivo Vineyard and Commercial Event Center* has significantly disturbed our community and added intolerable costs and liabilities to both our community and our county.

**I have two action requests for the Planning Commission:**

1. Deny the 2014 application for Special Use Permit Number S08-0012R/Rancho Olivo Vineyards for reasons that I will elaborate below; and

2. Revoke the SUP issued in 2009 that has been repeatedly and blatantly violated as described below.

**My primary reasons for recommendation Number 1- to Deny the Special Use Permit Number S08-0012R/Rancho Olivo Vineyards are as follows:**

- a. The *Olivo Vineyard and Commercial Event Center* adds costs and liabilities to the residents of the Cameron Estates Community Services District (CECSD) and El Dorado County (EDC) with minimal potential revenues for EDC to offset these costs and liabilities. There is no significant wine production or wine storage on this property. The majority of the Nello Olivo wine production is done by Mr. Marco Cappelli at the Miraflores winery or the Toogood Winery and wine storage is also at these facilities. The only access and egress to/from the *Olivo Vineyard and Commercial Event Center* is by CECSD maintained private roads that do not meet EDC safety standards. Our roads are old, fragile, and maintained by inadequate annual contributions by parcel owners in this community. There are currently 7 acres of grape vines at the *Olivo Vineyard and Commercial Event Center*. The “event center” is actually the original horse stable built in the 1960’s as part of the Cameron Park Development. The Olivos added a new stucco façade and most of the horse stalls are still intact. The events that the Olivos have conducted in the past and those that are planned under SUP Number S08-0012R are outdoor events with amplified sound and considerable disruption to the peace and tranquility of our residential neighborhood well into the late night hours. This commercial enterprise does not fit in this RE-5 Equestrian Community. It is unacceptable and SUP Number S08-0012R should be denied.
- b. SUP Number S08-0012R offers significant economic opportunity to the Olivo Family (one residential property within the CECSD) at the expense of 298 other CECSD parcels and the associated residents. For most of the residential lots in the CECSD the deeded land includes the area to the middle of the road in front of each parcel. An accident on the road in front of a parcel would put that parcel owner at risk of litigation. The CECSD is authorized to manage these private roads for our community for the sole use of residents and guests. An accident on any of the roads in the CECSD puts the CECSD at risk of litigation and/or increased cost of liability insurance. It is simple math: more traffic increases risk and increases costs; such as, costs to maintain the roads and costs to insure against increased liabilities. These are not public roads, they do not meet county standards, they are maintained by annual contributions from CECSD property owners and the roads are entirely within a gated restricted access community. Special Use Permit Number S08-0012R/Rancho Olivo Vineyards is not fair and just because our roads are not up to county standards, are fragile and poorly maintained, they are

winding and used by equestrians, cyclists, children walking to and from the school bus, walkers and joggers along with the automobiles of residents and guests. Mix this with wine tasting and other wine events and you have a recipe for increased risk. The *Olivo Vineyard and Commercial Event Center* with its large parties and amplified noise does not belong in our otherwise quiet RE-5 zoned community. If SUP Number S08-0012R is granted the added events and associated traffic will make our roads significantly more dangerous, increase our individual and community liabilities and decrease our collective property values. We must disclose the issue of the event noise, traffic and disruption to potential buyers. For EDC to grant this SUP request also sets a precedence for consideration of other commercial enterprises in this RE-5 equestrian community. The benefits to EDC do not outweigh the risks and costs and therefore the SUP Number S08-0012R is not acceptable and should be denied.

- c. Is El Dorado County prepared to shoulder the increased costs associated with the implementation of SUP Number S08-0012R? When an accident results in damage to property and/or to people does El Dorado County have significant funds and/or significant insurance to cover the county liabilities when the Planning Commission is accused (during inevitable litigation) of having a significant role in setting up the circumstances that lead to this damage and loss? There has been documented private property damage from at least one Olivo guest driving off the road and another Olivo guest ran a resident and her grandchildren off the road while leaving the *Olivo Vineyard and Commercial Event Center*, so this is not just hypothetical. Is EDC prepared to spend significant taxpayer resources to defend SUP Number S08-0012R when the CECSO property owners accuse EDC and the SUP Number S08-0012R of lowering their property values and increasing the cost of individual and CECSO liability insurance coverage? Does the EDC Planning Commission now have sufficient resources to enforce the SUP Number S08-0012R when you would not or could not enforce the SUP issued in 2009? I ask this because there was not sufficient enforcement to address the violations of the SUP issued in 2009 when CECSO residents repeatedly complained. The SUP issued in 2009 allowed 3 events per year and prohibited wine tasting at the *Olivo Vineyard and Commercial Event Center*. The 2009 issued SUP was repeatedly violated and at least 20 annual events were actually held and other wine tasting activities were admittedly occurring. If the EDC Planning Commission is not prepared to enforce SUP Number S08-0012R then does that responsibility fall on the EDC Sheriff? Does that department have sufficient resources to address the increased burden of officer response to CECSO community complaints about SUP violation, intolerable noise and dangerous driving on our private property and private roads? Basically why should the taxpayers of EDC shoulder the increased cost of enforcement, insurance and litigation for the

commercial interests of one residential parcel owner? It is not fair and just and therefore the SUP Number S08-0012R should be denied.

**My primary reasons for recommendation Number 2- to Revoke the Current SUP issued in 2009 are as follows:**

- a. The Olivos have a documented history of knowingly and willfully violating the SUP issued in 2009 despite the myriad of complaints they and the county have received from members of the CECSO community. The SUP Number S08-0012R request under consideration drastically increases the intended event use beyond the previous SUP issued in 2009 and is totally unacceptable in our residential community. In addition there is no reason to believe they (the Olivos or the future owners) will not continue to violate the SUP issued in 2009 and seek special event permits in excess of those currently allowed under the SUP like they did during the summer 2014. The SUP issued in 2009 restricted the Olivos to 3 events per year. They blatantly violated that restriction by holding 20 events! That is a significant and undeniable violation and the SUP should have been revoked already due to these violations. Instead the EDC Planning Commission encouraged the Olivos to apply for expanded events under SUP Number S08-0012R. Seriously? EDC couldn't or wouldn't control the expansion of three events to 20 so how can any logical person believe that EDC has the resources or the will to enforce the SUP issued in 2009. With no limits all I can foresee is continued and unchecked degradation of our residential quality of life, degradation of our property values and degradation of our CECSO community. Meanwhile the *Olivo Vineyard and Commercial Event Center* owners and investors expand their business model and enrich themselves at our expense. This is not fair and just and the SUP issued in 2009 should be revoked.
- b. The SUP potentially adds considerable value to the *Olivo Vineyard and Commercial Event Center*, the Olivo residential estate and is transferrable. During neighborhood meetings unsuccessfully attempting to amicably resolve our differences, Nello and Danica Olivo told the community that, at their advanced age of mid 70's, there is no time to gradually regain the trust that was lost during the violations of the SUP issued in 2009. At their age the concept that the property and commercial enterprise will be sold is very real. SUP Number S08-0012R thereby increases the risk of a new owner seeking near term return-on-investment with large events, more traffic on our private roads and more noise. The potential new owners can be even less sensitive to our CECSO community while they seek to

recuperate their significant investment. The transfer of the SUP issued in 2009 along with the violations and their associated precedents coupled with potential new ownership adds risk to our community and this added risk and the associated costs to the individual property owners and the CECSO community and to the EDC taxpayers is unacceptable. From a business perspective there just isn't enough incentive or revenues for either the county or the community to offset the added costs and risks. Olivos and their investors win but EDC and the CECSO community loses. There is absolutely no evidence that the Olivos will adhere to the terms of the SUP issued in 2009 and there is also no evidence that the County of El Dorado has the resources to enforce this new expanded SUP request; therefore, I recommend and respectfully request that the SUP issued in 2009 be revoked and that the *Olivo Vineyard and Commercial Event Center* cease all events and wine tasting immediately.

Routine use of our roads by people who are under the influence of alcoholic beverages is unacceptable and puts all of our estates at risk of increased liability. Again, will the current owners be required to disclose to a potential buyer the fact that the noise is intolerable, private roads will be used for events and that the drivers very well may be under the influence of alcohol as they drive over the private roads- including the section road that the property owner's deed covers to the middle of that road? Will these events impact our property-owners insurance rates? These rates are already being escalated intolerably by the fire danger in this county and I expect that these commercial events could further increase the rates of all property owners due to increased liability. Is the County of El Dorado prepared to defend your Planning Commission decision in court while the members of this community quantify their losses and seek legal action? Is this the best use of scarce public funding?

To summarize:

1. The Olivos have knowingly held excessive large and noisy events in violation of the existing 2009 SUP and have had sufficient complaints to know that their commercial events are not welcome in this community. They have lost the trust of this community through blatant and repeated violations of that trust. A meeting last fall 2014 at their estate was well attended by the community and there was considerable dialog but failed to resolve the community concerns or to make the Olivos more sensitive to those concerns.
2. The only access and egress that the *Olivo Vineyard and Commercial Event Center* has is via our CECSO maintained private roads in a gated restricted access RE-5 residential community. Events and wine tasting will increase traffic and will add wear and tear to our fragile roads, degrade our quality of life, increase our personal and community costs and our risks.
3. The request for SUP Number S08-0012R should be denied, the SUP issued in 2009 should be revoked due to blatant violation of the restrictions when 3

events became 20. In addition the Planning Commission should cease granting single event permits to the Olivos to circumvent the requirement for a SUP. These events do not belong in this community and the El Dorado County Planning Commission has absolutely no business fostering and encouraging this inappropriate use of rural land and residential property.

If EDC wants to enable the *Olivo Vineyard and Commercial Event Center*, despite our protests and the disruption to our peaceful RE-5 community, then EDC should assume responsibility for these CECSO roads. EDC should bear the expense of bringing all the CECSO roads up to EDC standards, assume the care and maintenance of these roads and THEN (and only then) consider the Olivo request for SUP Number S08-0012R. Although that is not fair to the residential community with the impact of noise and disruption to our residences, at least the risk to all visitors and CECSO residents would be mitigated by sidewalks, defined horse trails, bike trails and appropriately engineered public roadways. If EDC does not have the resources to assume the responsibility for our roads, to develop these private roads into public roads and maintain these roads to ensure the safety of visitors to the *Olivo Vineyard and Commercial Event Center* and residents of the CECSO with appropriate access and egress then EDC should revoke the SUP issued in 2009 and deny the request for and expanded SUP Number S08-0012R because these events add unacceptable risk and cost to the taxpayers of EDC and are inappropriate in a RE-5 community with restricted access and private roads.

Thank you for your consideration.

Sincerely,

Linda A. Stanfel

PC 1-22-15  
#5

Mimi Escobar Carr  
PO Box 991  
Shingle Springs, CA 95687  
530-344-5070

El Dorado County Planning Commission  
2850 Fairlane Court  
Placerville, CA 95667

Re: Nello Olivo Winery

Dear Commission Members:

I support the application presented by Nello Olivo and Rancho Olivo Vineyards to hold special events at the property at 4331 Rancho Road in Cameron Park.

I have been to events at the vineyard and they have always been elegant affairs.

The people attending the events come from many destinations and enjoy discovering the many assets El Dorado County has to offer thanks to the hospitality afforded by the Olivos. The guests to the vineyard often stay in the county, buying county products, dining and adding to the local economy positively.

By approving the permit, the county gains a beautiful destination for events that will provide a plus on all fronts.

I am a former property owner and resident of the South Cameron Estates and feel this application would be a valuable addition to the county.

Please consider voting favorably for the application.

Sincerely,

*Mimi Escobar Carr*

Mimi Escobar Carr

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PLANNING DEPARTMENT  
JAN 16 11:25 AM