



MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE OFFICER
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: David Boesch, Placer County Executive Officer
By: Bekki Riggan, Principal Management Analyst

DATE: August 20, 2013

SUBJECT: 2012-13 Grand Jury Final Report – Placer County Winery Ordinance
Enforcement Review – Board of Supervisors Response

Action Requested

Authorize the Chairman to sign a letter in response to the Placer County Grand Jury's 2012-13 Final Report on the Placer County Winery Ordinance Enforcement Review.

Background

The 2012-13 Grand Jury received a complaint from a citizen of Placer County, alleging that the County's Winery Ordinance was not being enforced. The complaint alleged that outdoor and special events were exceeding the annual allowable number or were not permitted by a specific statute. This complaint was investigated by the Grand Jury utilizing various investigation methods including interviewing the complainant, interviewing various County Officials from the Code Enforcement Division and Community Development Resource Agency (CDRA), along with reviewing various documents.

The Placer County Board of Supervisors and CDRA were asked to provide responses to the Grand Jury report. In collaboration with County departments, County Executive Office staff prepared a response on the behalf of the Board of Supervisors, which is subject to your approval today. Upon approval by your Board, the Board's response will be provided to the Presiding Judge of the Placer County Superior Court and to the Placer County Grand Jury.

The report highlights the following concerns with the current Winery Ordinance: language in the ordinance is vague and unclear which makes consistent enforcement difficult to achieve; there are no timelines to support timely resolution of complaints; and residents continue to be concerned with noise and traffic associated with winery events.

The report recommends a review of ordinances in Counties with an established wine industry and modifying Placer County's wine ordinance to include best practices from these jurisdictions. The Grand Jury also suggested a partnership between Code Enforcement and the Placer County Sheriff's Office to receive and investigate complaints.

Board of Supervisors Response

Details of the Grand Jury's findings and recommendations are included within the response letter attached. To summarize, the letter states that the Board of Supervisors agrees, in general, with all of the Grand Jury's findings related to the Placer County Winery Ordinance and that the Board of Supervisors will continue working with CDRA on this issue to alleviate concerns the citizens of Placer County may have with the Ordinance.

Fiscal Impact

There is no fiscal impact associated with this response to the Grand Jury report.

Attachments: Board of Supervisors 2012-13 Grand Jury Response to: *Placer County Winery Ordinance Enforcement Review*

County of Placer Board of Supervisors

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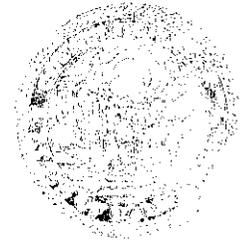
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District 1

ROBERT M. WEYGANDT
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District 3

KIRK UHLER
District 4

JENNIFER MONTGOMERY
District 5



August 20, 2013

Alan V. Pineschi, Presiding Judge
Placer County Superior Court
P.O. Box 619072
Roseville, CA 95661

Re: 2012-13 Grand Jury Final Report – Winery Ordinance Enforcement Review

Dear Judge Pineschi,

This letter is in response to the 2012-13 Grand Jury's Findings & Recommendations from the report titled *Placer County Wine Ordinance Enforcement Review*. The Placer County Board of Supervisors would like to thank the members of the 2012-13 Grand Jury for their efforts associated with the Placer County Winery Ordinance review.

Findings of the Grand Jury

1. The existing wine ordinance contains vague definitions which make enforcement difficult.

Board of Supervisors Response: The Board of Supervisors partially agrees with this finding. Several definitions are very clear, and easy to understand and implement. However, the definitions of other terms such as promotional events are less clear and could be further clarified.

2. The current position of the County is to promote the establishment of a wine-related industry in Placer County.

Board of Supervisors Response: The Board of Supervisors partially agrees with this finding. In addition to wineries, Placer County promotes all of the County's agricultural industries. The County's General Plan provides language that specifically addresses Placer County's role in furthering agricultural and economic development along with preserving the County's agricultural resources.

3. The Agency's Code Enforcement has no mandated timelines for follow through of Code Enforcement complaints. The goal is to work with the violator to gain voluntary compliance.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

4. One winery has been approved to operate as a "Community Center."

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

5. Most winery events occur on the weekends or evenings.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

6. Many complaints refer to excessive noise and traffic. These conditions exist only at the time of the event. After-the-fact investigations by Code Enforcement staff do not reflect the conditions at the time of the complaint.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

7. Written complaints after-the-fact for non-permanent violations such as noise, traffic and special events have no residential evidence other than accusations.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Recommendations of the Grand Jury

1. The County re-writes the Wineries Ordinance to eliminate the vague terminology and conflicting standards. It is recommended that the new ordinance be applicable to all wineries in Placer County and eliminate the distinction between pre- and post-ordinance wineries. This allows for consistent application of the ordinance and eases enforcement.

Board of Supervisors Response: This recommendation requires further analysis. The public review process is currently underway for modifications to the Wineries Ordinance. The Board of Supervisors will continue to work with CDRA in order to develop recommendations to the existing language.

2. The Planning Commission and Agency staff should review ordinances of other counties that have an established wine-related industry in their efforts to update ordinances. This may identify best practices.

Board of Supervisors Response: This recommendation requires further analysis. CDRA is currently reviewing winery ordinances from other counties including Amador, El Dorado, Monterey, Sacramento, San Diego, Santa Barbara and Sonoma County. The Board of Supervisors will continue to work with CDRA to review best practices to identify and incorporate what has worked well in other counties.

3. A process should be established by Agency Code Enforcement in partnership with the Placer County Sheriff to receive and investigate complaints as they occur.

Board of Supervisors Response: This recommendation requires further analysis. A partnership between the Agency Code Enforcement and the Placer County Sheriff was proposed at initial public workshops conducted by the Planning Commission. This proposal will be considered as the update process continues.

The Board of Supervisors appreciates the work of the 2012-13 Placer County Grand Jury in their report regarding the Winery Ordinance Enforcement Review.

Sincerely,

COUNTY OF PLACER

Jim Holmes, Chairman (District 3)
Placer County Board of Supervisors

cc: Albert Erkel, Grand Jury Foreman
David Boesch, Placer County Executive Officer
Michael Johnson, Agency Director of Placer County Community Development/Resource Agency

