



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 April 26, 2018

SUBJECT: Initial Study Application No. 7412 and Amendment to Text Application No. 377

Amend various sections of the Fresno County Zoning Ordinance to permit Wholesale Limited, Minor, and Micro wineries as either by-right uses or uses subject to a discretionary land use permit in the R-R (Rural Residential), AL (Limited Agricultural) and AE (Exclusive Agricultural) Zone Districts per specific standards to be included in Section 855-N.37. The uses will be limited by volume of production, tasting days, and tasting events.

LOCATION: Countywide - County of Fresno

APPLICANT: County of Fresno

STAFF CONTACT: Marianne Mollring, Senior Planner
(559) 600-4569

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Negative Declaration prepared for Initial Study (IS) Application No. 7412;
- Consider and recommend that the Board of Supervisors approve Amendment to Text Application No. 377 to permit Wholesale Limited, Minor, and Micro wineries in selected Zone Districts subject to certain provisions of Section 855-N.37; and
- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for approval to the Board of Supervisors.

EXHIBITS:

1. Proposed Amendment to key Zoning Ordinance Sections
2. Zone Map of the R-R, AL, and AE Zone Districts of Fresno County
3. Draft Ordinance with Exhibit 1
4. Summary of Initial Study (IS) Application No. 7206
5. Draft Negative Declaration

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 4.

Notice of Intent to Adopt a Negative Declaration publication date: February 21, 2018.

PUBLIC NOTICE:

A notice of public hearing has been sent to all of the cities within Fresno County.

PROCEDURAL CONSIDERATIONS:

Adoption of a Zoning Ordinance Amendment is a legislative act requiring action by the Board of Supervisors. The Planning Commission's action is advisory to the Board. The Board is scheduled to hear this matter on June 12, 2018. If adopted by the Board, the Amendment will become effective 30 days later.

BACKGROUND INFORMATION:

During the spring of 2017, pursuant to testimony received by Board of Supervisors, County staff, in conjunction with District 5 staff, conducted meetings with County residents interested in establishing multiple tiers of small-scale wineries to promote Agricultural Tourism and Economic Development. As a result of the meetings, staff drafted amendments to sections of the Fresno County Zoning Ordinance to allow Wholesale Limited Wineries, Micro Wineries, and Minor Wineries, and permit the uses either by right, by Director Review and Approval, or by Conditional Use Permit in the R-R (Rural Residential) Zone District (dependent on the scale of the operation); and by right in the AL (Limited Agricultural) and AE (Exclusive Agricultural) Zone Districts, subject to certain standards and conditions.

As a point of information, on March 25, 2003, the Zoning Ordinance was amended to permit Small wineries in the Exclusive Agricultural (AE) Zone District with a Director Review and Approval, subject to the standards specified in Section 855-N.37 (Property Development Standards – Special Standards of Practice and Regulations).

ANALYSIS/DISCUSSION:

Wineries are typically classified as value-added agricultural, ag-commercial, or industrial uses due to the nature of their operation (size, number of customers, noise, traffic, odor, etc.) and are located by right in the M-3 (Heavy Industrial) and in the Exclusive Agricultural (AE) Zone District with a Conditional Use Permit (CUP). These wineries are typically large-scale industrial operations and can include distillation facilities and breweries.

As mentioned previously, for small winery operations, County Ordinance 855-N.37 currently defines “Winery – Small” as: *an establishment used for the commercial purpose of processing grapes or other fruit products to produce wine or similar spirits not to exceed 100,000 gallons per year. A minimum of twenty-five percent (25%) of the grapes or other fruit products fermented shall derive from the parcel or parcels of land farmed and owned or leased by the winery operator. Compliance with this standard shall be based on a production factor of 750 gallons per acre. Related activities may include, but are not limited to, crushing, fermenting, blending, aging, storage, bottling, disposal of wastewater and pumice, administrative office functions, warehousing operations, wholesale sales, retail sales, wine tasting facilities and related promotional events.*

It should be noted that in 2004, the County amended value-added agricultural and agricultural tourism standards in the Zoning Ordinance.

During the meetings with staff, interested citizens felt additional tiers of winery sizes were necessary to meet the needs of emerging businesses and to provide additional opportunities for agricultural tourism. Staff developed revisions to the Zoning Ordinance Definitions and Special Standards of Practice and Regulations for three additional tiers of small-scale wineries, namely Wholesale Limited Wineries, Micro Wineries, and Minor Wineries. These winery operations would be permitted by right, by Director Review and Approval or by Conditional Use Permit in the R-R (Rural Residential) Zone District, and by right in the AL (Limited Agricultural) and AE (Exclusive Agricultural) Zone Districts, provided that they comply with the requirements of County Zoning Ordinance Section 855-N.37 (revised by this Amendment to Text) as shown in Exhibit 1.

The table below summarizes the proposed winery revisions:

Winery Type	Permitting	Zone District	Gallons/Year	Fruit Origin	Events/Year
Wholesale Limited	By Right/Site Plan Review	Rural Residential (R-R) Limited Agricultural (AL) Exclusive Agricultural (AE)	2,500 gal/yr. (max.)	Not limited	No tastings or events allowed

Winery Type	Permitting	Zone District	Gallons/Year	Fruit Origin	Events/Year
Micro	DRA	Rural Residential (R-R)	5,000 gal/yr. (max.)	25% of grapes/fruit to be grown on site	50 public tasting days, 10 public tasting events, 100 people per event (max.)
	By Right/Site Plan Review	Limited Agricultural (AL)			
	By Right/Site Plan Review	Exclusive Agricultural (AE)			
Minor	CUP	Rural Residential (R-R)	10,000 gal/yr. (max.)	25% of grapes/fruit to be grown on site	75 public tasting days, 15 public tasting events, 150 trips per event (max.)
	By Right/Site Plan Review	Limited Agricultural (AL)			
	By Right/Site Plan Review	Exclusive Agricultural (AE)			

The purpose of this Amendment to Text is to provide additional options in the Zoning Ordinance to allow Wholesale Limited wineries, Micro wineries, and Minor wineries in order to provide opportunities for small business start-up, agricultural tourism, and economic development; and to further define their limitations of use in the R-R, AL, and AE Zone Districts to avoid issues of compatibility. If this Amendment is approved, the uses would be limited to the operational criteria requirements outlined in Exhibit 1. In addition, the proposed Amendment to allow additional winery uses is limited to existing zone districts that allow similar uses as proposed and that are also located most common to the rural and agricultural regions of the County.

The Site Plan Review (SPR) process enables the Director to make a finding that the proposed development is in conformity with the intent and provisions of the Zoning Ordinance and to guide the Development Services and Capital Projects Division in the issuance of permits. For small-scale wineries, the SPR would likely require a traffic and parking control plan, with no parking allowed on adjacent properties or in the right-of-way; directed and hooded lighting; and adherence to the noise ordinance.

In response to the Initial Study circulation, staff received a comment letter from the California Department of Fish and Wildlife (CDFW). CDFW expressed concerns that small-scale wineries had the potential to impact fish and wildlife resources and special-status species due to any associated ground disturbance.

Winery classifications under this proposed Amendment to Text would be allowed by right, with a Site Plan Review, or with a discretionary land use permit in certain zone districts. As proposed, the Ordinance description for each winery tier was carefully considered and crafted to ensure that the winery use would be compatible with the existing zone district. Small-scale wineries are expected to be of a similar nature, construction envelope and on-site activity level as other uses allowed by right in the underlying zone districts. Any proposed winery needing a discretionary land use permit will receive additional environmental review during the application process.

As envisioned, small-scale wineries will be considered value-added agricultural uses, will allow agricultural operations to explore the viability of adding a winery as part of their business model,

and will attract agricultural tourism to the County. Wholesale Limited wineries, which are proposed to be allowed by right in the Rural Residential Zone District, are limited to 2,500 gallons of production per year, with no tastings or events, and, as with other small-scale wineries, will be required to provide a Letter of Exemption or demonstrate they have been issued Waste Discharge Requirements from the California Regional Water Quality Control Board. As such, staff does not believe they have the potential to impact the environment.

The Policy Planning Section of the Development Services and Capital Projects Division provided comments to the proposed Amendment to Text in regard to relevant General Plan Policies. They related that allowing some wineries by right would preclude environmental evaluation and determination of impact on surrounding land (LU-A.3) and (LU-E.1).

Staff believes that the very limited nature, operational characteristics, and size of the proposed wineries will preclude any significant impact to the environment or to public infrastructure and services. The small-scale nature of these wineries, with their value-added agricultural use zoning definition and for the reasons cited above, would not result in a significant impact to productive farmland when developed as defined by the proposed Amendment to Text.

Exhibit 1 is the proposed Amendment to Zoning Ordinance Section 803.18 (Specific Definitions Group); (R-R Zone District - Uses Permitted); Section 820.2 (R-R Zone District - Uses Permitted Subject to Director Review and Approval); Section 820.3 (R-R Zone District - Uses Permitted Subject to Conditional Use Permit); (AL Zone District - Uses Permitted); Section 820.1; Section 816.1; (AE Zone District - Uses Permitted, Section 817.1; and Section 855-N.37 (Special Standards of Practice and Regulations, Wineries).

Exhibit 2 is a map of Fresno County showing R-R (Rural Residential), AL (Limited Agricultural) and AE (Exclusive Agricultural) Zone Districts.

Exhibit 3 is a draft of the Ordinance document that would be forwarded to the Board of Supervisors, including the operational criteria for Wholesale Limited wineries, Micro wineries, and Minor wineries. These criteria are intended to address possible issues and impacts of small-scale wineries as part of the review and operational process. Criteria related to aesthetics, water quality, traffic, wastewater, and, noise are outlined in the proposed Ordinance standards. These criteria will be implemented during the required Limited Site Plan Review process. Limited Site Plan Reviews can typically be processed expeditiously (within 30 days or less) so as to allow accelerated permitting and establishment of these facilities to accommodate small business start-ups.

CONCLUSION:

Staff recommends approval of the proposed Amendment to Text Application No. 377.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend that the Board of Supervisors adopt the Negative Declaration prepared for Initial Study (IS) Application No. 7412;
- Recommend that the Board of Supervisors approve of Amendment to Text (AT) No. 377 as proposed in Exhibit 1 and as documented in the draft Ordinance (Exhibit 3); and

- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for approval to the Board of Supervisors.

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EXHIBIT 1

AMENDMENT TO TEXT APPLICATION NO. 377

The subject application proposes to amend various sections of the Fresno County Zoning Ordinance to permit Wholesale Limited, Minor, and Micro wineries as either by-right uses or uses subject to a discretionary land use permit in the R-R (Rural Residential), AL (Limited Agricultural) and AE (Exclusive Agricultural) Zone Districts per specific standards to be included in Section 855-N.37.

Sections 803.13, 803.18, 816.1.U-W, 817.1.P-R, 820.1.P, 820.2.Q, 820.3.M, and 855-N.37 will be added as follows:

SECTION 803.13: SPECIFIC DEFINITIONS GROUP L

PUBLIC shall mean customers/patrons of the business operating on a particular site (excludes family and/or friends of the owner/operator).

SECTION 803.17: SPECIFIC DEFINITIONS GROUP P

TASTING DAY shall mean days that the winery is open during regular advertised hours to allow public tastings.

TASTING EVENTS shall mean special scheduled events to attract customers for wine tasting. These events are limited to the purpose of wine tasting only.

SECTION 816

“AE” EXCLUSIVE AGRICULTURAL ZONE DISTRICT

SECTION 816.1 – USES PERMITTED

- U. Wholesale Limited Winery
- V. Micro Winery
- W. Minor Winery

SECTION 817

“AL” LIMITED AGRICULTURAL ZONE DISTRICT

SECTION 817.1 – USES PERMITTED

- P. Wholesale Limited Winery
- Q. Micro Winery
- R. Minor Winery

SECTION 820

“R-R” RURAL RESIDENTIAL ZONE DISTRICT

SECTION 820.1 – USES PERMITTED

- P. Wholesale Limited Winery

SECTION 820.2 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

Q. Micro Winery

SECTION 820.3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

M. Minor Winery

SECTION 855 PROPERTY DEVELOPMENT STANDARDS

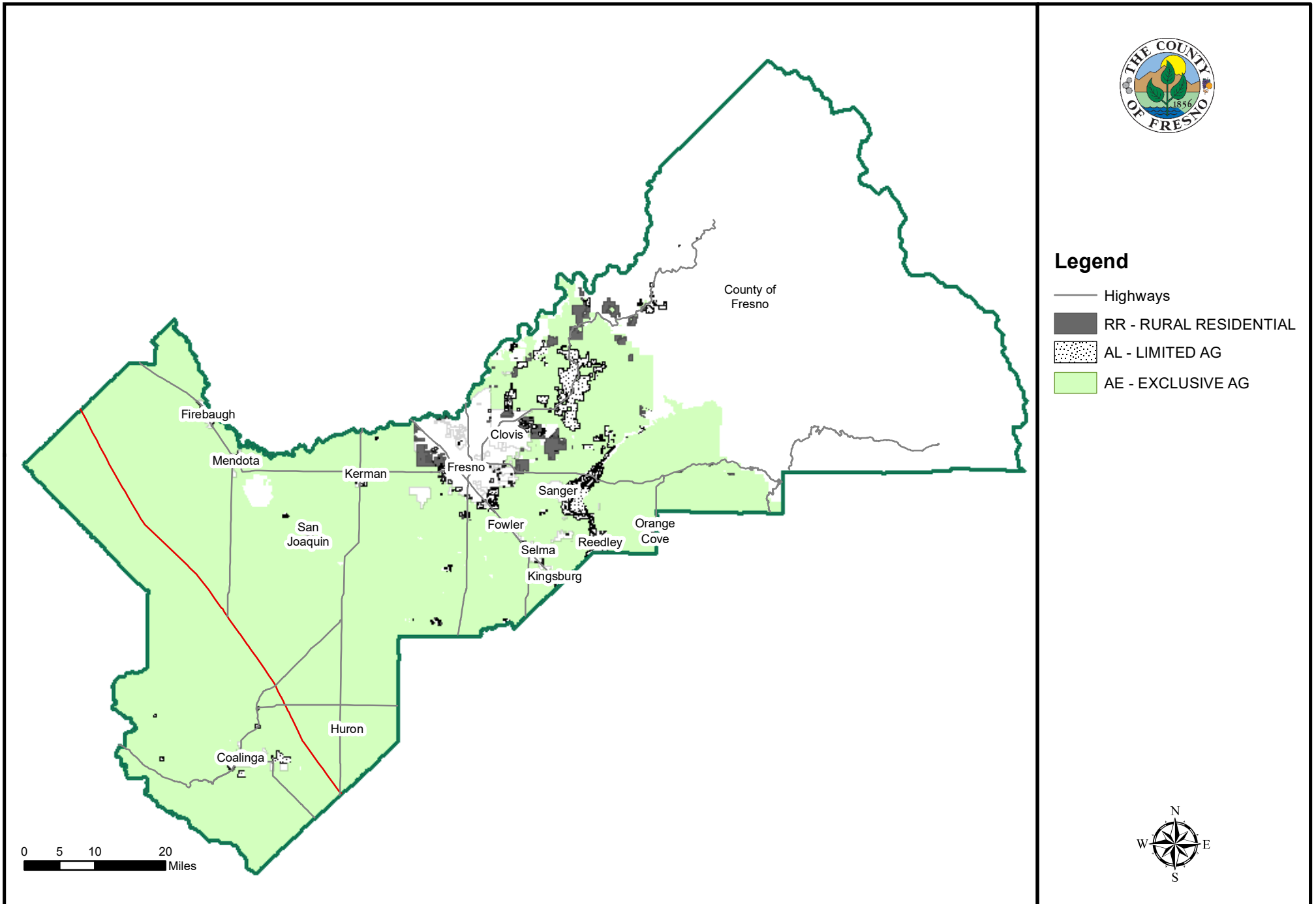
SECTION 855-N – SPECIAL STANDARDS OF PRACTICE AND REGULATIONS

37. Wineries

- a) Wholesale Limited Winery shall mean an establishment used for the commercial purpose of processing grapes or other fruit products to produce wine or similar spirits limited to 2,500 gallons production maximum annually and off-site sale only. No customers on site and no tasting days or events allowed. Applicant must provide Letter of Exemption or demonstrate the winery has been issued Waste Discharge Requirements from the California Regional Water Quality Control Board.
- b) Micro Winery shall mean an establishment used for the commercial purpose of processing grapes or other fruit products to produce wine or similar spirits limited to 5,000 gallons production maximum annually, a minimum of twenty-five percent (25%) of the grapes or other fruit products used shall be grown on site, with a maximum of 50 public tasting days and 10 public tasting events allowed per year, 100 people per event maximum. Subject to Administrative Review (development and building standards), and Limited Site Plan Review (subject to Traffic Safety Guidelines) required. Applicant must provide Letter of Exemption or demonstrate the winery has been issued Waste Discharge Requirements from the California Regional Water Quality Control Board.
- c) Minor Winery shall mean an establishment used for the commercial purpose of processing grapes or other fruit products to produce wine or similar spirits limited to 10,000 gallons production maximum annually, a minimum of twenty-five percent (25%) of the grapes or other fruit products used shall be grown on site, with a maximum of 75 public tasting days and 15 public tasting events per year, 150 trips per event maximum. Subject to Agricultural Tourism Standards unless superseded by these provisions, Limited Site Plan Review (subject to Traffic Safety Guidelines) required. Applicant must provide Letter of Exemption or demonstrate the winery has been issued Waste Discharge Requirements from the California Regional Water Quality Control Board.
- d) Small Winery shall mean an establishment used for the commercial purpose of processing grapes or other fruit products to produce wine or similar spirits not to exceed 100,000 gallons per year. A minimum of twenty-five percent (25%) of the grapes or other fruit products fermented shall derive from the parcel or parcels of land farmed and owned or leased by the winery operator. Compliance with this standard shall be based on a production factor of 750 gallons per acre. Related activities may include, but are not limited to, crushing, fermenting, blending, aging, storage, bottling, disposal of wastewater and pumice, administrative office functions, warehousing operations, wholesale sales, retail sales, wine tasting facilities and related promotional events.

LOCATION MAP

AT 377 - Wineries



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THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this _____ day of _____ 2018, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY _____
Sal Quintero, Chairman of the Board of Supervisors
of the County of Fresno

ATTEST:
BERNICE E. SEIDEL
Clerk to the Board of Supervisors
County of Fresno, State of California

BY _____
Deputy

FILE # _____

AGENDA # _____

ORDINANCE # _____



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Fresno County
- APPLICATION NOS.: Initial Study Application No. 7412 and Amendment to Text Application No. 377
- DESCRIPTION: Amend various sections of the Fresno County Zoning Ordinance to permit Wholesale Limited, Micro and Minor wineries, as either by-right uses or uses subject to a discretionary land use permit in the R-R (Rural Residential), AL (Limited Agricultural) and AE (Exclusive Agricultural) Zone Districts per specific standards to be included in Section 855-N.37. The uses will be limited by volume of production, tasting days, and tasting events.
- LOCATION: Countywide subject to location restrictions as outlined in the language of the Ordinance Amendment

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings; or
- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application itself involves no development, but if approved, some listed uses will be allowed as a matter of right, and in other instances a discretionary land use permit will be necessary and subject to additional CEQA review depending on the zone district. It is anticipated though that few lighting impacts could result from this proposal as a Limited Site Plan Review (SPR), at a minimum, will be required for by-right uses and lighting can be addressed through this process. Conditioning through the Limited SPR process will insure that outdoor lighting is hooded, directed downward, and directed away from surrounding properties and roadways. The proposed text

amendment will not have a substantial adverse effect on a scenic vista, substantially damage scenic resources, substantially degrade the existing visual character or quality of a site and its surroundings, and will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area as the proposed permitted activities are similar to other agricultural uses already permitted in the subject zone districts as by-right activities permitted through a Limited SPR are anticipated to be of a scale, similar construction envelope, and on-site activity level to other uses permissible in the same zone district.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The proposed Amendment to Text itself would not involve significant levels of development and will provide a mechanism to augment existing agricultural and rural residential uses by allowing small-scale winery operations, which create very limited ground disturbance and limited additional building area. As such, the proposal would not convert prime or unique farmlands or farmland of statewide importance to non-agricultural uses, conflict with existing agricultural zoning or Williamson Act Contracts, conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production, and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses or conversion of forest land to non-forest uses. Further the Rural Residential Zone District shall be limited to wholesale wineries as a matter of right, which limits production to 2,500 gallons annually and no on-site sales or events.

Potential impacts to existing agricultural operations as it relates to water quality are further discussed in Section IX *Hydrology and Water Quality*, and potential impacts related to parking and traffic, which could affect farming operations, are discussed in Section XVI *Transportation and Traffic*. For both areas, impacts have been determined to be less than significant.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed Amendment to Text augments existing agricultural and rural residential uses by allowing small-scale winery operations, creating very limited ground disturbance, and is a use consistent with existing agricultural operations. For those wineries permitted through the ministerial SPR process, which are limited in scope and permitted by-right only in certain zone districts, specific requirements and conditions and coordination with key permitting agencies will reduce the potential for impacts to air quality. As such the proposal would not conflict with or obstruct implementation of the applicable Air Quality Plan, isolate any air quality standard or contribute to an existing or projected air quality violation, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard or create objectionable odors affecting a substantial number of people. Any odor emitted during the fermentation process would be subject to the San Joaquin Valley Air Pollution Control District's Nuisance Rule.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed Amendment to Text provides for a mechanism to augment existing agricultural and rural residential uses by allowing small-scale winery operations, which create very limited ground disturbance. In some instances, subsequent discretionary review will be required which could include additional review under CEQA. For those uses permitted as by right through a limited SPR, potential biological impacts which could be related to lighting, water quality and traffic have been determined to be less than significant and are discussed in Sections *I. Aesthetics*, *XII Noise*, *XVI Transportation and Traffic* and *IX Hydrology and Water Quality*. Further, by-right activities will be permitted through a Limited SPR, and are anticipated to be of a scale, similar construction envelope and on-site activity level to other uses permissible in the same zone district.

As such, the proposal would not have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species, have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS), substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means, interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan.

All existing development standards of the subject zone district, including setbacks, building height and density will remain unchanged.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or

- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed text amendment would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature or disturb any human remains, including those interred outside of formal cemeteries. It is not anticipated that ground disturbing activities for permitted wineries in the agricultural zone districts would exceed those ground disturbing activities permitted as matter of right for other agricultural activities in the same district. Some uses will require subsequent discretionary permitting which may be subject to additional CEQA review. By-right activities will be permitted through a Limited SPR, and are anticipated to be of a scale, similar construction envelope and on-site activity level to other uses permissible in the same zone district.

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
 - 1. Rupture of a known earthquake?
 - 2. Strong seismic ground shaking?
 - 3. Seismic-related ground failure, including liquefaction?
 - 4. Landslides; or
- B. Would the project result in substantial erosion or loss of topsoil; or
- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property; or

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Potential for physical activities or ground disturbance with the proposed uses would not exceed other permitted uses in the subject agricultural or rural residential districts. Some uses will require subsequent discretionary permitting which may be subject to additional CEQA review. By-right activities will be permitted through a Limited SPR, and are anticipated to be of a scale, similar construction envelope and on-site activity level to other uses permissible in the same zone district. As such, the proposal would not result in substantial erosion or loss of topsoil, on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, generate additional development on sites located on expansive soils creating substantial risks to life or property, or develop areas on soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The limited size and potential for ground disturbing activities of these operations would not increase or generate significant levels of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. For those wineries permitted through the ministerial SPR process, which are limited in scope and permitted by-right only in certain zone districts, specific requirements and conditions and coordination with key permitting agencies will reduce the potential for impacts to air quality. Individual projects will be subject to the San Joaquin Valley Air Pollution Control District's Rules.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school; or
- D. Would the project be located on a hazardous materials site; or
- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area; or
- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The uses allowed under this amendment to the Zoning Ordinance require a Limited Site Plan Review (SPR) or in some instances a discretionary land use permit. Some uses will require subsequent discretionary permitting which may be subject to additional CEQA review. By-right activities will be permitted through a Limited SPR, and are anticipated to be of a scale, similar construction envelope and on-site activity level to other uses permissible in the same zone district. This will aid in addressing site hazards and thus would not create a significant public hazard through routine transport, use or disposal of hazardous materials, create a significant public hazard involving accidental release of hazardous materials into the environment, emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of a school, propose development on hazardous materials sites, generate additional development located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area, locate development within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area or impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table; or

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The uses allowed under this amendment to the Zoning Ordinance require a Limited Site Plan Review (SPR), in some instances a discretionary land use permit. For those proposals permitted as by-right, but subject to an SPR, a Letter of Exemption from the California Regional Water Quality Control Board will be a requirement of approval, which will ensure agency oversight and aid in addressing any impacts to water quality. Further, the production volume of the small-scale wineries will be limited by Ordinance and water use would be limited to maintenance and sanitation activities. As such the proposal would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table, substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site, substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site, create or contribute run-off which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off, otherwise substantially degrade water quality.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or
- I. Would the project expose persons or structures to levee or dam failure; or
- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The uses allowed under this amendment to the Zoning Ordinance would not expose persons or structures to levee or dam failure or cause inundation by seiche, tsunami or mudflow.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community; or
- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project; or
- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The proposed Amendment to Text would create very limited ground disturbance. The proposal would not physically divide an established community or conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan. Some uses will require subsequent discretionary permitting which may be subject to additional CEQA review. By-right activities will be permitted through a Limited SPR, and are anticipated to be of a scale, similar construction envelope and on-site activity level to other uses permissible in the same zone district.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

The proposed Amendment to Text involves no development and will provide a mechanism to augment existing agricultural and rural residential uses by allowing small-scale winery operations, which create very limited ground disturbance. As such the proposal would not result in the loss of availability of a known mineral resource or result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan. Some uses will require subsequent discretionary permitting which may be subject to additional CEQA review. By-right activities permitted through a Limited SPR are anticipated to be of a scale, similar construction envelope and on-site activity level similar to other uses permissible in the same zone district. Those facilities permitted through the ministerial SPR process are limited in scope, permitted by-right in specified zone districts, will be subject to specific requirements and conditions, and may require coordination with key permitting agencies.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or

- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels; or
- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Public activities are limited to infrequent public tastings and tasting events and in the instance of rural residential districts subject to discretionary land use permit. Noise levels will be consistent with the underlying Zone District and all uses, whether approved through a ministerial SPR process or through a subsequent discretionary land use permit shall be subject to Fresno County Ordinance restrictions. Noise compliance will include acceptable volumes, hours of operation and will include outdoor gatherings or limited amplified music. As such, the proposal would not result in exposure of people to severe noise levels, would not result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise level, cause a substantial permanent increase in ambient noise levels in the project vicinity, result in a substantial temporary or periodic increase in ambient noise levels, expose people to excessive noise levels associated with a location near an airport, or a private airstrip or expose people residing or working in the project area to excessive noise levels within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The proposal would provide a mechanism to augment existing agricultural and rural residential uses with very limited ground disturbance. The proposed additional winery uses in the Rural Residential, Exclusive Agricultural, and Limited Agricultural Zone Districts would not result in an increase to housing, would not induce substantial population growth either directly or indirectly, displace substantial numbers of existing housing or displace substantial numbers of people, nor necessitate the construction of housing elsewhere. The uses proposed are complementary to existing permitted

agricultural uses in these districts. Some uses will require subsequent discretionary permitting which may be subject to additional CEQA review. By-right activities permitted through a Limited SPR are anticipated to be of a scale, similar construction envelope and on-site activity level similar to other uses permissible in the same zone district. Those facilities permitted through the ministerial SPR process are limited in scope, permitted by-right in specified zone districts, will be subject to specific requirements and conditions, and may require coordination with key permitting agencies.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:
1. Fire protection;
 2. Police protection;
 3. Schools;
 4. Parks; or
 5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Public events associated with the micro and minor wineries are limited in frequency and size. Micro wineries will be limited to 50 public tasting days and 10 public tasting events per year with a maximum of 100 people per event. Minor wineries will be limited to 75 public tasting days per year and 150 trips per event maximum. As such the project would not have a significant impact on public services or public facilities. Although additional activities associated with micro and minor wineries could occur, the limited event dates and number of people associated would be less than significant for police and fire services. Some uses will require subsequent discretionary permitting which may be subject to additional CEQA review. By-right activities permitted through a Limited SPR are anticipated to be of a scale, similar construction envelope and on-site activity level similar to other uses permissible in the same zone district. Those facilities permitted through the ministerial SPR process are limited in scope, permitted by-right in specified zone districts, will be subject to specific requirements and conditions, and may require coordination with key permitting agencies.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

The proposal would not increase the use of existing neighborhood and regional parks and would not require the construction of or expansion of recreational facilities.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures; or
- C. Would the project result in a change in air traffic patterns; or
- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access; or
- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The uses allowed under this amendment to the Zoning Ordinance require a Limited Site Plan Review (SPR) or a subsequent discretionary land use permit and are subject to the County Traffic Safety Guidelines. Further, additional standards in the text amendment will prohibit uses from blocking or obstructing public right-of-way and may include preparation of a traffic control plan to address ingress and egress, off street parking or parking on public right-of-way. Public tasting events and tastings are limited in frequency and number of attendees. As such the proposal would not conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system taking into account all modes of transportation, conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demands measures, result in a change in air traffic patterns, substantially increase traffic hazards due to design features, result in inadequate emergency access, or conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities. Micro wineries will be limited to 50 public tasting days and 10 public tasting events per year with a maximum of 100 people per event. Minor wineries will be limited to 75 public tasting days per year and 150 trips per event maximum.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or

- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or
- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or
- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The uses permitted have small production caps, thus limiting the disposal of wastewater and pumice. Wholesale limited wineries are limited to 2,500 gallons, micro wineries are limited to 5,000 gallons, and minor wineries are limited to 10,000 gallons production annually and require a Letter of Exemption from the California Regional Water Quality Control Board. The proposal would not cause wastewater treatment requirements to be exceeded, require construction of or the expansion of a new water or wastewater treatment facilities, require or result in the construction or expansion of new stormwater drainage facilities, impact water supplies available from existing entitlements and resources, or require new or expanded entitlements, result in a determination of inadequate wastewater treatment capacity to serve project demand, affect landfill capacity or impact federal, state and local statutes and regulations related to solid waste. Some uses will require subsequent discretionary permitting which may be subject to additional CEQA review. By-right activities permitted through a Limited SPR are anticipated to be of a scale, similar construction envelope and on-site activity level similar to other uses permissible in the same zone district. Those facilities permitted through the ministerial SPR process are limited in scope, permitted by-right in specified zone districts, will be subject to specific requirements and conditions, and may require coordination with key permitting agencies.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history; or

- B. Does the project have impacts that are individually limited, but cumulatively considerable; or
- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Since the activities proposed to be accommodated through this Text Amendment are limited in scope, involve no significant level of development, and will provide a mechanism to augment existing agricultural and rural residential uses by allowing small-scale winery operations, which create very limited ground disturbance, the proposal does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history and will not have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly. Impacts related water quality, noise, transportation, and utility systems will be less than significant based on the limited size of the facilities and the operational constraints set by Ordinance. Some uses will require subsequent discretionary permitting which may be subject to additional CEQA review. By-right activities permitted through a Limited SPR are anticipated to be of a scale, similar construction envelope and on-site activity level similar to other uses permissible in the same zone district. Those facilities permitted through the ministerial SPR process are limited in scope, permitted by-right in specified zone districts, will be subject to specific requirements and conditions, and may require coordination with key permitting agencies.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for 7412 Amendment to Text Application No. 377, staff has concluded that the project will not/will have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Agricultural and Forestry Resources, Land Use and Planning, Mineral Resources, Population and Housing, and Recreation.

Potential impacts related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Green House Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Utilities and Service Systems have been determined to be less than significant.

A Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and “M” Street, Fresno, California.

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7412	LOCAL AGENCY PROPOSED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Marianne Mollring, Senior Planner	Area Code: 559-600-4569	Telephone Number:	Extension: N/A
Applicant (Name): County of Fresno		Project Title: Amendment to Text Application No. 337	
Project Description: Amend various sections of the Fresno County Zoning Ordinance to permit Wholesale Limited, Micro and Minor wineries, as either by-right uses or uses subject to a discretionary land use permit in the R-R (Rural Residential), AL (Limited Agricultural) and AE (Exclusive Agricultural) Zone Districts per specific standards to be included in Section 855-N.37. The uses will be limited by volume of production, tasting days, and tasting events.			
Justification for Negative Declaration: Based upon the Initial Study prepared for 7412 Amendment to Text Application No. 377, staff has concluded that the project will not/will have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Agricultural and Forestry Resources, Land Use and Planning, Mineral Resources, Population and Housing, and Recreation. Potential impacts related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Green House Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Utilities and Service Systems have been determined to be less than significant.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – March 23, 2018		Review Date Deadline: Planning Commission – April 26, 2018	
Date:	Type or Print Signature: Chris Motta Principal Planner	Submitted by (Signature): Marianne Mollring Senior Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
NEGATIVE DECLARATION**

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EXHIBIT 5