



# Board Agenda Item 13

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DATE: June 12, 2018

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Initial Study Application No. 7412 and Amendment to Text Application No. 377  
(Applicant: County of Fresno)

RECOMMENDED ACTION(S):

- 1. Adopt the Negative Declaration prepared for Initial Study Application No. 7412;**
- 2. Approve Amendment to Text Application No. 377 and adopt Ordinance to amend various sections of the Fresno County Zoning Ordinance to permit Wholesale Limited Wineries as a by-right use in the R-R (Rural Residential) Zone District and Wholesale Limited, Minor, and Micro Wineries as by-right uses in the 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; and**
- 3. Designate County Counsel to prepare a fair and adequate summary of the proposed ordinance and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, section 25124(b)(1).**

This item comes before your Board pursuant to direction received in March 2017, to meet with interested County residents to explore amending the Zoning Ordinance to allow the development of multiple tiers of wineries, in order to promote agricultural tourism and economic development. The Planning Commission unanimously recommended approval of the proposed ordinance amendment, with modification to remove Micro and Minor Wineries from the R-R (Rural Residential) Zone District, (8 to 0, one Commissioner absent) at its April 26, 2018 hearing. The Planning Commission's action requires final action by your Board, as required by the Fresno County Zoning Ordinance and State planning law. A copy of the Planning Commission's action is included as Attachment A. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board determines that the proposed amendment to the Zoning Ordinance is not consistent with the General Plan, a motion to deny the Amendment to Text Application No. 377 would be appropriate.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Cost for the preparation of the proposed amendment to Text Application No. 377, in the amount of approximately \$12,000, is a Net County Cost included in the Department of Public Works and Planning Org 4360 FY 2017-18 Adopted Budget.

DISCUSSION:

An amendment to the Zoning Ordinance is a legislative act requiring final approval by your Board. If approved, the amended Zoning Ordinance would then become effective 30 days after adoption. Specific language relating to the proposed amendment is included in Exhibit B of the Planning Commission's Resolution (Attachment A).

Pursuant to direction from the Board of Supervisors in March 2017, and as a result of meetings with interested County operators/residents, and after consideration of various options with these operators/residents, Department staff drafted amendments to sections of the Fresno County Zoning Ordinance. The amendments allow Wholesale Limited, Micro, and Minor Wineries, and permit the uses either by right, by Director Review and Approval, or by Conditional Use Permit in the R-R 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.

The proposed amendment was presented to the Planning Commission at its regularly scheduled April 26, 2018 hearing. After taking into account the Staff Report and testimony, the Planning Commission considered the subject Amendment to Text Application No. 377. The Commission voted unanimously (8 to 0, one Commissioner absent) to recommend that your Board approve the proposed amendment, with modification to remove the Micro and Minor Winery designations from the R-R Zone District out of concern of potential land-use issues with neighboring properties, as it relates to traffic, noise, and expansion into unauthorized events, such as weddings or parties. In particular, the Commission was concerned that allowing Micro and Minor Wineries in the R-R Zone District, even with the proposed guidelines, did not provide protection to other residents of R-R areas from the potential nuisances of winery operations, including wine tasting and event day traffic and noise; delivery of product; and odor. The modification has been included in the proposed standards attached as Exhibit B to the Planning Commission Resolution (Attachment A).

As discussed in the Planning Commission Staff Report (Attachment B), if approved, the amendment, as recommended by the Commission, will provide an option in the Zoning Ordinance to allow three tiers - Wholesale Limited, Micro, and Minor - or by-right winery uses in the AL and AE Zone Districts, and Wholesale Limited Wineries only in the R-R Zone District. These by-right uses would be limited to the operational criteria requirements outlined in the proposed Amendment to Text Application No. 377. In addition, the amendment to allow these 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, and as such, would not have a significant environmental impact. A copy of the Negative Declaration prepared for the proposed amendment is included as Attachment C.

If your Board determines that the proposed amendment to the Zoning Ordinance, as recommended by the Planning Commission, is consistent with the General Plan, a motion to approve Amendment to Text Application No. 377 and adopt the Negative Declaration would be appropriate. Your Board may also consider the ordinance as proposed to the Planning Commission. If however, your Board determines that the amendment to the Zoning Ordinance is not consistent with the General Plan, denial of the application would be appropriate citing the reasons for denial and the proposal's inconsistency with the General Plan.

REFERENCE MATERIAL:

BAI #10, March 28, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - C

Ordinance

On file with Clerk - Ordinance Summary

CAO ANALYST:

Sonia M. De La Rosa