

SUMMARY OF PROPOSED ORDINANCE

Summary of a Proposed Ordinance of the Board of Supervisors, County of Sonoma, State of California, Making Minor and Technical Revisions to Chapter 36 of the Sonoma County Code Regulating New Vineyard and Orchard Development, Vineyard and Orchard Replanting, and Agricultural Grading and Drainage, Chapter 11 of the Sonoma County Code Regulating Construction Grading and Drainage, and Section 25B-3 of the Sonoma County Code Setting Forth Definitions for Water Well Construction Standards, and Determining Exemption from the California Environmental Quality Act

On December 8, 2020, the Board of Supervisors of the County of Sonoma will hold a public hearing to consider a proposed ordinance entitled, “An Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Making Minor and Technical Revisions to Chapter 36 of the Sonoma County Code Regulating New Vineyard and Orchard Development, Vineyard and Orchard Replanting, and Agricultural Grading and Drainage, Chapter 11 of the Sonoma County Code Regulating Construction Grading and Drainage, and Section 25B-3 of the Sonoma County Code Setting Forth Definitions for Water Well Construction Standards, and Determining Exemption from the California Environmental Quality Act” (“the proposed ordinance”).

The proposed ordinance includes the following changes to Chapter 36 of the Sonoma County Code regulating new vineyard and orchard development, vineyard and orchard replanting, and agricultural grading and drainage:

1. The proposed ordinance establishes separate permits for new vineyard and orchard development and vineyard and orchard replanting, relocates the permit requirements applicable to vineyard and orchard replanting to the permit for vineyard and orchard replanting, and revises the permit requirements for new vineyard and orchard development to simplify and clarify the designation criteria for new vineyard and orchard development.
2. The proposed ordinance revises the permit requirements for new vineyard and orchard development to clarify that the requirement for biotic resource assessments only applies to uncultivated land, and to add a requirement for focused species assessments for cultivated land in designated critical habitat areas.
3. The proposed ordinance revises the provisions governing the expiration of permit applications to specify that where a new permit application is filed within 180 days following the expiration of an original permit application, the original plans and specifications may be resubmitted and the new permit application shall be processed based on the provisions of Chapter 36 in effect at the time the expired permit application was initially submitted. The proposed ordinance limits the use of this renewal provision to one time per expired permit application.

4. The proposed ordinance revises the time limits for permits to establish a five-year term for vineyard and orchard replanting permits and change the term for agricultural grading and drainage permits from three years to five years.
5. The proposed ordinance revises the provisions governing extensions of time for permits to limit the number of extensions to one extension per permit.
6. The proposed ordinance revises the provisions governing the effect of expiration of permits to provide that a new permit issued to recommence work started under an expired permit shall be based on the provisions of Chapter 36 in effect at the time the original expired permit was issued, and that a new permit issued to commence work under an expired permit shall be based on the provisions of Chapter 36 in effect at the time the new permit application is submitted.
7. The proposed ordinance adds new standards for protection of listed species and agricultural road networks.
8. The proposed ordinance revises the setback requirements for areas of slope instability to clarify that the requirements apply to development areas for new vineyard and orchard development and to deep ripping for vineyard and orchard replanting. The proposed ordinance revises the setback requirement for lakes, ponds, reservoirs, ridgetops, streams, and wetlands to clarify that the requirements apply to development areas for all proposed development.
9. The proposed ordinance revises the requirements for work during the rainy season to consolidate text and show permitted and prohibited work periods in table rather than text form. The proposed ordinance authorizes the Agricultural Commissioner to extend the permitted work period in the fall for new vineyard and orchard development to no later than October 31st based on precipitation forecast information from the National Weather Service or other good cause.
10. The proposed ordinance revises the requirements for winterization of sites to eliminate unnecessary text, specify property owner responsibility for installation and maintenance of winterization measures, and show winterization deadlines in table rather than text form. The proposed ordinance authorizes the Agricultural Commissioner to extend the winterization deadline for new vineyard and orchard development to no later than November 1st based on precipitation forecast information from the National Weather Service or other good cause.
11. The proposed ordinance makes miscellaneous changes to definitions. Changes include:
 - Addition of the definitions of “cultivated land” and “uncultivated land.”
 - Addition of the definition of “development area.”

- Replacement of the term “natural slope” with the term “slope” and revision of the definition of slope to specify that the method used to calculate slope must be acceptable to the Agricultural Commissioner.
- Revision of the definition of “stream” to clarify that a stream may have a natural or modified channel.
- Revision of the definition of “wetland” to clarify that wetlands are those areas that meet either the federal definition of wetlands or the state definition of wetland, and that in the event of a conflict between the federal and state definitions, whichever definition is more protective shall control.

The proposed ordinance includes the following changes to Chapter 11 of the Sonoma County Code regulating construction grading and drainage:

1. The proposed ordinance adds an exemption from construction grading permit requirements for maintenance and restoration of ponds and reservoirs.
2. The proposed ordinance revises the provisions governing the effect of expiration of permits to provide that a new permit issued to recommence work started under an expired permit shall be based on the provisions of Chapter 11 in effect at the time the original expired permit was issued, that a new permit issued to commence work under an expired permit shall be based on the provisions of Chapter 11 in effect at the time the original expired permit was issued if the new permit application is submitted within six years following the issuance of the original expired permit, and that a new permit issued to commence work under an expired permit shall be based on the provisions of Chapter 11 in effect at the time the new permit application is submitted if the new permit application is submitted more than six years following the issuance of the original expired permit.
3. The proposed ordinance makes miscellaneous changes to definitions. Changes include:
 - Addition of the definition of “private road.”
 - Revision of the definition of “wetland” to clarify that wetlands are those areas that meet either the federal definition of wetlands or the state definition of wetland, and that in the event of a conflict between the federal and state definitions, whichever definition is more protective shall control. This amendment aligns the County definition of wetland with federal and state definitions.

The proposed ordinance revises the definition of “wetland” in Section 25B-3 of the Sonoma County Code setting forth definitions for water well construction standards to clarify that wetlands are those areas that meet either the federal definition of wetlands or the state definition of wetland, and that in the event of a conflict between the federal and state definitions, whichever definition is more protective shall control.

The proposed ordinance determines that the ordinance is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 and 15308 of the State CEQA Guidelines (Actions by Regulatory Agencies for Protection of Natural Resources and the Environment). The proposed ordinance further determines that the ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Common Sense Exemption).

The proposed ordinance will take effect thirty (30) days after the date of its passage.

A copy of the proposed ordinance is available for public inspection posted on the Department of Agriculture/Weights & Measures' website, <https://sonomacounty.ca.gov/Agriculture-Weights-and-Measures>.

SHERYL BRATTON
Clerk of the Board of Supervisors