

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 36 OF THE SONOMA COUNTY CODE (VINEYARD AND ORCHARD EROSION AND SEDIMENT CONTROL ORDINANCE) RELATED TO THE CONVERSION OF ACTIVELY CULTIVATED LANDS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. [CODIFIED] Sonoma County Code Section 36.04.010(C) is amended as follows:

C. Biotic resource and focused species assessments.

1. Biotic resource assessment. A biotic resource assessment shall be required for all new vineyard and orchard development, **except where exempted from permit requirements by Subsection D.** ~~on uncultivated land.~~
2. Focused species assessment. A focused species assessment shall be required for all new vineyard and orchard development ~~on cultivated land~~ in designated critical habitat areas, **except where exempted from permit requirements by Subsection D.**

Section II. [CODIFIED] Sonoma County Code Section 36.30.020 is amended as follows:

A. The definitions for “cultivated land” and “uncultivated land” are deleted.

B. The following definitions are amended as follows:

1. **Orchard replanting.** The replanting of all or part of an existing orchard **or the conversion to orchard of a perennial crop, row crop, or any other crop that is plowed or tilled, and harvested annually,** where the ~~orchard is~~ **land has been** under active cultivation **for at least five years immediately preceding the filing of a permit application** and the footprint of the area to be replanted **or converted** is not increased.
2. **Vineyard replanting.** The replanting of all or part of an existing vineyard **or the conversion to vineyard of a perennial crop, row crop, or any other crop that is plowed or tilled, and harvested annually,** where the ~~vineyard is~~ **land has been** under active cultivation **for at least five years immediately preceding the filing of a permit application** and the footprint of the area to be replanted **or converted** is not increased.

Section III. [CODIFIED] Sonoma County Code Section 36.18.030(A)(2) is amended as follows:

Vineyard and orchard replanting permits. Vineyard and orchard replanting permits shall expire five (5) years from the effective date of the permit, unless an extension has been granted in writing in compliance with Subsection B. **A vineyard and orchard replanting permit may also be extended once for a period of five (5) years where the extension is requested in writing prior to the expiration of the permit.** All work for which a vineyard and orchard replanting permit is issued shall be completed and finalized prior to expiration of the permit or any extension granted pursuant to **this paragraph or** Subsection B.

Section IV. The Board of Supervisors finds and determines that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. This Ordinance would allow permitting of the conversion of certain crop land to vineyard or orchard, which would not lead to any new environmental impacts because the land is already heavily managed and disturbed, the area of cultivation could not be modified or expanded, and the conversion would be subject to regulations in Chapter 36 that impose setbacks from areas of slope instability, lakes, ponds, reservoirs, streams, and wetlands, prohibitions on certain work during the rainy season, and requirements for winterization. Additionally or alternatively, the Ordinance is also exempt from CEQA pursuant to Sections 15307 and 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, or enhancement of natural resources or the environment where the regulatory process involves procedures for protection of the environment, because the Ordinance would require crops converting to vineyard or orchard to comply with environmental protection measures that do not apply to other crops. Additionally or alternatively, the Ordinance is also exempt from CEQA pursuant to Section 15301 of the State CEQA Guidelines for projects involving the permitting of minor alterations to existing topographical features involving negligible or no expansion of use because it authorizes the permitting of crop land conversions for crops that employ similar farming techniques to vineyard or orchard with no expansion in footprint.

Section V. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section VI. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 18 day of August, 2026, and finally passed and adopted this X day of X, 2026, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Rabbitt: Coursey: Gore: Hopkins: Hermosillo:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

David Guhin,
Clerk of the Board of Supervisors