



SUMMARY REPORT

Agenda Date: 8/18/2026

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Agriculture/Weights & Measures
Staff Name and Phone Number: Andrew Smith, 565-2371
Vote Requirement: Majority
Supervisory District(s): Countywide

Title:

VESCO Amendments for Replanting Cultivated Lands and Permit Extensions - First Reading

Recommended Action:

Adopt a Resolution introducing, reading the title of, and waiving further reading of a proposed Ordinance amending Chapter 36 of the Sonoma County Code (Vineyard And Orchard Erosion and Sediment Control Ordinance) to amend the replanting permitting requirements to permit the conversion of cultivated lands to vineyard or orchard, clarify the one-time five-year extensions for vineyard and orchard replanting permits, and find the ordinance exempt from CEQA (Guidelines Sections 15061(b)(3), 15301, 15307, and 15308).

Executive Summary:

This agenda item proposes amendments to Chapter 36 of the County Code (VESCO) to establish a replant permitting process for cultivated lands and to clarify the process for replant permit extensions to previously approved replanting permits provided an extension application is submitted prior to the expiration of the initial permit. Extending replant permits allows farmers greater flexibility to rotate crops and fallow ground while holding a valid replant permit.

The proposed amendments are consistent with the workplan directed by the Board on June 2, 2026, following the work of the Agriculture in Sonoma County Ad Hoc Committee. The workplan directed the Department of Agriculture/Weights & Measures to bring forward minor revisions to Chapter 36 to establish improved permitting options which would allow farmers greater flexibility for diversification, for rotating and changing crops, and for fallowing ground within the VESCO program.

Discussion:

BACKGROUND

In 2000, Sonoma County adopted the Vineyard Erosion and Sediment Control Ordinance (VESCO), becoming one of only three jurisdictions in California to require a permit for vineyard planting or replanting. Adopted in response to a significant landslide in early 1998, VESCO imposed ministerial standards governing vineyard slopes, setbacks, and erosion control. In adopting VESCO, the Board determined that discretionary review of vineyards would contravene the General Plan and therefore included an automatic repeal provision if a future court found any act or determination to be discretionary.

In 2008, the Board adopted an ordinance updating standards and combining VESCO with the County's existing grading and drainage regulations in Chapter 11 of the County Code. The ordinance followed a seven-year

stakeholder engagement process and imposed 16 pages of performance standards, including new stream, wetland, and pond setbacks; new rainy season requirements; and new limits on floodplain development.

VESCO amendments were also adopted in 2012, 2017, 2020, and 2021, which, among other things, established standards related to tree removal, moved VESCO to Chapter 36 and out of Chapter 11 (construction grading), and added a low-impact replanting registration as an alternative to a standard replanting permit.

In May 2025, the Board established the Agriculture in Sonoma County Ad Hoc committee, led by Supervisors Gore and Hopkins to address challenges facing agriculture and its long-term viability in the county. This work included short-, mid-, and longer-term opportunities to review and amend policies related to agricultural activity in the county. The Board held a [comprehensive workshop on April 14, 2026](#), to hear from a diverse group of county departments, agencies, stakeholders, and the general public on trends in agriculture and the challenges facing the agricultural industry. On [June 2, 2026, the Board adopted a resolution](#) recognizing a crisis challenging the County's agricultural industry, establishing agriculture as critical infrastructure in the county, and adopting a multi-agency workplan to help address challenges. The workplan directed Department of Agriculture/Weights & Measures staff to bring forward amendments to VESCO which would allow farmers greater options for rotating and changing crops, and fallowing by recognizing cultivated lands as eligible for replant permits and clarifying replant permit extension authority in Chapter 36 of the Sonoma County Code. The proposed amendments accomplish the Board's direction.

SUMMARY AND ANALYSIS OF PROPOSED AMENDMENTS

The following summarizes the proposed amendments and explains their purpose and need.

Revisions to Chapter 36 (VESCO):

Cultivated Lands Replant Permitting Pathway. The proposed ordinance would revise the definitions for Orchard Replanting and Vineyard Replanting to allow for the conversion from a perennial crop, row crop, or any other type of crop that is plowed or tilled and harvested annually, where the land has been under active cultivation for at least five years immediately preceding the filing of a replant permit application and the footprint of the area to be replanted or converted is not increased.

Cultivated lands are currently regulated under provisions for new vineyard and orchard development, but with an exemption from the requirement for a biotic assessment given the disturbance regime of cultivation activity under agricultural production. This proposed ordinance will allow farmers greater flexibility for diversifying, rotating, and changing crops by recognizing cultivated lands as eligible for replant permits. This amendment is appropriate because the impacts to the lands from other specified crops are similar to vineyard and orchard development and maintenance. When the crops are converted into vineyard or orchard through the VESCO permitting process they would then be more strictly regulated and subject to the permit requirements and standards for replanting permits already included in Chapter 36 of the Sonoma County Code, including, for example, setbacks from lakes, streams, and wetlands, and erosion protection requirements such as engineered plans for steep slopes and unstable soils, and winterization measures to

prevent the erosion and to control sediment discharge off site, thereby addressing potential impacts to the environment.

Permit Extensions. In order to provide farmers flexibility in rotating vineyards and orchards as well as fallowing ground, in 2020 the Board of Supervisors approved allowing extensions of replanting permits for an additional five years. Replant permit extensions can be issued only once, and applications must be submitted prior to initial permit expiration. Extending the life of a replant permit to a maximum of 10 years allows farmers greater flexibility to rotate crops and fallow ground to build soil resources while holding a valid replant permit. The extension process allows staff to check progress of any work and ensure there have not been major changes to the site. The proposed ordinance changes clarify the requirements and process for this extension.

CEQA. The proposed action is exempt from the California Environmental Quality Act (CEQA) under 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. The ordinance is additionally exempt from CEQA under Sections 15307 and 15308 as an action taken by a regulatory agency to ensure the maintenance, restoration, or enhancement of natural resources or the environment where the regulatory process involves procedures for protection of the environment. The ordinance is further exempt from CEQA under Section 15301 for projects involving the permitting of minor alterations to existing topographical features involving negligible or no expansion of use. The basis for these determinations is that the proposed action only makes changes to Chapter 36 of the County Code to establish a pathway for cultivated lands that have the same environmental impact as vineyard and orchard to convert to vineyard or orchard under existing replant regulations, and to clarify the requirements for a permit extension that the Department already offers.

ALTERNATIVES

The alternative to adopting these proposed minor and technical revisions as drafted would be to postpone any changes until the Board conducts additional study sessions with staff and stakeholders. Following the study sessions, staff could bring back any proposed revisions directed by the Board.

RECOMMENDATION

Staff recommends that the Board adopt a resolution introducing, reading the title of, and waiving further reading of the ordinance as proposed. Staff will return for the second reading and adoption of the proposed ordinance on September 15, 2026.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

3/16/2021: Adoption of Ordinance No. 6338 to add a low-impact replanting registration provision to Chapter 36 of the Sonoma County Code.

12/15/2020: Adoption of Ordinance No. 6331 to make miscellaneous minor and technical revisions to Chapter 36, Chapter 11, and Section 25B-3 of the Sonoma County Code.

12/17/2017: Adoption of Ordinance No. 6219 to establish separate chapters for construction grading and drainage (Chapter 11) and vineyard and orchard development and agricultural grading and drainage (Chapter 36), add an additional enforcement mechanism, incorporate Riparian Corridor setbacks, and make legal clarifications.

5/15/2012: Adoption of Ordinance No. 5988 to establish requirements and standards for vineyard and orchard planting where tree removal is involved and making other miscellaneous other minor changes to Chapter 11 of the Sonoma County Code.

12/9/2008: Adoption of Ordinance No. 5819 to consolidate all grading, drainage and vineyard and orchard development related code provisions into one Sonoma County Code chapter.

2/08/2000: Adoption of Ordinance No. 5216 enacting the Vineyard Erosion and Sediment Control Ordinance as part of Chapter 30 of the Sonoma County Code.

FISCAL SUMMARY

Expenditures	FY26-27 Adopted	FY27-28 Projected	FY28-29 Projected
Budgeted Expenses	\$12,280	\$51,280	\$51,280
Additional Appropriation Requested			
Total Expenditures	\$12,280	\$51,280	\$51,280
Funding Sources			
General Fund/WA GF	\$12,280	\$51,280	\$51,280
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources	\$12,280	\$51,280	\$51,280

Narrative Explanation of Fiscal Impacts:

The Department estimates that approximately 20% of typical VESCO applicants for vineyard replant projects will choose to take advantage of the new replant permitting pathway. This provision delays the submittal of a VESCO replant application which will lead to some fiscal impacts in the near term. Based on an average of total replant projects per year over the past 11 years, we estimate that \$51,280 will be lost in annual revenue until growers decide to put their properties back into vineyard or orchard production.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Agenda Date: 8/18/2026

Attachments:

Attachment A: Resolution

Attachment B: Draft Ordinance Amending Chapter 36 of the Sonoma County Code

Attachment C: Draft CEQA Notice of Exemption

Attachment D: Presentation

Related Items “On File” with the Clerk of the Board:

N/A