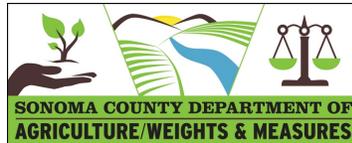


Vineyard and Orchard Development

Technical Revisions to County Code Provisions
for New Development, Replanting Activities,
Grading and Drainage, and Definitions

ANDREW SMITH
AGRICULTURAL
COMMISSIONER



ANDY CASAREZ
LAND
STEWARDSHIP
DIVISION MANAGER

Background

Consistent with the Board's VESCO Ad Hoc Committee direction, this item proposes to make minor and technical revisions to Chapter 36, Chapter 11 and Section 25B-3 of the Sonoma County Code.



Separate Permits

- Establishes separate permits for new vineyard and orchard development and vineyard and orchard replanting.
- Clarifies requirements for each and simplifies future changes to each.



Expiration of Permit Applications

Permit applications expire after 1 year of original submittal if not yet issued. This provision provides for an extension to the application process.

- Plans must be resubmitted within 180 days of application expiration.
- Gives applicants an additional year to acquire permit approval with initial plans and reports.
- May only be used one time per permit application.



Time Limits for Permits

Revise current permit duration for agricultural grading and agricultural drainage permits from 3 years to 5 years.

- Aligns the duration of these permits with VESCO permits.
- Gives growers additional time to complete project.



Effect of Expiration of Permits

Provides a way for VESCO permit holders to receive an additional 5 years to complete their replant or new development projects. May be used one time.

- Permit renewals will be issued based on original submittal under ordinance rules in place at that time.
- Will not require a new biological assessment
- Only small administrative fee to process and issue permit renewal.



Cultivated Lands and Biotic Resource Assessments

- Cultivated Land:** Land that has been under active cultivation of perennial or row crops for five years preceding VESCO permit application.
- Recognizes cultivated land is intensively managed so the conversion to vineyard or orchard would not require a biological study.
- Land within USFWS Critical Habitat Areas would still require a Focused Species Assessment prior to VESCO application.



Setbacks from Slope Instability

- Revises the current VESCO standard requiring setback from areas of instability for replant developments.
- Revision would allow growers to replant within setback if they do not deep rip within the prescribed VESCO setback.



Construction Season Extension and Winterization

This would allow the Agricultural Commissioner to extend the construction season for new VESCO development projects.

- Based on National Weather Service forecasts or other good cause.
- Extends construction season from October 15th to October 31st.
- This will grant growers an additional 16 days to complete work and winterize development areas sites per VESCO requirements.



Definitions

- Ordinance adds a definition for **“development area”** to glossary.
- Development area refers to all areas subject to ground disturbance
- VESCO regulations and BMPs now apply to the development area.
- VESCO would not dictate management of areas within setbacks.



Definitions: Slope

- Replacement of the term “natural slope” with the term “slope”

Clarification for Applicants:

- Specify method used to calculate slope
- Allows determination using newer and more accurate technology

New site suitability mapping application available to all

www.sonomacounty.ca.gov/awm-map



Definitions

Stream:

- Revises definition of “stream” to clarify that a stream may have a natural or modified channel. A stream is a stream!
- Clarifies setback requirements and riparian corridor protections along managed or manipulated streams.



Definitions:

Wetland designation:

- Revises definition of “wetland” to meet federal and state definitions
- Will allow VESCO ordinance to be flexible with any changes within Federal and State definitions
- Whichever definition is more protective shall control



Stakeholder Outreach

AWM staff and the Board Ad Hoc Committee conducted outreach to stakeholders to develop proposed amendments in 2019 and 2020.

- Met with industry representatives in July, August, and September of 2019 to identify industry concerns.
- AWM conducted a VESCO workshop in August, 2019 for industry engineers and geologists
- The Board of Supervisors met in November, 2019 to discuss goals and additional stakeholder outreach



Stakeholder Outreach

- In February, 2020, the Ad Hoc Committee met with environmental groups, resource agencies and AWM staff.
- The stakeholder groups requested various ordinance revisions
- Proposed revisions could be considered by the Board now or at a study session to be held in 2021.
- The comment letters received to date were provided in the staff report packet and show a complete record of the revisions requested by stakeholders.



Stakeholder Input

- Monitoring and Enforcement:** Increase post-development monitoring and analysis to verify that VESCO BMPs are in fact producing the desired erosion and sediment control.
- Water Restrictions:** Apply water conservation standards and restrict vineyard and orchard development in critical watersheds
- Tree protections:** Apply greater protections for trees in new vineyard and orchard development projects.



Stakeholder Input

- ❑ **Development on steep slopes:** Apply a moratorium or provide for CEQA requirements or slope stability analysis requirements.
- ❑ **Exemption from Permitting:** Exemption from VESCO permitting requirements for low-impact Level 1, Level 2, or both for vineyard and orchard replanting projects where vineyard infrastructure is kept in place.

