



Legislation Text

File #: 2020-1298, **Version:** 1

To: Sonoma County Board of Supervisors

Department or Agency Name(s): Agriculture/Weights & Measures; Permit and Resource Management (Permit Sonoma)

Staff Name and Phone Number: Andrew Smith, 565-2371; Alex Rosas, 565-3507

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

2:00 P.M. - Minor and Technical Revisions to the County Code Provisions Governing New Vineyard and Orchard Development, Vineyard and Orchard Replanting, and Agricultural and Construction Grading and Drainage to Establish a Registration Process for Low-Impact Vineyard Replanting and to Clarify or Strengthen Requirements, Procedures, and Definitions.

Recommended Action:

Conduct a public hearing and adopt a Resolution introducing, reading the title of, and waiving further reading of a proposed Ordinance amending Chapter 36 of the Sonoma County Code (New Vineyard and Orchard Development, Vineyard and Orchard Replanting, and Agricultural Grading and Drainage) to establish a registration process for low-impact vineyard replanting and to clarify or strengthen requirements, procedures, and definitions, amending Chapter 11 of the Sonoma County Code (Construction Grading and Drainage) to clarify or strengthen requirements, procedures, and definitions to maintain consistency with Chapter 36 of the Sonoma County Code, and determining exemption from the California Environmental Quality Act.

Executive Summary:

This agenda item proposes minor and technical revisions to Chapter 36 of the County Code to establish a registration process for low-impact vineyard replanting and to clarify or strengthen requirements, procedures, and definitions, and minor and technical revisions to Chapter 11 of the County Code to clarify or strengthen requirements, procedures, and definitions to maintain consistency with Chapter 36 of the County Code. The proposed amendments are consistent with the Board's December 2020 direction to the Department of Agriculture/Weights & Measures to bring forward minor revisions to Chapter 36 to establish a registration process for low-impact vineyard replanting.

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 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.

In 2012, the Board adopted an ordinance amending Chapter 11 of the County Code to establish requirements and standards for vineyard and orchard planting where tree removal is involved, and make miscellaneous other minor changes to Chapter 11.

In 2017, the Board adopted an ordinance amending Chapter 11 of the County Code to regulate only construction grading and drainage, add a new Chapter 36 to the County Code to take over regulation of vineyard and orchard development and agricultural grading and drainage (VESCO), and make miscellaneous other minor changes to both chapters.

In 2020, the Board adopted an ordinance amending Chapter 36, Chapter 11, and Section 25B-3 of the County Code to make miscellaneous minor and technical revisions to permit requirements, standards, and definitions.

At the public hearing on the 2020 amendments, the Board gave direction to the Department of Agriculture/Weights & Measures to bring forward minor revisions to Chapter 36 to establish a registration process for low-impact vineyard replanting. 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 (New Vineyard and Orchard Development, Vineyard and Orchard Replanting, and Agricultural Grading and Drainage):

Low-Impact Vineyard Replanting Definition. The ordinance establishes a definition of low-impact vineyard replanting. Low-impact vineyard replanting is defined as vineyard replanting where the replanting area was developed or previously replanted in compliance with Chapter 36 of the County Code or former provisions of the County Code regulating new vineyard development and vineyard replanting, no deep ripping is conducted, vine row orientation and vine spacing are not changed, and the existing vineyard infrastructure was lawfully constructed and is not modified. This amendment makes clear the qualifications for low-impact vineyard replanting.

Vineyard and Orchard Replanting Permit Alternate Pathways for Low-Impact Vineyard Replanting. The ordinance establishes an alternate pathway from vineyard and orchard replanting permit requirements for low-impact vineyard replanting where authorized by a valid low-impact vineyard replanting registration. This amendment recognizes that low-impact vineyard replanting should be exempt from permit requirements where the replanting is authorized by a valid low-impact vineyard replanting registration.

Low-Impact Vineyard Replanting Registration. The ordinance establishes a registration requirement for low-impact vineyard replanting. This amendment recognizes that low-impact vineyard replanting produces far less ground disturbance than standard vineyard replanting and should be encouraged through expedited processing. The registration process will reduce the burdens associated with the permit process, but allow the Department to maintain oversight over low-impact vineyard replanting and ensure compliance with VESCO standards.

Registration Approval and Issuance. The ordinance establishes registration procedures and approval criteria for low-impact vineyard replanting. The approval criteria are the same as for ministerial permits.

Time Limits for Registrations. The ordinance establishes a one-year term for low-impact vineyard replanting registrations. After the expiration of a low-impact vineyard replanting registration, no further work can be done on the site until a new registration is obtained.

Final Inspection. The ordinance establishes a final inspection requirement for work performed under a low-impact vineyard replanting registration. The final inspection requirement will assist in ensuring compliance with VESCO standards.

Other Revisions. In addition to the revisions discussed above, the ordinance makes miscellaneous changes to Chapter 36 to clarify or strengthen requirements, procedures, and definitions.

Revisions to Chapter 11 (Construction Grading and Drainage):

The ordinance makes miscellaneous changes to Chapter 11 of the County Code to clarify or strengthen requirements, procedures, and definitions to maintain consistency with Chapter 36 of the County Code.

CEQA

As set forth in Attachment D, the proposed action is categorically exempt from CEQA under Sections 15307 and 15308 of the State CEQA Guidelines (Actions by Regulatory Agencies for Protection of Natural Resources and the Environment). These exemptions cover actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of natural resources or the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in

these exemptions. The proposed action is also exempt from 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 basis for these determinations is that the proposed action only makes changes to Chapter 36 of the County Code to establish a registration process for low-impact vineyard replanting and to clarify or strengthen requirements, procedures, and definitions, only makes changes to Chapter 11 of the County Code to clarify or strengthen requirements, procedures, and definitions to maintain consistency with Chapter 36 of the County Code, and does not involve construction or any other activity that could physically change the environment.

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 conduct a public hearing, direct any specific changes it wishes to make in the proposed ordinance, and adopt a resolution introducing, reading the title of, and waiving further reading of the ordinance. Staff would place the final ordinance on the March 16, 2021 consent calendar for final adoption.

Prior Board Actions:

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	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

N/A

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)
N/A			

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment A:

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Introducing, Reading The Title Of, And Waiving Further Reading Of An Ordinance Amending Chapter 36 Of The Sonoma County Code (New Vineyard And Orchard Development, Vineyard And Orchard Replanting, And Agricultural Grading And Drainage) To Establish A Registration Process For Low-Impact Vineyard Replanting And To Clarify Or Strengthen Requirements, Procedures, And Definitions, Amending Chapter 11 Of The Sonoma County Code (Construction Grading And Drainage) To Clarify Or Strengthen Requirements, Procedures, And Definitions To Maintain Consistency With Chapter 36 Of The Sonoma County Code, And Determining Exemption From The California Environmental Quality Act.

Attachment B:

An Ordinance Of The Board Of Supervisors Of The County Of Sonoma, State Of

California, Amending Chapter 36 Of The Sonoma County Code (New Vineyard And Orchard Development, Vineyard And Orchard Replanting, And Agricultural Grading And Drainage) To Establish A Registration Process For Low-Impact Vineyard Replanting And To Clarify Or Strengthen Requirements, Procedures, And Definitions, Amending Chapter 11 Of The Sonoma County Code (Construction Grading And Drainage) To Clarify Or Strengthen Requirements, Procedures, And Definitions To Maintain Consistency With Chapter 36 Of The Sonoma County Code, And Determining Exemption From The California Environmental Quality Act.

Attachment C: Draft CEQA Notice of Exemption.

Attachment D: Presentation.

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

Post-Adoption Summary Notice