

ATTEST: FEB 15 2000

RESOLUTION NO. 00-0133

EEVE T. LEWIS
County Clerk & ex-officio Clerk of the Board of
Supervisors of the State of California, in & for
the County of Sonoma
By Christensen Deputy

DATED: February 8, 2000

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ESTABLISHING APPROVED METHODS FOR CALCULATING AVERAGE SLOPE FOR AUTHORIZED VINEYARD PLANTINGS AND REPLANTINGS UNDER THE SONOMA COUNTY VINEYARD EROSION AND SEDIMENT CONTROL ORDINANCE

WHEREAS, this Board has adopted the Sonoma County Vineyard Erosion and Sediment Control Ordinance (Sonoma County Code, Chapter 30, Article V, Sections 30-40 and following); and

WHEREAS, this Board is authorized in Section 30-44 of the Sonoma County Code to adopt standards to implement or make specific the provisions of the Sonoma County Vineyard Erosion and Sediment Control Ordinance; and

WHEREAS, this Board desires to adopt standards establishing approved methods for calculating average slope for authorized vineyard plantings and replantings under the Sonoma County Vineyard Erosion and Sediment Control Ordinance;

NOW, THEREFORE, the Board of Supervisors of Sonoma County hereby resolves and orders that the methods for calculating average slope set forth in "Approved Methods for Calculating Average Slope for Authorized Vineyard Plantings and Replantings under the Vineyard Erosion and Sediment Control Ordinance," attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby adopted as standards of the Sonoma County Vineyard Erosion and Sediment Control Ordinance.

SUPERVISORS:

CALE _____ KERNS _____ SMITH _____ KELLEY _____ REILLY _____

AYES 5 NOES _____ ABSTAIN _____ ABSENT _____

SO ORDERED.

EXHIBIT "A"

APPROVED METHODS FOR CALCULATING AVERAGE SLOPE FOR AUTHORIZED VINEYARD PLANTINGS AND REPLANTINGS UNDER THE VINEYARD EROSION AND SEDIMENT CONTROL ORDINANCE

L. Approved methods for calculating average slope for Level I authorized vineyard plantings and replantings.

Any person undertaking a Level I authorized vineyard planting or replanting shall calculate the average slope of the vineyard site using the method or methods authorized by the agricultural commissioner from the following approved methods for Level I authorized vineyard plantings and replantings:

- ◆ USGS quadrangle map or other more detailed topographic map.
 - ◇ Agricultural commissioner may require verification with spot clinometer readings on the vineyard site.
- ◆ Contour interval length equation.
 - ◇ Average Slope =
$$\frac{I \times L}{A \times 435.6}$$

Where I = The contour interval in feet.
 L = The combined length in feet of all contours on the topographic map of the vineyard site.
 A = The area of the vineyard site in acres.
 - ◇ Agricultural commissioner may require verification with spot clinometer readings on the vineyard site.
- ◆ Hand level or clinometer.
 - ◇ Divide the vineyard site into equal transects, perpendicular to the contours, spaced no more than 200 feet apart. There shall be a minimum of 3 transects per vineyard site. Measure the

length and percent slope of the transects. Take the sum of the percent slopes and divide by the number of transects.

- ◆ Surveyed sections.
 - ◇ Divide the vineyard site into equal transects, perpendicular to the contours, spaced no more than 200 feet apart. There shall be a minimum of 3 transects per vineyard site. Measure the length and percent slope of the transects. Take the sum of the percent slopes and divide by the number of transects.
- ◆ Computer determination from a topographic map based on (i) a survey of the vineyard site either by land or air, or (ii) available USGS elevation model data.

II. Approved methods for calculating average slope for Level II and III authorized vineyard plantings, and Level II authorized vineyard replantings.

Any person undertaking a Level II or III authorized vineyard planting, or a Level II authorized vineyard replanting shall calculate the average slope of the vineyard site using the method or methods authorized by the agricultural commissioner from the following approved methods for Level II and III authorized vineyard plantings, and Level II authorized vineyard replantings:

- ◆ Surveyed sections.
 - ◇ Divide the vineyard site into equal transects, perpendicular to the contours, spaced no more than 200 feet apart. There shall be a minimum of 3 transects per vineyard site. Measure the length and percent slope of the transects. Take the sum of the percent slopes and divide by the number of transects.
- ◆ Computer determination from a topographic map based on a survey of the vineyard site either by land or air.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, REPEALING ORDINANCE NO. 5172, SECTION I OF ORDINANCE NO. 5188, AND SECTION I OF ORDINANCE NO. 5205, AND ENACTING ARTICLE V OF CHAPTER 30 OF THE SONOMA COUNTY CODE (VINEYARD EROSION AND SEDIMENT CONTROL ORDINANCE) TO ESTABLISH NOTICE, EROSION AND SEDIMENT CONTROL, RIPARIAN SETBACK, MAXIMUM SLOPE, AND OTHER REQUIREMENTS FOR VINEYARD PLANTING AND REPLANTING IN THE COUNTY

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

SECTION I. Ordinance No. 5172, Section I of Ordinance No. 5188, and Section I of Ordinance No. 5205 are hereby repealed. If any part of this section is for any reason held to be unconstitutional or invalid, such decision shall automatically and immediately render this entire section inoperative, suspended, and of no further force or effect.

SECTION II. Article V of Chapter 30 of the Sonoma County Code is hereby enacted to read as follows:

Article V. Vineyard Erosion and Sediment Control.

Division A. In General.

Sec. 30-40. Short title.

This article shall be known and may be cited as the Sonoma County Vineyard Erosion and Sediment Control Ordinance or the Vineyard Erosion and Sediment Control Ordinance.

Sec. 30-41. Purposes.

The purposes of this article are to safeguard public health, safety, and welfare; minimize erosion and sedimentation in connection with vineyard planting and replanting in the county; protect the lands, streams, and riparian habitat of the county; and ensure the long-term economic viability of the county's viticultural resources.

Sec. 30-42. Relationship to other laws.

This article is not intended to, and shall not be construed or given effect in a manner that conflicts with federal or state law, or interferes with the achievement of federal or state regulatory objectives; the provisions of this article shall be interpreted to be supplementary to, and compatible with federal and state enactments, and in furtherance of the public purposes those enactments express; compliance with the provisions of this article, however, does not ensure compliance with federal and state requirements. Further, this article is not intended to, and shall not be construed or given effect in a manner that supersedes other provisions of this code; where another provision of this code establishes a stricter requirement than a provision of this article, that stricter requirement shall prevail.

Sec. 30-43. Schedule of fees and charges.

The board of supervisors may from time to time by resolution or ordinance establish a schedule of fees and charges following the procedures required by law to recover the reasonable cost of processing vineyard planting and replanting proposals, reviewing plans, conducting inspections, enforcing regulations, and providing other services pursuant to this article.

Sec. 30-44. Standards.

The board of supervisors may from time to time by resolution or ordinance adopt, amend, or repeal standards to implement or make specific the provisions of this article. The standards adopted pursuant to this section shall have the same force and effect as provisions of this article. Failure by any person to comply with any standard adopted pursuant to this section shall be a violation of this article.

Sec. 30-45. Administration and enforcement.

The agricultural commissioner shall be responsible for the administration and enforcement of the provisions of this article. All determinations of the agricultural commissioner made pursuant to this article shall be final.

Sec. 30-46. List of county recognized civil engineers.

(a) The agricultural commissioner shall create, maintain, and make available a list of county recognized civil engineers authorized to prepare, review, and certify certified erosion and sediment control plans.

(b) The agricultural commissioner shall include on the list of county recognized civil engineers any qualified civil engineer submitting written information to the agricultural commissioner demonstrating all of the following:

(1) The qualified civil engineer is in good standing.

(2) The qualified civil engineer has taken not less than one substantive educational course within the preceding year on the preparation and implementation of erosion and sediment control plans sponsored by UC Extension, a regional water quality control board, a resource conservation district, the Natural Resources Conservation Service, or other equivalent institution.

(3) The qualified civil engineer has prepared at least one erosion and sediment control plan for a vineyard planting or replanting within the preceding year.

(c) At least once a year, the agricultural commissioner shall conduct a public hearing to solicit public comment on the list of county recognized civil engineers. Notice of the hearing shall be given pursuant to Section 30-50.

(d) The agricultural commissioner shall remove a qualified civil engineer from the list of county recognized civil engineers whenever such engineer no longer meets the requirements set forth in subsection (b) of this section. The agricultural commissioner shall also remove a qualified civil engineer from the list of county recognized civil engineers if the agricultural commissioner determines that a certified erosion and sediment control plan prepared or reviewed by such engineer has failed to provide the protection required by Section 30-73.

(e) Prior to removing a qualified civil engineer from the list of county recognized civil engineers, the agricultural commissioner shall notify such engineer in writing of the intended action and the reasons for it. At the request of such engineer, the agricultural commissioner shall meet with the engineer to discuss the intended action. The decision of the agricultural commissioner shall be final. Pending the agricultural commissioner's final decision, such engineer shall not be authorized to perform any of the duties under this article.

(f) Any qualified civil engineer removed by the agricultural commissioner from the list of county recognized civil engineers may not be reinstated to the list until such engineer has submitted written information to the agricultural commissioner demonstrating that (i) the engineer meets the requirements set forth in subsection (b) of this section, and (ii) the engineer meets such other requirements as may be imposed by the agricultural commissioner based on the nature and circumstances of the engineer's removal from the list.

(g) No qualified civil engineer placed on the list of county recognized civil engineers is or shall be deemed to be a county employee or agent by virtue of placement on the list. Nor shall such engineer be entitled to any rights of employment with the county. The requirements and process for placement on, and removal from, the list of county recognized engineers shall be exclusively as defined in this section.

Sec. 30-47. Informational handouts, workshops, and other educational programs.

The agricultural commissioner may develop and make available informational handouts, and conduct workshops and other educational programs to assist persons undertaking authorized vineyard plantings and replantings in complying with the requirements of this article.

Sec. 30-48. Notice to and consultation with other county departments and affected agencies.

The agricultural commissioner may provide notice to and consult with other county departments and affected agencies regarding any authorized vineyard planting or replanting.

Sec. 30-49. Notice to public.

When a notice of an authorized vineyard planting or replanting is filed with the agricultural commissioner pursuant to Section 30-69 or 30-70, the agricultural commissioner shall post a summary of the vineyard planting or replanting in the public lobby of the agricultural commissioner's building and on the county's internet website. Each summary shall be posted within ten (10) days after receipt of the required notice. Each summary shall remain posted for a period of not less than thirty (30) days. Each summary shall include (i) the name of the owner of the vineyard site and the person undertaking the vineyard planting or replanting, if different from the owner, (ii) a general description of the location of the vineyard site, (iii) a general description of the existing land use and vegetation on the vineyard site, (iv) the level of the vineyard planting or replanting, and (v) the number of acres being planted or replanted.

Sec. 30-50. Notice of hearing - General.

(a) When a provision of this article requires notice of a public hearing to be given pursuant to this section, notice shall be given by the agricultural commissioner in all of the following ways:

(1) Notice of the hearing shall be published pursuant to Government Code section 6061 in at least one newspaper of general circulation within the county at least 10 days prior to the hearing.

(2) Notice of the hearing shall be posted at least 10 days prior to the hearing in the public lobby of the agricultural commissioner's building and on the county's internet website.

(b) The notice required by this section shall include the date, time, and place of the public hearing, the identity of the hearing body, and a general explanation of the matter to be considered.

(c) In addition to the notice required by this section, the agricultural commissioner may give notice of the hearing in any other manner the agricultural commissioner deems necessary or appropriate.

Sec. 30-51. Notice of hearing - Site specific.

(a) When a provision of this article requires notice of a public hearing to be given pursuant to this section, notice shall be given by the agricultural commissioner in all of the following ways:

(1) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the vineyard site and the person undertaking the vineyard planting or replanting, if different from the owner.

(2) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the vineyard site.

(3) Notice of the hearing shall be published pursuant to Government Code section 6061 in at least one newspaper of general circulation within the county at least 10 days prior to the hearing.

(4) Notice of the hearing shall be posted at least 10 days prior to the hearing in at least three public places on or near the vineyard site.

(b) The notice required by this section shall include the date, time, and place of the public hearing, the identity of the hearing body, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the vineyard site.

(c) In addition to the notice required by this section, the agricultural commissioner may give notice of the hearing in any other manner the agricultural commissioner deems necessary or appropriate.

Sec. 30-52. Disclosure of article to buyers of real property.

(a) Where a transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or residential stock cooperative improved with one to four dwelling units is proposed for any real property within the unincorporated area of the county having a zoning designation of LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Resources and Rural Development), RRDWA (Resources and Rural Development - Agricultural Preserve), TP (Timber Production), AR (Agriculture and Residential), or RR (Rural Residential) under Chapter 26 or 26C of this code, the transferor shall disclose this article and the nature of its requirements to the prospective transferee in one of the following ways:

(1) Deliver a general disclosures and disclaimers advisory to the prospective transferee pursuant to local real estate practice that includes a statement disclosing this article and the nature of its requirements. The statement shall be in the following form:

The County of Sonoma, through the Sonoma County Vineyard Erosion and Sediment Control Ordinance (Sonoma County Code, Chapter 30, Article V), has established certain notice, erosion and sediment control, riparian setback, maximum slope, and other requirements for vineyard planting and replanting within the unincorporated area of Sonoma County. If at any time you plant a new vineyard or replant an existing vineyard on all or any part of the property you are purchasing, you will be required to comply with the requirements of the Sonoma County Vineyard Erosion and Sediment Control Ordinance. For more information about the Sonoma County Vineyard Erosion and Sediment Control Ordinance and its requirements, please contact the Sonoma County Agricultural Commissioner's office at 2604 Ventura Avenue, Santa Rosa, CA 95403.

(2) Deliver a disclosure statement to the prospective transferee pursuant to Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of

Division 2 of the Civil Code disclosing this article and the nature of its requirements. The disclosure statement shall be in the following form:

LOCAL OPTION

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, DESCRIBED AS _____
(Address and Assessor's Parcel Number(s)). THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH SECTION 30-52 OF THE SONOMA COUNTY CODE AS OF *(date)*. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I.

SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF SONOMA, AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

The County of Sonoma, through the Sonoma County Vineyard Erosion and Sediment Control Ordinance (Sonoma County Code, Chapter 30, Article V), has established certain notice, erosion and sediment control, riparian setback, maximum slope, and other requirements for vineyard

planting and replanting within the unincorporated area of Sonoma County. If at any time you plant a new vineyard or replant an existing vineyard on all or any part of the property you are purchasing, you will be required to comply with the requirements of the Sonoma County Vineyard Erosion and Sediment Control Ordinance. For more information about the Sonoma County Vineyard Erosion and Sediment Control Ordinance and its requirements; please contact the Sonoma County Agricultural Commissioner's office at 2604 Ventura Avenue, Santa Rosa, CA 95403.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller _____

Date _____

Seller _____

Date _____

II

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller _____

Date _____

Seller _____

Date _____

Buyer _____

Date _____

Buyer _____

Date _____

Agent (Broker
Representing Seller) _____

By _____ Date _____
(Associate Licensee
or Broker-Signature)

Agent (Broker
Obtaining the Offer) _____ By _____ Date _____
(Associate Licensee
or Broker-Signature)

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

(b) If a prospective transferee refuses to sign the general disclosures and disclaimers advisory or disclosure statement required by subsection (a), the transferor may comply with the requirements of this section by delivering the advisory or statement to the prospective transferee as provided in subsection (a) and affixing and signing the following declaration to the advisory or statement:

"I, _____ (name) _____, have delivered a copy of the foregoing _____ (general disclosures and disclaimers advisory/disclosure statement) _____ as required by Section 30-52 of the Sonoma County Code to _____ (transferee's name) _____, who has refused to sign.

I declare the foregoing to be true.

Date: _____ Signature: _____ Print Name: _____

(c) Noncompliance with the provisions of this section shall not affect title to real property, nor prevent the recording of any document.

Division B. Definitions.

Sec. 30-60. Definitions.

Unless the provision or context otherwise requires, the definitions contained in this section shall govern the construction of this article. The definition of a word or phrase applies to any of that word's or phrase's variants.

"Affected agency" means any state or federal agency having jurisdiction by law over natural resources that may be impacted by an authorized vineyard planting or replanting.

"Agricultural commissioner" means the agricultural commissioner-sealer of the county or his or her authorized representative.

"Authorized vineyard planting" means any Level I, II, or III authorized vineyard planting.

"Authorized vineyard replanting" means any Level I or II authorized vineyard replanting.

"Average slope" means the average percent slope of new or existing vineyard land prior to the commencement of any vineyard planting work. All average slopes shall be calculated using methods adopted by the board of supervisors pursuant to Section 30-44. The methods adopted by the board of supervisors shall utilize information from applicable USGS quadrangle maps, field-based documentation, surveyed cross sections, or computer generated topographic mapping.

"Average storm recurrence interval" means the average number of years, over a long period of time, in which a given storm event is equaled or exceeded in intensity on a vineyard site.

"Best management practices" means those practices or sets of practices that have proven to be the most effective feasible means of preventing or reducing stormwater runoff, erosion, and sedimentation in vineyards, given technological, institutional, environmental, and economic constraints.

"Certified erosion and sediment control plan" means an erosion and sediment control plan that conforms to the requirements of Section 30-74.

"Certify" means an expression of professional opinion regarding those facts or findings that are the subject of the certification, and does not constitute a warranty or guarantee, either express or implied.

"County recognized civil engineer" means any qualified civil engineer who meets the requirements of subsection (b) of Section 30-46 and is on the list of county recognized civil engineers.

"Days" means calendar days. If the last day upon which an action must be taken under this article falls on a Saturday, Sunday, or legal holiday, then the last day to take that action shall be the next day that is not a Saturday, Sunday, or legal holiday.

"Designated stream" means any stream or part of a stream designated by a solid line or dash and three (3) dots, or any successor symbols then in effect, on any USGS quadrangle map.

"Disturbed area" means land that has been disturbed by vineyard planting work.

"Emergency erosion and sediment control work" means the installation of temporary or emergency measures necessary to minimize or avoid an imminent threat of erosion on or discharge of sediment from a vineyard site.

"Emergency measure" means any emergency erosion or sediment control measure.

"Existing vineyard land" means any land that is currently planted as a vineyard.

"Final vineyard planting work" means the fine grading of terraces, light tilling and laying out of vine rows, installation of drip lines or other above-ground irrigation systems, installation of trellis systems, planting of grapevines, and other activities undertaken after the completion of initial vineyard work as part of the final land preparation and planting phase of an authorized vineyard planting or replanting.

"Initial vineyard planting work" means the removal of existing vegetation or agricultural plants, vines, or trees, grading, disking, ripping, soil chiseling, terracing, and other major soil conditioning and recontouring, vineyard field road construction, installation of underground drainage system, grassed waterways, diversion ditches, and other drainage improvements, installation/development of vineyard water supply system, installation of temporary and permanent erosion and sediment control measures, and other activities undertaken as part of the initial land preparation phase of an authorized vineyard planting or replanting.

"Highly erodible soils" means all of the following soils: Diablo, Los Osos, Goldridge, Dibble, Suther, Steinbeck, and Laughlin.

"Less erodible soils" means any soils that are not highly erodible soils.

"Level I authorized vineyard planting" means any vineyard planting on contiguous new vineyard land under common ownership within a significant drainage area that has similar slope characteristics and has either highly erodible soils and an average slope of less than ten percent (10%), or less erodible soils and an average slope of less than fifteen percent (15%).

"Level I authorized vineyard replanting" means any vineyard replanting on contiguous existing vineyard land under common ownership within a significant drainage area that has similar slope characteristics and has either highly erodible soils and an average slope of not more than fifteen percent (15%), or less erodible soils and an average slope of not more than thirty percent (30%).

"Level II authorized vineyard planting" means any vineyard planting on contiguous new vineyard land under common ownership within a significant drainage area that has

similar slope characteristics and has either highly erodible soils and an average slope of ten percent (10%) to not more than fifteen percent (15%), or less erodible soils and an average slope of fifteen percent (15%) to not more than thirty percent (30%).

"Level II authorized vineyard replanting" means any vineyard replanting on contiguous existing vineyard land under common ownership within a significant drainage area that has similar slope characteristics and has either highly erodible soils and an average slope of more than fifteen percent (15%), or less erodible soils and an average slope of more than thirty percent (30%).

"Level III authorized vineyard planting" means any vineyard planting on contiguous new vineyard land under common ownership within a significant drainage area that has similar slope characteristics and has either highly erodible soils and an average slope of more than fifteen percent (15%) to not more than fifty percent (50%), or less erodible soils and an average slope of more than thirty percent (30%) to not more than fifty percent (50%).

"List of county recognized civil engineers" means the list of county recognized civil engineers created and maintained by the agricultural commissioner pursuant to Section 30-46.

"Local agency" means any city, county, town, school district, or special district.

"New vineyard land" means any land proposed for vineyard planting that is not existing vineyard land.

"Person" means any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, or local agency.

"Percent slope" means the elevation change in feet divided by the horizontal distance in feet multiplied by 100 measured perpendicular to the contours on new or existing vineyard land prior to the commencement of any vineyard planting work.

"Permanent measure" means any permanent erosion or sediment control measure.

"Qualified civil engineer" means any registered civil engineer with knowledge of the requirements of this article and competence and experience in erosion and sediment control plan preparation and implementation.

"Qualified professional" means any registered landscape architect, certified professional in erosion and sediment control, certified rangeland management specialist, or other registered or certified professional acceptable to the agricultural commissioner,

with knowledge of the requirements of this article and competence and experience in erosion and sediment control plan preparation and implementation.

"Qualified person" means any qualified civil engineer, qualified professional, or other person with knowledge of the requirements of this article and competence and experience in erosion and sediment control plan preparation and implementation.

"Rainy season" means the period between November 1 and April 1 for authorized vineyard plantings, and the period between November 15 and April 1 for authorized vineyard replantings, except where the agricultural commissioner establishes earlier start dates or later end dates based on inclement weather conditions.

"Significant drainage area" means contiguous land, bounded by ridgelines, spurs, or other topographic divides, from which direct surface runoff from precipitation drains downslope into a common outlet.

"Temporary measure" means any temporary erosion or sediment control measure.

"USDA Soil Survey for Sonoma County" means the Soil Survey for Sonoma County, California, United States Department of Agriculture, Forest Service and Soil Conservation Service, issued May 1972, reviewed and approved for reprinting August 1990.

"USGS quadrangle map" means the most recent United States Geological Survey quadrangle map, 7.5 minute series.

"Vineyard" means contiguous land under common ownership devoted to cultivating grapevines producing wine grapes for commercial purposes.

"Vine interplanting" means the planting of young grapevines among established grapevines for the purpose of replacing the grapevines in a vineyard while keeping the infrastructure of the vineyard intact (i.e., minimal disturbance to the drainage system, irrigation system, trellis system, etc.).

"Vineyard planting" means the planting of a new vineyard. Vineyard planting shall not include vine interplanting or vine replacement.

"Vineyard planting work" means initial and final vineyard planting work.

"Vine replacement" means the planting of young grapevines among established grapevines for the purpose of replacing missing, dead, or diseased grapevines in a

vineyard. Vine replacement shall not exceed ten percent (10%) of a vineyard per year without prior written notice to the agricultural commissioner.

"Vineyard replanting" means the replanting of an existing vineyard. Vineyard replanting shall not include vine interplanting or vine replacement.

"Vineyard site" means any new vineyard land that is the subject of a Level I, II, or III authorized vineyard planting, or any existing vineyard land that is the subject of a Level I or II authorized vineyard replanting.

Division C. Vineyard Planting and Replanting Requirements.

Sec. 30-65. Compliance with article required.

No person shall undertake any vineyard planting or replanting without complying with the provisions of this article.

Sec. 30-66. Permitted and prohibited vineyard plantings and replantings.

(a) Any person may undertake an authorized vineyard planting or replanting pursuant to this article, provided the vineyard planting or replanting is otherwise permitted by this code.

(b) No person shall undertake a vineyard planting on any new vineyard land having a percent slope of more than fifty percent (50%), except where (i) the new vineyard land having a percent slope of more than fifty percent (50%) is situated in the interior (i.e., not on the perimeter) of the vineyard site, (ii) the totality of the new vineyard land having a percent slope of more than fifty percent (50%) comprises no more than seven and one-half percent (7½%) of the vineyard site, and (iii) the vineyard planting otherwise qualifies as an authorized vineyard planting.

Sec. 30-67. General requirements for authorized vineyard plantings and replantings.

(a) Any person undertaking a Level I authorized vineyard planting or replanting shall do all of the following:

(1) Notify the agricultural commissioner of the vineyard planting or replanting, and request that the agricultural commissioner review the vineyard planting or replanting as provided in Section 30-69; and

(2) Carry out the vineyard planting or replanting in accordance with the requirements of this article.

(b) Any person undertaking a Level II or III authorized vineyard planting, or a Level II authorized vineyard replanting shall do all of the following:

(1) Obtain a certified erosion and sediment control plan for the vineyard planting or replanting;

(2) Notify the agricultural commissioner of the vineyard planting or replanting; and request that the agricultural commissioner review the vineyard planting or replanting and the certified erosion and sediment control plan for the vineyard planting or replanting as provided in Section 30-70; and

(3) Carry out the vineyard planting or replanting in accordance with the requirements of this article and the certified erosion and sediment control plan for the vineyard planting or replanting.

Sec. 30-68. Pre-notice consultation for authorized vineyard plantings and replantings.

Prior to filing the notice required by Section 30-69 or 30-70, any person undertaking an authorized vineyard planting or replanting may consult with the agricultural commissioner regarding the vineyard planting or replanting and compliance with the requirements of this article. Any recommendations made by the agricultural commissioner during the consultation shall be advisory only.

Sec. 30-69. Notice and review requirements for Level I authorized vineyard plantings and replantings.

(a) Prior to commencing any vineyard planting work, any person undertaking a Level I authorized vineyard planting or replanting shall file a notice of the vineyard planting or replanting with the agricultural commissioner. All notices shall be in writing on forms provided by the agricultural commissioner's office, and shall be accompanied by such maps, plans, drawings, calculations, photographs, and other information as may be necessary or required by the agricultural commissioner to verify that the vineyard planting qualifies as a Level I authorized vineyard planting, or that the vineyard replanting qualifies as a Level I authorized vineyard replanting.

(b) Upon receipt of a notice for a Level I authorized vineyard planting or replanting, the agricultural commissioner shall review the notice and other documents submitted pursuant to subsection (a) of this section and shall, if necessary, request

additional data, clarification of submitted data, or augmentation of incomplete submissions. The agricultural commissioner shall authorize the vineyard planting or replanting to proceed if, after reviewing all submissions received, the agricultural commissioner determines that the vineyard planting qualifies as a Level I authorized vineyard planting or replanting. No vineyard planting work shall be commenced until after the agricultural commissioner has issued a written authorization to proceed.

Sec. 30-70. Notice and review requirements for Level II and III authorized vineyard plantings, and Level II authorized vineyard replantings.

(a) Prior to commencing any vineyard planting work, any person undertaking a Level II or III authorized vineyard planting, or a Level II authorized vineyard replanting shall file a notice of the vineyard planting or replanting with the agricultural commissioner. All notices shall be in writing on forms provided by the agricultural commissioner's office, and shall be accompanied by (i) such maps, plans, drawings, calculations, photographs, and other information as may be necessary or required by the agricultural commissioner to verify that the vineyard planting qualifies as a Level II or III authorized vineyard planting, or that the vineyard replanting qualifies as a Level II authorized vineyard replanting, and (ii) a certified erosion and sediment control plan for the vineyard planting or replanting.

(b) Upon receipt of a notice for a Level II or III authorized vineyard planting, or a Level II authorized vineyard replanting, the agricultural commissioner shall review the notice and other documents submitted pursuant to subsection (a) of this section and shall, if necessary, request additional data, clarification of submitted data, or augmentation of incomplete submissions. The agricultural commissioner shall authorize the vineyard planting or replanting to proceed if, after reviewing all submissions received, the agricultural commissioner determines that (i) the vineyard planting qualifies as a Level II or III authorized vineyard planting, or that the vineyard replanting qualifies as a Level II authorized vineyard replanting, and (ii) the certified erosion and sediment control plan for the vineyard planting or replanting conforms to the requirements of Section 30-74. No vineyard planting work shall be commenced until after the agricultural commissioner has issued a written authorization to proceed. The agricultural commissioner's review of the certified erosion and sediment control plan for the vineyard planting or replanting shall be limited to confirming that the plan was prepared, reviewed, and certified in accordance with Section 30-74, and that the plan includes all of the information required by that section.

(c) After vineyard planting work has commenced for a Level II or III authorized vineyard planting, or a Level II authorized vineyard replanting, the person undertaking the vineyard planting or replanting may submit to the agricultural commissioner modifications to the certified erosion and sediment control plan for the

vineyard planting or replanting to address newly discovered site-specific issues or field conditions. The agricultural commissioner shall review the modifications to determine whether the certified erosion and sediment control plan for the vineyard planting or replanting, as modified, conforms to the requirements of Section 30-74. The modifications shall not become effective until the agricultural commissioner verifies in writing that the certified erosion and sediment control plan for the vineyard planting or replanting, as modified, conforms to the requirements of Section 30-74. The agricultural commissioner's review of the modifications shall be limited to confirming that the certified erosion and sediment control plan, as modified, was prepared, reviewed, and certified in accordance with Section 30-74, and that the plan, as modified, includes all of the information required by that section.

Sec. 30-71. Field inspection requirements for authorized vineyard plantings and replantings.

The agricultural commissioner may conduct field inspections of any vineyard site for an authorized vineyard planting or replanting at any time the agricultural commissioner deems necessary or appropriate. The agricultural commissioner shall conduct field inspections of all vineyard sites for Level II and III authorized vineyard plantings, and Level II authorized vineyard replantings to (i) view the vineyard site prior to authorizing the vineyard planting or replanting to proceed, and (ii) verify compliance with the requirements of this article and the certified erosion and sediment control plan for the vineyard planting or replanting after the completion of all vineyard planting work.

Sec. 30-72. Riparian setback requirements for authorized vineyard plantings and replantings - Variance procedure.

(a) Any person undertaking a Level I authorized vineyard planting, or an authorized vineyard replanting shall establish and maintain a riparian setback for any designated stream on the vineyard site of either (i) twenty-five (25) feet from the top of the bank, or, if applicable, (ii) the distance specified in Section 26-66-030, whichever is greater.

(b) Any person undertaking a Level II or III authorized vineyard planting shall establish and maintain a riparian setback for any designated stream on the vineyard site of either (i) fifty (50) feet from the top of the bank, or, if applicable, (ii) the distance specified in Section 26-66-030, whichever is greater.

(c) Any person undertaking an authorized vineyard planting or replanting may apply to the board of supervisors for a variance from the strict application of the riparian setback requirements of this section. The application shall be accompanied by such maps, plans, drawings, calculations, photographs, and other information as may be necessary or

required by the board of supervisors to evaluate the variance request. The person undertaking the vineyard planting or replanting shall have the burden of providing the facts necessary to establish the need for the variance. Upon receipt of a complete application, the board of supervisors shall set and hold a public hearing on the variance request. Notice of the hearing shall be given pursuant to Section 30-51. Upon conclusion of the hearing, the board of supervisors may grant the variance only if it determines all of the following:

(1) Due to exceptional narrowness, shallowness, unusual shape, topographic conditions, or other extraordinary situation or condition of the vineyard site, the strict enforcement of the riparian setback requirements of this section would deprive the property of privileges enjoyed by other properties in the immediate vicinity and under identical zoning classifications;

(2) The reduced setback would not significantly reduce or adversely impact the riparian corridor;

(3) The reduced setback would not be detrimental or injurious to adjacent and/or downstream properties; and

(4) There is no reasonable alternative which would avoid or reduce the encroachment into the setback area.

(d) The activities and uses permitted within any riparian setback established pursuant to this section shall be limited to removal of non-native vegetation, installation and maintenance of drainage outlets, road crossings, utility crossings, irrigation crossings, and such other activities and uses as may be allowed by this code and the California Department of Fish and Game.

Sec. 30-73. Erosion and sediment control requirements for authorized vineyard plantings and replantings.

Any person undertaking an authorized vineyard planting or replanting shall comply with all of the following:

(a) All initial vineyard planting work shall be carried out between April 1 and October 15 for authorized vineyard plantings, and between April 1 and November 15 for authorized vineyard replantings, except where the agricultural commissioner establishes later start dates or earlier end dates based on inclement weather conditions.

(b) All final vineyard planting work shall be carried out between February 1 and October 15 for authorized vineyard plantings, and between February 1 and November

15 for authorized vineyard replantings, except where the agricultural commissioner establishes later start dates or earlier end dates based on inclement weather conditions.

(c) Emergency erosion and sediment control work may be carried out at any time.

(d) All disturbed areas on the vineyard site shall be protected during the rainy season. This requirement may be met by either temporary or permanent measures while vineyard planting work is being carried out, but shall be met by permanent measures by the time vineyard planting work is completed.

(e) A stormwater management system designed for an average storm recurrence interval of not less than twenty-five (25) years shall be installed on the vineyard site. The system shall allow excess stormwater runoff to be carried through the vineyard site with minimum erosion and consistent with the overall drainage patterns present in the area. This requirement may be met by either temporary or permanent measures while vineyard planting work is being carried out, but shall be met by permanent measures by the time vineyard planting work is completed.

(f) A sediment control system designed to minimize the discharge of sediment from the vineyard site shall be installed on the vineyard site. This requirement may be met by either temporary or permanent measures while vineyard planting work is being carried out, but shall be met by permanent measures by the time vineyard planting work is completed.

(g) Except where the agricultural commissioner establishes earlier deadlines based on inclement weather conditions, the temporary and permanent measures used to meet the requirements of subsections (d), (e), and (f) of this section while vineyard planting work is being carried out shall be in place by November 1 each year for authorized vineyard plantings, and by November 15 each year for authorized vineyard replantings, and shall be maintained throughout each rainy season until all vineyard planting work is completed.

(h) Use of best management practices to meet the requirements of subsections (d), (e), and (f) of this section shall be presumed to fulfill those requirements. Use of temporary and permanent measures that incorporate natural systems to meet the requirements of subsections (d), (e), and (f) of this section is encouraged.

Sec. 30-74. Certified erosion and sediment control plan requirements.

(a) All certified erosion and sediment control plans for Level II authorized vineyard plantings and replantings shall be prepared by a qualified person, and shall be

reviewed and certified by a county recognized civil engineer if not prepared by such an engineer.

(b) All certified erosion and sediment control plans for Level III authorized vineyard plantings shall be prepared by a qualified civil engineer or qualified professional, and shall be reviewed and certified by a county recognized civil engineer if not prepared by such an engineer.

(c) All certified erosion and sediment control plans shall comply with all of the following:

(1) Each plan shall be certified by a county recognized civil engineer. The certificate shall be dated and signed by the county recognized civil engineer who prepared or reviewed the plan, and shall certify that (i) the plan was prepared or reviewed by him or her, (ii) the plan contains all of the information required by this section, and (iii) the plan uses temporary and permanent measures that are sufficient to meet the requirements of Section 30-73.

(2) Each plan shall consist of narrative and graphic information of sufficient clarity to describe the vineyard site and indicate the nature, extent, and placement of all temporary and permanent measures. Each plan shall contain all of the following:

(A) The date the plan was prepared, the name of the person who prepared the plan, and the county recognized civil engineer who reviewed and certified the plan, if different than the person who prepared the plan.

(B) A description of the vineyard site, including, but not limited to, assessor's parcel number(s), topography, soil types, vegetation, streams, lakes, reservoirs, roads, homes, and existing drainage improvements. Identification of areas on the vineyard site that may have significantly more or less potential for erosion or sedimentation shall be included.

(C) A summary of the temporary and permanent measures to be used to protect disturbed areas and manage stormwater runoff on the vineyard site, and minimize the discharge of sediment from the vineyard site. A schedule for implementation, maintenance, and upkeep of the temporary and permanent measures, and provisions for responsibility of maintenance shall be included.

(D) A location map showing the vineyard site on the applicable USGS quadrangle map.

(E) A topographic site plan for the vineyard site at a scale of not less than 1" = 200' conforming to national map accuracy standards showing all of the following:

1. Perimeter boundary and vineyard layout, including row spacing, row direction, and terraces, if any.
2. Existing and finished contours at intervals of not more than five feet.
3. Location and boundaries of all soil types, as identified in the USDA Soil Survey for Sonoma County or other source acceptable to the agricultural commissioner.
4. Flow lines of surface waters onto and off the site.
5. Location, direction of flow, approximate location of centerline and top of banks of, and required setbacks from, any designated streams.
6. Location and general types of existing vegetation. Any existing vegetation that will remain undisturbed by the vineyard planting or replanting shall be identified.
7. Location of all existing buildings, structures, onsite sewage disposal systems, wells, and overhead utilities.
8. Location of all soil protection measures, including, but not limited to, cover cropping, mulching, netting, revegetation, and other surface stabilization measures.
9. Location of all stormwater management and sediment control measures, including, but not limited to, drainage swales, interceptor and diversion ditches, pipes and culverts, berms, energy absorbing structures, vegetative filter strips, sediment buffers, sediment basins, channels, and drop inlets.

(F) Construction details of all surface and subsurface drainage features, and erosion and sediment control measures, including materials of construction and installation requirements.

(G) A plan showing the drainage area of the stormwater management system. Supporting hydrologic and hydraulic calculations shall be included on the plan or separate sheets.

(H) Design calculations for storage capacities of any sediment basins.

(I) Any other plans, drawings, calculations, photographs, or other information the county recognized civil engineer preparing or reviewing the plan deems necessary or appropriate.

Division D. Enforcement.

Sec. 30-80. Stop orders.

When any work is being done contrary to the provisions of this article, the agricultural commissioner may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until the agricultural commissioner authorizes the work to proceed.

Sec. 30-81. Issuance of citations.

The agricultural commissioner may, pursuant to Section 836.5 of the Penal Code, arrest a person without a warrant whenever the agricultural commissioner has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the agricultural commissioner's presence, which misdemeanor is a violation of this article or any other ordinance or statute which the agricultural commissioner has a duty to enforce. Upon such arrest, the agricultural commissioner may, in accordance with Section 853.6 of the Penal Code, issue to such person a written notice to appear in court and may release such person on that person's written promise to appear in accordance with such notice.

Division E. Violations.

Sec. 30-85. Penalty for violation.

(a) Any person who violates or knowingly permits violation of any provision of this article shall be guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding six (6) months, or by both.

(b) In addition to the criminal penalty specified in subsection (a) and any other fee or penalty imposed by this code or by law, any person who violates or knowingly permits violation of any provision of this article shall pay to the county one of the

following sums, as determined by the agricultural commissioner to be appropriate in light of the nature, extent, and circumstances of the violation:

(1) Up to one thousand dollars (\$1,000.00) per day for each day or portion thereof that the violation continues; or

(2) In the event that the activity in violation may be permitted with appropriate approvals under this article, a penalty processing fee of not less than three (3) times and not more than ten (10) times the amount of the standard processing fee for such approval.

(c) Unless otherwise specified in any citation or notice of violation, each day or portion thereof that any violation of this article continues shall constitute a separate and distinct offense; the imposition of any penalty for any violation of this article shall not excuse the violation or permit it to continue; and any person who violates or knowingly permits violation of any provision of this article shall be required to correct or remedy the violation.

(d) The remedies or penalties provided by this section are cumulative to each other and to the remedies or penalties available under any other provision of this code or other laws.

SECTION III. The Board of Supervisors hereby finds and determines that this ordinance is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The Director of Permit and Resource Management is hereby directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines. If any finding or determination of this section is for any reason held to be unconstitutional or invalid, such decision shall automatically and immediately render this ordinance inoperative, suspended, and of no further force or effect.

SECTION IV. The Board of Supervisors hereby finds and determines as follows:

(a) On March 23, 1989, the Board of Supervisors adopted the county's current general plan - 1989 Sonoma County General Plan ("the General Plan"). The General Plan contains, in addition to the state mandated general plan elements, an agricultural resources element. The agricultural resources element was the first of its kind in the State of California. The purpose of the agricultural resources element is to acknowledge the importance of agricultural production in and to the county, to establish policies to insure the stability and productivity of the county's agricultural lands and industries, and to

express policies, programs, and measures that promote and protect the current and future needs of the county's agricultural industry. Section 2.9 of the agricultural resources element addresses streamlining permit processing for agricultural uses in designated agricultural land use categories. In that section, Goal AR-9 is to have agricultural permit processing procedures that are rapid and efficient, Objective AR-9.1 is to establish permit processing procedures that will simplify and shorten the decision making process for permits on agricultural lands, and Policy AR-9c is to establish procedures and standards to distinguish those agricultural uses and activities which may be approved by administrative action and to expedite the processing of permits for agricultural and agriculture related uses. These goals, objectives, and policies, when integrated with the remainder of the General Plan, give strong policy direction to expedite, as opposed to complicate, the processing of agricultural related permits for properties bearing one of the county's three agricultural land use designations (land intensive agriculture, land extensive agriculture, and diverse agriculture). In addition, Section 2.8.1 of the land use element, relating to areas designated resources and rural development, sets forth a policy to protect lands needed for agricultural production activities that are not otherwise subject to all of the policies of the agricultural resources element.

(b) The planting and replanting of vineyards in the county has heretofore been allowed ministerially as a matter of right. Given the goals, objectives, and policies cited above, it has been and continues to be the intention of the Board of Supervisors, in developing a vineyard erosion and sediment control ordinance, to ensure that any such ordinance be administered in a ministerial, as opposed to discretionary, manner. The imposition of a discretionary regulatory scheme relating to vineyard planting and replanting could, in turn, implicate the provisions of the California Environmental Quality Act ("CEQA"). The application of CEQA to vineyard planting and replanting could result in inappropriate and burdensome delays of lawful agricultural production activities in the county. Accordingly, the Board of Supervisors declares that it is its intention, in adopting the system of regulation relating to vineyard planting and replanting set forth in Section II of this ordinance, to achieve certain environmental protections while, at the same time, creating a ministerial system of regulation that is consistent with the goals, objectives, and policies cited above, and does not unduly complicate and discourage vineyard planting and replanting activities. The Board further declares that it is its intention that nothing set forth in Section II of this ordinance shall, in connection with any act or determination of the agricultural commissioner made pursuant thereto, vest in the agricultural commissioner or any other public agency or official any discretion with respect to approval of activities that may affect the physical environment which would make any notice or review required by Section II of this ordinance subject to the provisions of CEQA.

(c) Notwithstanding anything else contained in this ordinance to the contrary, including the provisions of Section V of this ordinance, if for any reason a superior,

district or appellate court enters or issues a final order, writ, judgment, or other finding that any act or determination of the agricultural commissioner made pursuant to Section II of this ordinance is subject to CEQA, then Sections 30-46, 30-49, 30-67, 30-68, 30-69, 30-70, 30-71, and 30-74 of the Sonoma County Code, as set forth in Section II of this ordinance or as subsequently amended, shall be automatically and immediately rendered inoperative, suspended, and of no further force or effect. Sections 30-46, 30-49, 30-67, 30-68, 30-69, 30-70, 30-71, and 30-74 of the Sonoma County Code, as set forth in Section II of this ordinance or as subsequently amended, shall be automatically and immediately reinstated and given full force and effect if the final order, writ, judgment or other finding is stayed or reversed by a higher court of competent jurisdiction.

SECTION V. Except as otherwise provided in Sections I, III, and IV of this ordinance, any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. Except as otherwise provided in Sections I, III, and IV 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. Notwithstanding any other provision of this ordinance, the provisions of Section II of this ordinance shall not apply to (i) any vineyard planting or replanting for which a grading permit was issued or vineyard planting work was commenced prior to October 1, 1999, or (ii) any vineyard planting or replanting commenced pursuant to the provisions of Ordinance Nos. 5188, 5205, or 5215.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the 1 day of Feb., 2000, and finally passed and adopted this 8 day of Feb., 2000, on regular roll call of the members of said Board by the following vote:

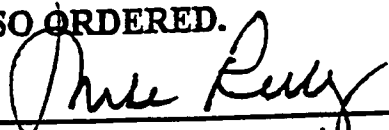
SUPERVISORS:

CALE _____ KERNs _____ SMITH _____ KELLEY _____ REILLY _____

AYES 5 NOES _____ ABSTAIN _____ ABSENT _____


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

SO ORDERED.



Chair, Board of Supervisors
County of Sonoma

ATTEST:



EEVE T. LEWIS, County Clerk and
ex-officio Clerk of the Board of
Supervisors

ORDINANCE NO. 5352

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING SECTION VI OF ORDINANCE NO. 5216 TO REQUIRE THAT ALL VINEYARD PLANTINGS EXEMPT FROM THE PROVISIONS OF SECTION II OF ORDINANCE NO. 5216 COMPLETE THEIR INITIAL VINEYARD PLANTING WORK BY OCTOBER 15, 2002, AND THAT ALL VINEYARD REPLANTINGS EXEMPT FROM THE PROVISIONS OF SECTION II OF ORDINANCE NO. 5216 COMPLETE THEIR INITIAL VINEYARD PLANTING WORK BY NOVEMBER 15, 2002, IN ORDER TO MAINTAIN THEIR EXEMPT STATUS

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

SECTION I. Section VI of Ordinance No. 5216 is amended to read as follows:

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. Notwithstanding any other provision of this ordinance, the provisions of Section II of this ordinance shall not apply to:

- (i) any vineyard planting or replanting for which a grading permit was issued or vineyard planting work was commenced prior to October 1, 1999, or
- (ii) any vineyard planting or replanting commenced pursuant to the provisions of Ordinance Nos. 5188, 5205, or 5215;

provided that all initial vineyard planting work for any such vineyard planting is completed by October 15, 2002, and that all initial vineyard planting work for any such vineyard replanting is completed by November 15, 2002.

SECTION II. The Board of Supervisors hereby finds and determines that this ordinance is categorically exempt from the California Environmental Quality Act ("CEQA")

pursuant to Section 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The Agricultural Commissioner is hereby directed to file a notice of exemption in accordance with the provisions of CEQA and the State CEQA Guidelines.

SECTION III. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and 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 IV. 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 -- day of -----, 2002,~~ and finally passed and adopted this 18 day of June, 2002, on regular roll call of the members of said Board by the following vote:

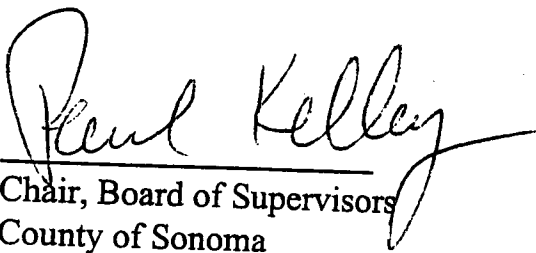
SUPERVISORS:

SMITH aye KELLEY aye REILLY aye KERNS absent

AYES 3 NOES ABSTAIN ABSENT 1

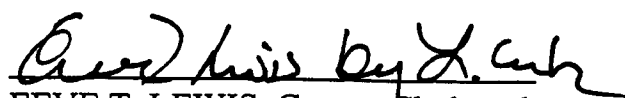
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.



Vice-Chair, Board of Supervisors
County of Sonoma

ATTEST:



EEVE T. LEWIS, County Clerk and
ex-officio Clerk of the Board of
Supervisors