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CONSTRUCTION UPDATE: Sonoma to consider new grading ordinance

Draft under review, will apply to vineyards and orchards too

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Staff Reporter

SONOMA COUNTY – The Board of Supervisors is set to consider a new ordinance with standards for grading, drainage and site development for not only roads and buildings but also vineyards and orchards early next month.

Farming and construction trade groups are poring over the 135-page draft ordinance distributed for comment Aug. 27. Some industry leaders so far are less anxious about that combination of standards than they were seven years ago when work on the ordinance began.

Nick Frey, president of the Sonoma County Winegrape Commission, said the draft encompasses much of the 1999 Vineyard Erosion and Sediment Control Ordinance, or VESCO, over which farming and environmentalist groups negotiated vigorously in the preceding several years. These new standards would amend the County Code and adopted 2007 state building codes, replacing VESCO with the Grading, Drainage and Site Development for Vineyards and Orchards Ordinance.

"All in all, it's pretty close," Mr. Frey said. "We didn't ask for it, but we can support it."

Just two years after VESCO went into effect, the county discovered it needed to have a more defined approach to management of dirt-moving activities to renew its National Pollution Discharge Elimination System permit, and some projects were criticized for allowing dirt to wash into creeks with protected fish.

Both VESCO and the draft ordinance include tiers of requirements for reporting planned activities and submitting erosion-control plans for planting and replanting based on the degree of slope and susceptibility of the soil to erosion.

VESCO doesn't address vineyard terracing and discing, and agricultural leaders were worried about building code ground-compaction standards having to apply to vineyards. Mr. Frey is pleased that the draft ordinance allows engineers flexibility in vineyard terrace design to prevent erosion and stifling of vines.

The draft also incorporates VESCO-style requirements for keeping planting and replanting at certain distances from waterways and wetlands. Discussion of greatly expanding the number of creeks and streams for which such setbacks would apply brought out more than 1,400 farmers to county planning commission hearings on that element of the General Plan 2020 update a year ago.

The General Plan is the county's central land-use planning document. The updated plan is scheduled to go before the board of supervisors for a final vote on Sept. 23. A draft of the grading ordinance is set to be introduced to the board Oct. 7, and a public hearing on it is tentatively scheduled for Oct. 21.

The stream setback issue isn't just a wine industry concern, according to Greg Hurd, vice president of Santa Rosa civil engineering firm Carlenzoli & Associates and a key member of the local chapter of the American Council of Engineering Companies.

"We're going to be looking at how the grading ordinance interfaces with these setbacks," he said.

A good thing for his clients is they can now look to one place in county codes for guidance on grading projects. However, it's still not clear which county agency would be administering grading permits.

VESCO gives authority for vineyard projects to the county Agricultural Commissioner, and many growers like it that way because the commissioner's staff is familiar with and has been prompt in assessing vineyard projects, according to Mr. Frey.

Such jurisdiction also was debated as Mendocino County was crafting its grading ordinance at about the same time, according to county documents. The county was on a similar track as in Sonoma County to prepare a grading ordinance as state water and wildlife regulators called for more control over erosion from projects, and the draft ordinance mirrored Sonoma's draft.

However, the Mendocino County Board of Supervisors in May of last year scrapped the ordinance after realizing state water-quality regulation had significantly tightened since grading standards first appeared the 1981 county general plan, according to county Planning and Building Director Raymond Hall.

Judging the effort for a new ordinance not worth the \$150,000-plus required to study the significant potential impact of the proposed grading ordinance on county agriculture, the Mendocino County supervisors scrapped the proposal and adopted rules for private-road construction.

Lake County adopted a grading ordinance in 1994, but a large-scale vineyard conversion project in 2001 led to a recent revision to include vineyard projects.

The draft Sonoma County grading ordinance can be downloaded at www.sonoma-county.org/prmd.