

OFFICE OF THE AGRICULTURAL COMMISSIONER

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Frequently Asked Questions for Vineyard and Orchard Site Development

Under the Grading, Drainage, and Vineyard and Orchard Site Development Ordinance (VESCO)

1. When do I need a VESCO permit to plant or replant a vineyard or orchard?
A VESCO permit is required prior to starting any vineyard or orchard site development or related work; including preparatory site clearing and soil disturbance, unless exempted from permit requirements (please refer to FAQ #2).
2. Are there permit exemptions?
The following activities may be conducted without obtaining a VESCO permit. These activities are still subject to the standards in Article 16 (ministerial standards for the proper conduct of grading, drainage improvement, and vineyard and orchard site development).

 - Replacing missing, dead, or diseased grapevines or orchard trees: Interplanting young grapevines or orchard trees among established grapevines or orchard trees for the purpose of replacing individual missing, dead, or diseased grapevines or orchard trees in a vineyard or orchard, where the drainage system, irrigation system, trellis system, and other vineyard or orchard infrastructure are kept intact with minimal disturbance. This shall not exempt the replanting of an entire vineyard or orchard.*
 - Planting and replanting hobby vineyard/orchard: planting and unlimited replanting of a vineyard/orchard for hobby purposes, where the vineyard/orchard is no more than one-half acre in land area. This exemption may only be used for one hobby vineyard/orchard per legal parcel.*
 - There is no permit required if you are permanently removing existing orchard or vineyard and you have no plans to return the land use back to orchard or vineyard.*
3. Do I need a VESCO permit to plant/replant a crop other than grapevines or fruit and nut trees?
No, please refer to FAQ #2
4. What is the purpose of obtaining a VESCO permit and why is one required?
Regulations were adopted to establish ministerial standards that:

 - Protect against soil loss, and the pollution of watercourses with soil and other pollutants;*
 - Protect the safety, use, and stability of public rights-of-way and watercourses;*
 - Protect watercourses from obstruction, and protect life and property from the deleterious effects of flooding;*
 - Protect streams, lakes, ponds, and wetlands.*

These objectives are addressed through the permit process, including the submitting of VESCO permit application and plans, and evaluation and inspection of project sites by the Agricultural Commissioner's Office.
5. How much does a VESCO permit cost?
The Fees range between \$436.00 and \$7,253.00 depending on the size, scope, and nature of the site and project.

6. I am interested in purchasing property to plant a vineyard/orchard. What kind of information can the Agricultural Commissioner's Office provide and how do I obtain this information?
There are several resources provided by the Agricultural Commissioner's Office. The following documents can be very useful in planning your development and are available on line:

- *Best Management Practices for Agricultural Erosion and Sediment Control"*
http://www.sonoma-county.org/aqcomm/pdf/bmp_handbook3.pdf)
- *"Chapter Six: Tree Removal and Erosion Control" and "Appendix" of the "BMP for Agricultural Erosion and Sediment Control"* (http://www.sonoma-county.org/aqcomm/pdf/vesco_%20Chapter_Six_TreeRemovalErosionControl.pdf and http://www.sonoma-county.org/aqcomm/pdf/vesco_final_appendix.pdf)
- *Sonoma County Code, Chapter 11* (<http://library.municode.com/index.aspx?clientId=16331>)
- *"The Vineyard Site Assessment Guide"* (http://cesonoma.ucanr.edu/viticulture717/Viticulture_Publications/)

You can request Pre-Application Consultation Services from the Agricultural Commissioner's Office- an "At-Cost" site visit by a member of our staff to evaluate site specific requirements.

Other available resources include:

- *"The Vineyard Manual" -available at the Southern Sonoma County RCD at*
http://www.sscr.cd.org/publications.php#vineyard_manual
- *"Fish Friendly Farming" -available through the California Land Stewardship Institute at*
www.fishfriendlyfarming.org/
- *"Reducing Risks through Sustainable Winegrowing: A Grower's Guide"-available through California Sustainable Winegrowing Alliance* www.sustainablewinegrowing.org/agrowersguide.php

7. I believe I need to obtain a VESCO permit. How do I get started? Are there application forms available online? What must be submitted?

Application packets with forms and instructions are available on the Agricultural Commissioner's webpage (<http://www.sonoma-county.org/aqcomm/vesco.htm>). *In addition, the following must be submitted when applying for a permit:*

Level I projects: (See FAQ # 10 to determine if your project is Level I or Level II)

- *USGS 7 ½ minute quadrangle map (including parcel boundaries) with areas to be planted or replanted outlined (See FAQ # 15 for more information)*
- *Recent color aerial photo (taken within the last two years) with areas to be planted or replanted outlined*
- *Completed application packet (including parcel owners signature or written consent)*
- *Appropriate fees*

Level II projects: (all items above, and below where appropriate)

- *Two copies of the project's Engineered Erosion Control Plan*
- *Electronic copy of the project's Erosion Control Plan (via email sent to Sonomaag@sonoma-county.org (or on physical media)*
- *For Projects Involving Tree Removal:*
 - *Completed Tree Removal Worksheet*
 - *Certified Engineering Geologist Report (identifying and characterizing areas of slope instability and or cohesionless soils)*

8. What are some of the other types of requirements should I be aware of?

Depending on the nature and scope of your project, other laws and regulations may be applicable, such as obtaining one or more of the following:

Permit Type	Issuing Agency	When Applicable
Sonoma Encroachment Permit	Sonoma County Permit & Resource Management Department (PRMD)	Access off of County Road Removal of Trees in County Right of Way Discharge of Drainage system into County Road Ditch
Grading Permit	PRMD	Cut or Fill of 2 feet or 50 cubic yards
Drainage Permit	PRMD	Any conveyance of surface water into an underground drainage structure
Well Permit	PRMD	Bringing sub-surface water to the surface
Streambed Alteration Permit	Ca. Dept. of Fish and Game	Altering a watercourse
Timber Conversion Permit	CAL-Fire	Changing land use from Timberland to another use (See FAQ # 18)

There are other permits that may be applicable. See page 7 of the VESCO permit application packet for more details. (http://www.sonoma-county.org/aqcomm/pdf/vineyard_orchard_dev_packet.pdf).

9. Do VESCO permits expire?

Yes, you have 5 years from the issue date to complete your project.

10. How do I determine the correct fee to submit with my VESCO application?

The fee is based primarily on slope, soil type, size, and if the project is a new or replanted vineyard or orchard. There are two major project types: Level I and Level II. First, use the following table to determine if your project is a Level I or Level II.

	Level I	Level II
Planting area with no highly erodible soils	15% or less natural slope	Steeper than 15% natural slope
Replanting area with no highly erodible soils	30% or less natural slope	Steeper than 30% natural slope
Planting area with any highly erodible soils	10% or less natural slope	Steeper than 10% natural slope
Replanting area with any highly erodible soils	15% or less natural slope	Steeper than 15% natural slope
Planting with tree removal, natural slope descending below ridgetop	50% or less natural slope for more than 500' in slope length above designated stream	Steeper than 50% natural slope for more than 500' in slope length above designated stream
Planting with tree removal, location of ridgetop (see Flowchart for New Development Projects)	Not on a designated watershed or sub-watershed divide	On a designated watershed or sub-watershed divide
TYPES OF HIGHLY ERODIBLE SOILS: Diablo, Los Osos, Goldridge, Dibble, Suther, Steinbeck, Laughlin PLANTING ON SITES WITH NATURAL SLOPE GREATER THAN 50% IS PROHIBITED. TREE REMOVAL ON SITES WITH NATURAL SLOPE ABOVE 40% ON COHESIONLESS SOILS IS PROHIBITED		

The list of fees for Level I and Level II projects can be viewed at:

http://www.sonoma-county.org/aqcomm/fee_schedule.htm#site_development.

There are also additional fees for Engineering/Geologic Review, Post-Approval Monitoring, Pre-Application Consultation Services, and any required Additional On-Site Inspections. See page 5 of the application packet for more details.

11. How do I find out the soil type for the project area?

You can consult a hard copy of the NRCS Soil Survey for Sonoma County (available at Sonoma County Libraries or in the Agricultural Commissioner's Office). There is also a web application (<http://casoilresource.lawr.ucdavis.edu/qmap/>) that can help you determine this information.

12. How do I determine the 'natural slope' for my project?

The "natural slope" of the project is the highest slope in the development area. This can be determined by referring to a 7 ½ minute USGS map, using a clinometer, or by a professional survey. Slope averaging is not allowed.

13. The VESCO ordinance prohibits site clearing or soil disturbance prior to having a permit. What is or is not considered soil disturbance or clearing?

Soil Disturbance is "any alteration to the natural surface of the ground through the use of construction equipment, tractors, and similar equipment". Site Clearing is "any removal of trees or other vegetation, including orchard trees and grapevines".

14. Can I replant dead or dying vines/trees without a VESCO permit?

In some cases, please see FAQ # 2.

15. What is a USGS 7 ½ minute Quadrangle Map, and how do I get one of my project site?

The USGS has produced topographical maps that cover a standardized area (seven and a half "minutes" in both latitude and longitude). Latitude/Longitude is broken down into smaller units, called minutes and seconds. Each minute is about 69 miles. These maps are available for sale directly from the USGS (and other vendors) or you can purchase a copy from the Sonoma County Permit and Resource Management Department (PRMD, <http://www.sonoma-county.org/prmd/index.htm>). Additionally you can print the relevant sections from PRMD's Active Map application (www.sonoma-county.org/prmd).

16. During what time of the year can site development work occur?

All site preparation and winterization for new vineyard and orchard development shall occur between April 1 and October 15. All site preparation and winterization for vineyard and orchard replanting projects shall occur between April 1 and November 15.

17. I want to remove some trees to plant a vineyard/orchard. What prohibitions, requirements, and exemptions are there related to removing trees?

There are several agencies that you may need to consult before removing trees from your property. If the trees are pines, firs or redwoods you may need a permit from Cal-Fire (see FAQ # 8 and 18). Also, Valley Oak removal may require a permit from PRMD. In addition, any tree that has nesting birds is protected.

The following tree removal standards under VESCO only apply to projects that involve the removal of more than one-half acre of tree canopy (not including orchard trees):

- *For all Level II projects proposing tree removal, a report by an engineering geologist shall be submitted identifying and characterizing areas of instability.*
- *For Level II projects proposing tree removal with natural slopes of 25 percent or less:*
 - *Applicants must use the Universal Soil Loss Equation (USLE) to show that the proposed development will cause no net increase in erosion from pre-development conditions.*

- For Level II projects proposing tree removal with natural slopes which are steeper than 25 percent:
 - Applicants must use the Revised Universal Soil Loss Equation (RUSLE2) to show no net increase in erosion from pre-development conditions.
 - Projects in mapped areas of potentially cohesionless soils must submit a report by an engineering geologist identifying any areas of cohesionless soils.
- For projects in areas with cohesionless soils, a slope stability analysis shall be conducted and tree removal shall be prohibited when the factor of safety will be less than 1.5 (under saturated conditions).
- Additionally, all projects proposing tree removal shall adhere to 50-foot setbacks for defined ridgetops. Setbacks for ridgetops may consist of a 25 foot grassy turnaround and 25 foot “no touch” zone or a 50 foot “no touch” zone. For more information, see “Chapter Six: Tree Removal and Erosion Control” of the “BMP for Agricultural Erosion and Sediment Control” (http://www.sonoma-county.org/aqcomm/pdf/vesco_%20Chapter_Six_TreeRemovalErosionControl.pdf) and Sonoma County Code, Chapter 11 (http://www.sonoma-county.org/aqcomm/pdf/vesco_final_adopted_ordinance.pdf).

18. When is a timber conversion permit (or timber harvest plan) required when removing trees for vineyard/orchard development, and who do I contact about these?

In California, anyone who conducts timber operations on timberland must obtain a permit to cut that timber from CAL-FIRE (per PRC § 4581). If your land is defined by CAL-FIRE as “Timberland” and you cut down trees on it to sell, trade, barter or exchange or you cut the trees and use the land where the trees were growing for another use (vineyard, house, driveway, etc.), then you have conducted “Timber Operations” and need to comply with the California State Forest Practice Rules. Please contact the CAL-FIRE Resource Management Office in Santa Rosa, at (707) 576-2344 for clarification.

For further information contact:
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