

Ordinance No. _____ Draft _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, to establish development standards for vineyards within the Santa Monica Mountains North Area Community Standards District.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.44.133 is hereby amended to read as follows:

22.44.133 Santa Monica Mountains North Area Community Standards District.

A. Intent and Purpose. The Santa Monica Mountains North Area Community Standards District (“CSD”) is established to implement the goals and policies of the Santa Monica Mountains North Area Plan in a manner that protects the health, safety, and welfare of the community, especially the surrounding natural environment.

B. District Boundary. The boundaries of the district are as shown on the map following this section.

C. Definitions.

— "Bed and breakfast establishment" means a single-family residence containing guest rooms used for short-term rental accommodations, which provides breakfast for guests of the facility.

— “Drainage course” means a stream

— "Gross structural area" (GSA) means the allowable floor area of the permitted development in square feet. The GSA includes the total floor area of all enclosed residential and storage areas, but does not include vent shafts, or the first 400 square feet of floor area in garages or carports designed for the storage of automobiles.

— "Stream" means a topographic feature that at least periodically conveys water through a bed or channel having banks; this includes watercourses having a surface or subsurface flow that support or have supported riparian vegetation.

— "Vineyard" is a plantation of grapevines, which has a minimum land area of 4,356 square feet, and typically produces table grapes or grapes used in winemaking.

— "Wildlife-permeable fencing" means fencing that can be easily bypassed by all species of wildlife found within the Santa Monica Mountains, including but not limited to deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles and birds.

D. Community-wide Development Standards.

1. Coastal Zone Boundary. When parcels are divided by the coastal zone boundary, the use of that portion of a parcel within the coastal zone shall be consistent with the ~~Malibu~~ Santa Monica Mountains Local Coastal Program Land Use Plan, and the use of that portion outside the coastal zone shall be consistent with the Santa Monica Mountains North Area Plan.

...

5. Significant Ridgeline Protection.

a. Ridgelines are defined as the line formed by the meeting of the tops of sloping surfaces of land. Significant ridgelines are ridgelines which, in general, are highly visible and dominate the landscape. The location of the significant ridgelines within this Community Standards District, and the criteria used for their designation, are set forth on the official Santa Monica Mountains North Area Plan Significant Ridgeline Map, prepared and maintained in the offices of the county

department of regional planning, which is adopted by reference as part of this ordinance, and on the map and corresponding appendix following this Section.

b. The highest point of a structure that requires any permit or a vineyard shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, wind energy conversion systems, and amateur radio antennas.

c. Where structures or vineyards on a lot or parcel of land cannot meet the standards prescribed by subsection D.5.b or D.8, as applicable, a variance as provided in Part 2 of Chapter 22.56 shall be required. In addition to the required findings set forth in Subsection A of Section 22.56.330, findings shall be made that: (1) alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used; and (2) the proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project such as, but not limited to, minimized grading, reduced structural height, clustered structures, shape, materials, and color that allow the structures to blend with the natural setting, and use of locally indigenous vegetation for concealment of the project, as described on the list referenced in subsection D.4.b.

...

8. Vineyards.

a. Applicability.

i. Any existing and lawfully established vineyard that conforms to the conditions on which it was legally established and meets the development standards set forth at D.8.b is considered a conforming vineyard.

ii. Any existing and lawfully established vineyard that conforms to the conditions on which it was legally established but is not fully consistent with the development standards of this subsection D.8.b shall be deemed a nonconforming use. Any vineyard which is nonconforming due to the requirements of this subsection D.8.b, must be removed or made to conform, within five years of the effective date of this ordinance. In order to become conforming a site plan review application must be filed with the department, whereby the Director verifies that the property complies the development standards listed in subsection D.8.b.

iii. A conditional use permit, as provided in Part 1 of Chapter 22.56, shall be required for all new and pending vineyard applications, including expansions and must meet the development standards specified in subsection D.8.b and D.8.c.

b. Development Standards for existing vineyards

i. Integrated Pest Management (IPM) techniques shall be used to prevent and control pests in a manner that avoids harm to other organisms, air, soil, and water quality. Such techniques include, but are not limited to, the following biological, cultural, and mechanical/physical controls used to prevent crop pests, weeds, and diseases:

(A) Soil and crop nutrient management practices;

(B) Sanitation measures to remove disease

vectors, weed seeds, and habitat for pest organisms;

(C) Cultural practices that enhance crop health,

including selection of plant species and varieties with regard to suitability to site-specific conditions and resistance to prevalent pests, weeds, and diseases;

(D) Application of biological, botanical, or mineral

inputs;

(E) Augmentation or introduction of predators or

parasites of the pest species, the importation of which shall be approved by United States Department of Agriculture, and be completed in compliance with all other applicable Federal and State laws and requirements;

(F) Development of habitat for natural enemies of

pests;

(G) Mulching with fully biodegradable materials;

(H) Mowing of weeds or hand weeding and

mechanical cultivation;

(I) At least one of the following per ten acres of

vineyard: owl box, kestrel box, raptor perch or bat and/or blue bird boxes for insect control; and

(J) Implementation measures to minimize

sharpshooter populations, including removing diseased vines as soon as detected, and using yellow sticky traps to monitor sharpshooter populations in and along vineyards within 100 feet of riparian habitat.

ii. Vineyards must use only drip irrigation, micro-

sprinklers, or similar types of non-aeration. The use of rain barrels and reclaimed water or “gray water” shall be required where feasible.

iii. The development shall conserve water, reduce water loss to evaporation, deep percolation, and runoff, remove leachate efficiently, and minimize erosion from applied water by implementing a managed irrigation system that includes all of the following components:

(A) Irrigation scheduling.

(B) Efficient application of irrigation water.

(C) Efficient transport of irrigation water.

(D) Management of drainage water.

iv. A comprehensive water report of vineyards that includes total water used at the vineyard throughout the year shall be prepared at the end of each calendar year and submitted to the Director.

v. Permanent vegetation shall be planted or resident vegetation shall be maintained between crop rows. The species of ground cover shall foster cycling of resources. Common barley (*Hordeum vulgare*) and certified disease- and weed-free woodchips would be acceptable ground cover. The species of ground cover shall be non-invasive and appropriate to the site as determined by the Director. The grower shall seek advice from an appropriate cover crop specialist for site-specific recommendations.

vi. Hedgerows, shrubs, and grasses with native and, if

appropriate, non-native flowering plants shall be maintained throughout the property to preserve habitat for wildlife and pest predators. Natural nesting sites and perches shall be maintained.

vii. At no time shall clearing to bare earth or discing be acceptable methods of maintenance within vineyards.

viii. An erosion control/water quality plan shall be submitted that complies with the following conditions:

(A) Planting areas shall be designed utilizing the water quality design elements of low-impact development pursuant to Section 12.84 et seq, so that runoff from the planting area, from both irrigation and stormwater, is treated or retained onsite. Site specific water quality measures may include, but are not limited to:

- (1) bioretention facilities
- (2) Infiltration basins
- (3) infiltration trenches
- (4) dry wells
- (5) biofiltration areas such as bioswales
- (6) stormwater planters
- (7) tree-well filters
- (8) vegetated swales or filter strips
- (9) sand filters
- (10) constructed wetlands
- (11) extended detention basins

(12) wet ponds

(13) any combination of the above.

(B) Planting areas shall implement temporary and/or permanent measures as appropriate to minimize the transport of sediment and to control erosion to prevent water quality degradation by sediment delivery sites. Site specific erosion control measures may include, but are not limited to:

(1) hydraulic mulch

(2) Hydroseeding

(3) soil binders

(4) straw mulch

(5) geotextiles and mats

(6) wood mulching

(7) earth dikes and drainage swales

(8) velocity dissipation devices

(9) slope drains

(10) streambank stabilization

(11) compost blankets

(12) silt fences

(13) sediment basins

(14) sediment traps

(15) check dams

(16) fiber rolls

(17) gravel bag berms

- (18) sandbag barriers
- (19) strawbale barriers
- (20) storm drain inlet protection
- (21) the use of active treatment systems
- (22) silt dikes
- (23) compost socks and berms
- (24) biofilter bags
- (25) any combination of the above, or other approved erosion control methods.

ix. All vineyard owners shall record in the office of the County Registrar Recorder, a maintenance agreement/covenant, approved as to form and content by the Director of Public Works, for all privately maintained water quality, erosion control, or drainage devices prior to approval of the water quality/erosion control plan.

x. Runoff shall be diverted, with a berm or other such measure, around the storage or disposal area for waste, crop residues, waste by-products, fertilizers, oils, soil amendments, and any other agricultural products or materials utilized in the planting and growing of crops, to prevent contamination of surface waters. Waste and waste byproducts must be contained, and if feasible reused, on the area on which crops are grown until disposed of in a manner that does not negatively impact natural resources. Waste, compost, oils, chemicals, manure, fertilizers, and other similar materials shall be stored: (1) in a sealed area, either inside a structure or in a covered container with an impervious bottom surface; and (2) at least

200 feet away from any stream/natural drainage course, or any underground water source used for human consumption.

xi. Anti-dust strategies that do not rely on water applications or increase the amount of impervious surface shall be implemented for roads and accessways. Strategies include, but are not limited to: applying appropriate non-toxic materials along roadways, such as gravel, sand, porous paving materials and mulches.

xii. No burning is allowed in the vineyard

xiii. The total amount of hazardous materials onsite and hazardous waste generated shall be monitored, tracked, and recorded.

c. Development Standards for new or expanded vineyards. In addition to the development standards listed above at 8.D.b. the following standards apply to new or expanded vineyards:

i. Vineyards shall be limited to slopes with a slope ratio of 3:1 or less (33 percent slope),

ii. Vineyards shall comply with the siting requirements of Section 22.44.133.D.5.b, and are prohibited on Significant Ridgelines.

iii. Vineyards shall not exceed a maximum of two acres in area per parcel.

iv. Vineyards located in a Significant Ecological Area, as shown in Figure 9.3 of the 2015 Los Angeles County General Plan, shall comply with the requirements of Section 22.56.215.

v. To the extent feasible, vineyards shall be sited within the approved site area of a structure and/or the associated irrigated fuel modification zones.

vi. For each vineyard application, the applicant shall be required to provide expected annual water usage for irrigation of vineyard as well as on-site operations related to vineyard production.

vii. For each vineyard application, the applicant shall indicate the water source proposed for the site and whether a new well or deeper well will be needed;

(A) If a new or deeper well is needed, the applicant shall provide the depth of the well, projected flow rate, and any anticipated impacts to surrounding region, where feasible.

viii. For each vineyard application, the applicant shall be required to provide a visual simulation of the vineyard(s) as seen from public roads, parks, and trails.

ix. For each vineyard application, a site-specific survey shall be conducted by a qualified biologist to identify, characterize, and delineate habitat types present as well as any special status plant or animal species. The survey should also include an assessment of how proposed vineyard development may impact habitat function and connectivity. Vineyards shall be sited and designed to avoid or minimize impacts to or removal of sensitive and rare species and habitat areas, as determined by the site survey.

x. Vineyards shall not be visible from scenic highways (Figure 9.7 Scenic Highways Map of the General Plan) or the Backbone Trail (Figure 10.1 Regional Trail System Map of the General Plan). If there is no feasible location on the proposed project site where the vineyard would not be visible from a Scenic Highway or the Backbone Trail, then the development shall be sited and designed to minimize impacts on Scenic Highways and the Backbone Trail through measures that may include, but not limited to, siting development in the least visible portion of the site, designing plantings to blend into the natural hillside setting, restricting the vineyard size, minimizing grading, incorporating landscape and screening elements, and where appropriate, berming. The preferred methods to avoid impacts to scenic highways and the Backbone Trail are site selection and design alternatives rather than landscape screening.

xi. Vineyards shall not be located in or within 100 feet of areas containing the following sensitive habitat types:

(A) Alluvial scrub: In the Santa Monica Mountains North Area, alluvial scrub is dominated by scalebroom (*Lepidospartum squamatum*).

(B) Wetland: includes creeks, streams, marshes, seeps and springs.

(C) native grassland and scrub with a strong component of native grasses or forbs: Native grassland and scrub vegetation are those areas characterized by native grasses and native shrubs. Areas where native grasses are associated with trees or large shrubs (e.g., toyon) are typically not considered native grasslands. An important exception is where native grasses are associated with coast

live or valley oak which is indicative of oak savannah habitat. Native grassland often supports numerous native forbs and some areas of native grassland will include a large percent of non-native annual grasses.

(D) riparian, native oak, sycamore, walnut and bay woodlands: Riparian habitat includes all vegetation (canopy and understory species) associated with a creek or stream including, but not limited to, sycamore, coast live oak, black walnut, white alder, Fremont cottonwood, black cottonwood, mulefat, arroyo willow, red willow, blackberry, mugwort, and Mexican elderberry. In the Santa Monica Mountains North Area, where chaparral or coastal sage scrub occur within or adjacent to creeks or streams and function as riparian habitat, these areas are considered to be sensitive riparian habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included as sensitive habitat types.

(E) rock outcrop: Rock outcrops comprised of either volcanic or sedimentary/sandstone rocks are frequently associated with a unique community of rare annual plants and lichens and are therefore qualify as sensitive habitat.

(F) Sensitive habitat types also include populations of plant and animal species listed by the State or federal government as rare, threatened or endangered, assigned a Global or State conservation status rank of 1, 2, or 3 by the California Department of Fish and Wildlife, per the methodology developed by NatureServe, and identified as California Species of Special Concern.

(G) Sensitive habitat types also include common habitats

where they support populations of special-status animals and California Native Plant Society-listed Rank 1A/B and 2A/B special-status plants normally associated with sensitive habitat types.

xii. For each vineyard application, the applicant shall provide proof of legal access for any new development that is not accessed directly from a public roadway.

xiii. Where there is a stream or drainage course on or adjacent to the property containing a vineyard, there shall be a buffer of at least 100 feet in width from the outer edge of the canopy of riparian vegetation associated with a stream/drainage course. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream. Vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted within buffers, unless required for fire suppression. Banks of water courses shall maintain native vegetation adjacent to the water way.

xiv. All fencing shall be sited and designed to allow wildlife movement. Fencing shall comply with the following development standards, in addition to the standards in Section 22.44.133.F.2.d, except where the Director approves an alternative fencing plan per 8.D.c.xiii (below), finding such is necessary to protect vineyard crop areas from wildlife.

(A) Fence material shall be of wood or an alternative material that gives the appearance of wood, such as wood composite or recycled material.

(B) Fences shall not contain barbed material, including but not limited to spikes, barbs or razorblades.

(C) The maximum height of the fence shall be 48 inches, measured from the ground.

(D) Fencing material shall not incorporate wire mesh netting or chicken wire that prevents the ingress by wildlife

(E) The bottom edge of the fence shall be no lower than 18 inches from the ground.

xv. If the applicant requests alternative fencing, the applicant shall submit a fencing plan that demonstrates how the proposed fencing would result in the fewest or least significant impacts to wildlife, scenic resources and sensitive habitat, to the satisfaction of the Director. The plan shall include, but not be limited to:

(A) A scaled site plan with elevations showing the proposed fence locations, setbacks and height measurements, materials and colors.

xvi. Vineyard development shall not remove, encroach into the protected zone or cause damage to oak trees.

xvii. Grading, landform alteration, and vegetation removal for access roads and driveways shall be minimized to the greatest extent feasible. The length of the one access road or driveway shall be the minimum necessary to provide access to the vineyard. The alignment and design of the access road or driveway shall avoid impacts to sensitive habitats, or if avoidance is not feasible, shall minimize such impacts. In no case shall new on-site or off-site access roads or driveways exceed a maximum of 300 feet or one-third the parcel depth, whichever is less, unless the County

finds, based on substantial evidence, that a modification of this standard is warranted, in accordance with the requirements of the conditional use permit procedure contained in Part 1 of Chapter 22.56. In addition to the required findings set forth in the conditional use permit procedure contained in Part 1 of Chapter 22.56, findings shall be made that alternative access road or driveway locations within the property or project have been considered and eliminated from consideration because each alternative was found to be physically infeasible, less protective of scenic resources, sensitive habitat, areas or other natural resources, or has the potential for substantial habitat destruction if any such alternative site or driveway location is used.

d. Modification of Development Standards. Any modification of the development standards contained in this subsection D.8 shall be considered through the variance procedure contained in Part 2 of Chapter 22.56.

_____ E. Zone-specific Development Standards.

...