

ANALYSIS

This ordinance amends Section 22.44.133 of Title 22 – Planning and Zoning of the Los Angeles County Code to establish regulations for all vineyards in the Santa Monica Mountains North Area Community Standards District, and to require a conditional use permit for all new or expanding vineyards.

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By


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JMJ:ph

Requested: 11/13/15

Revised: 12/04/15

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, to establish regulations for all existing vineyards in the Santa Monica Mountains North Area Community Standards District, and to require a conditional use permit for all new or expanding vineyards.

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.

— "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 drainage courses and watercourses having a surface or subsurface flow that support or have supported riparian vegetation.

— "Vineyard" is a plantation of grapevines that typically produces table grapes or grapes used in winemaking, which has a minimum size of 4,356 square feet, except as otherwise delineated in this CSD.

— "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.

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8. Vineyards.

a. Applicability.

i. Any existing and lawfully established vineyard as of the effective date of the ordinance that added subsection D.8 to this CSD that meets the requirements set forth in subsection D.8.b.i shall be deemed a conforming vineyard.

ii. Notwithstanding the legal nonconforming use provisions in Part 10 of Chapter 22.56, this subsection D.8.a.ii shall regulate all legal nonconforming vineyards within this CSD. Any existing and lawfully established vineyard as of the effective date of the ordinance that added subsection D.8 to this CSD that does not meet the requirements set forth in subsection D.8.b.i shall be deemed a legal nonconforming use. Any vineyard which is a legal nonconforming use due to the requirements set forth in subsection D.8.b.i must be removed or made to conform, within five years of the effective date of the ordinance that added subsection D.8 to this CSD. To prove conformance, the applicant shall show under a site plan review, and subject to the approval of the Director, compliance with the requirements set forth in subsection D.8.b.i.

iii. All new vineyard, pending vineyard, and vineyard expansion applications as of the effective date of the ordinance that added subsection D.8 to this CSD shall require a conditional use permit, as provided in Part 1 of Chapter 22.56.

b. Vineyard Requirements.

i. All vineyards, regardless of size, including vineyards that are less than 4,356 square feet must comply with the following requirements:

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

(1) Soil and crop nutrient management practices;

(2) Sanitation measures to remove disease vectors, weed seeds, and habitat for pest organisms;

(3) Cultural practices that enhance crop health, including selecting plant species and varieties with regard to site-specific conditions and their resistance to prevalent pests, weeds, and diseases;

(4) The application of biological, botanical, or mineral inputs;

(5) The augmentation or introduction of predators or parasites of the pest species, the importation of which shall be approved by the United States Department of Agriculture and be completed in compliance with all other applicable federal, State, and local laws and requirements;

(6) The development of habitat for natural enemies of pests;

(7) Mulching with fully biodegradable materials;

(8) Mowing or mechanical cultivation of weeds, and/or hand weeding;

(9) The placement of at least one of the following per 10 acres of vineyard: an owl box, kestrel box, raptor perch or bat, and/or blue bird boxes for insect control; and

(10) The implementation of measures to minimize sharpshooter populations, including the removal of diseased vines as soon as detected, and the use of yellow sticky traps to monitor sharpshooter populations in and along the vineyard within 100 feet of riparian habitat.

(B) The vineyard 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 drip-irrigation micro-sprinkler or similar type of non-aeration watering system that includes all of the following:

(1) Irrigation scheduling;

(2) The efficient application of irrigation

water;

(3) The efficient transport of irrigation water;

(4) Management of drainage water; and

(5) The use of rain barrels and reclaimed

water or "gray water," where feasible.

(C) At the end of each calendar year, a comprehensive water report shall be prepared and submitted to the Director that includes total water used at the vineyard throughout the year.

(D) An erosion control/water quality plan that complies with the conditions in this subsection (D) shall be submitted. Such plan shall be approved by DPW, and a covenant evidencing the approved plan shall be recorded with the County Registrar-Recorder. The conditions required for the erosion control/water quality plan are that:

(1) Planting areas shall be designed utilizing the water quality design elements of low-impact development pursuant to Chapter 12.84 of this Code, so that runoff from the planting areas, from both irrigation and storm water, are treated or retained onsite. Site specific water quality measures may include, but are not limited to, the installation or implementation of:

- (a) Biofiltration areas such as bioswales;
- (b) Bioretention facilities;
- (c) Constructed wetlands;
- (d) Dry wells;
- (e) Extended detention basins;
- (f) Infiltration basins;
- (g) Infiltration trenches;
- (h) Sand filters;

- (i) Stormwater planters;
- (j) Tree-well filters;
- (k) Vegetated swales or filter strips;
- (l) Wet ponds;
- (m) Any combination of the above.

(2) Planting areas shall implement

temporary and/or permanent measures as appropriate to minimize the transport of sediment to or from the site and to control erosion to prevent water quality degradation from sediment discharge. Site specific erosion control measures may include, but are not limited to the installation or implementation of:

- (a) Active treatment systems;
- (b) Biofilter bags;
- (c) Check dams;
- (d) Compost blankets;
- (e) Compost socks and berms;
- (f) Earth dikes and drainage swales;
- (g) Fiber rolls;
- (h) Geotextiles and mats;
- (i) Gravel bag berms;
- (j) Hydraulic mulch;
- (k) Hydroseeding;
- (l) Sandbag barriers;

- (m) Sediment basins;
- (n) Sediment traps;
- (o) Silt dikes;
- (p) Silt fences;
- (q) Slope drains;
- (r) Soil binders;
- (s) Storm drain inlet protection;
- (t) Straw mulch;
- (u) Strawbale barriers;
- (v) Streambank stabilization;
- (w) Velocity dissipation devices;
- (x) Wood mulching;
- (y) Any combination of the above.

(E) Permanent vegetation shall be planted or resident vegetation shall be maintained between vineyard crop rows for ground cover. The species of vineyard ground cover shall foster cycling of resources. Common barley (*Hordeum vulgare*) and certified disease- and weed-free woodchips are acceptable ground cover. The species of vineyard 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.

(F) 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.

(G) Clearing to bare earth or discing shall never be an acceptable method of maintenance at the vineyard.

(H) Runoff from the vineyard shall be diverted, with a berm or other such measure, around the vineyard's 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.

(I) Waste and waste byproducts from the vineyard 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.

(J) Waste, compost, oils, chemicals, manure, fertilizers, and other similar materials for the vineyard 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.

(K) For access roads and driveways to the vineyard, anti-dust strategies that do not rely on water applications or increase the amount of impervious surface shall be implemented. These strategies shall include, but not be limited to, the application of appropriate non-toxic materials along roadways, such as gravel, sand, porous paving materials, and mulches.

(L) No burning shall be allowed in the vineyard.

(M) The vineyard's total amount of hazardous materials used, stored, and/or generated shall be monitored, tracked, and recorded.

ii. All new vineyard, pending vineyard, and vineyard expansions, regardless of size, including vineyards that are less than 4,356 square feet, shall not be planted on a slope with a slope ratio greater than 3:1 (33 percent slope).

iii. Additional CUP Requirements. In addition to the requirements above in subsections D.8.b.i and D.8.b.ii, vineyards requiring a CUP shall also comply with the following:

(A) The vineyard shall be prohibited on significant ridgelines as defined in this CSD and shall comply with the siting requirements for structures requiring a permit under subsection D.5.b of Section 22.44.133. Any variance sought from this requirement must comply with the procedures set forth in subsection D.5.c of Section 22.44.133.

(B) The vineyard shall not exceed a maximum of two acres in size per lot or parcel.

(C) Any vineyard 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.

(D) To the extent feasible, the vineyard shall be sited within the approved area of a building structure and/or the associated irrigated fuel modification zone, which is typically 100 feet from such structure.

(E) To the extent feasible, the vineyard shall not be visible from a scenic highway (as depicted in Figure 9.7, Scenic Highways Map, of the General Plan) or the Backbone Trail (as depicted in Figure 10.1, Regional Trail System Map, of the General Plan). If no feasible location on the proposed project site exists where the vineyard would not be visible from a scenic highway or the Backbone Trail, the vineyard shall be sited and designed to minimize its impacts on the involved scenic highway and/or the Backbone Trail. These mitigation measures may include, but not be limited to, siting the vineyard in the least visible portion of the site, designing the vineyard plantings to blend into the natural hillside setting, restricting the vineyard size, minimizing grading for the vineyard, incorporating landscape and screening elements into the vineyard design, and where appropriate, berming at the vineyard. The preferred mitigation measures in this subsection are site selection and design alternatives, rather than landscape screening.

(F) The vineyard shall not be located in or within 200 feet of an area containing any of the following sensitive habitat types:

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

(2) A wetland, including a creek, stream, marsh, seep and/or a spring.

(3) Native grassland and scrub with a strong component of native grasses or forbs. Areas where native grasses are

associated with trees or large shrubs (e.g., toyon) are typically not considered native grasslands. An exception is oak savannah habitat, where it is associated with coast live or valley oak, which is considered native grassland. Native grassland often supports numerous native forbs and some areas of native grassland will include a large percent of non-native annual grasses.

(4) Riparian, native oak, coast live and/or valley oak, sycamore, walnut, and/or bay woodlands: Riparian habitat includes all vegetation (canopy and understory species) associated with a 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. Areas in the Santa Monica Mountains North Area where chaparral or coastal sage scrub occur within or adjacent to streams and function as riparian habitat are considered sensitive riparian habitat.

(5) 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 constitute a sensitive habitat.

(6) Any population of plant and/or animal species listed by the State or federal government as rare, threatened, or endangered, or assigned by the California Department of Fish and Wildlife, under the methodology developed by NatureServe, a global or State conservation status rank of 1, 2, or 3, and thereby identified as a California Species of Special Concern.

(7) Common habitats which support a population listed in subsection (6) above.

(G) Where a stream exists on or adjacent to the property containing the vineyard, a buffer shall be installed at least 100 feet in width from the outer edge of the bank of the stream, unless a canopy of riparian vegetation associated with the stream is present, and then the buffer shall be measured from the outer edge of the canopy. Vegetation removal, vegetation thinning, or the planting of non-native or invasive vegetation shall not be permitted within any such buffer, unless required for fire suppression. Banks of streams shall maintain native vegetation adjacent to the water way.

(H) Notwithstanding any other fencing requirement in this CSD, all vineyard fencing shall be wildlife permeable. Notwithstanding the foregoing, non-wildlife permeable fencing may be used to surround the immediate area of any building structures on the site, but such fencing may extend no further than the outer edge of the fuel modification setback zone for such structure, as required by the Fire Department, typically 20 feet. Such non-wildlife permeable fencing shall be installed solely for safety purposes and shall be no more than six feet in height. Vineyard plantings may be permitted within these non-wildlife permeably fenced areas, provided that all other applicable requirements set forth at subsection D.8.b are met.

(I) Wildlife permeable vineyard fencing shall comply with the following:

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

(2) The fencing shall not contain barbed material, such as spikes, barbs, or razorblades.

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

(4) The fencing material shall not incorporate wire mesh netting or chicken wire that prevents ingress by wildlife.

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

(J) The vineyard development shall not result in the damage, removal, and/or encroachment into the protected zone, of an oak tree(s).

(K) All grading, landform alteration, and vegetation removal for access roads and driveways for the vineyard 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 any impact to sensitive habitats, and if such avoidance is not feasible, shall minimize any such impact. In no case shall a new on-site or off-site access road or driveway exceed a maximum of 300 feet or one-third the lot or parcel depth, whichever is less, unless the Director finds, based on substantial evidence, that a modification of this standard is warranted, in accordance with the

procedures set forth in Part 11 of Chapter 22.56 for modifying a CUP. In addition to the required findings set forth in Part 11 of Chapter 22.56, if the Director finds that a modification of this requirement is warranted, the Director shall make findings that alternative access roads or driveways have been considered and eliminated from consideration because the alternative(s) were found to be physically infeasible, less protective of scenic resources, sensitive habitat areas or other natural resources, and/or have the potential for substantial habitat destruction if any such alternative(s) were used.

(L) The vineyard CUP application shall, in addition to the CUP application requirements under Part 1 of Chapter 22.56:

(1) Provide expected annual water usage for irrigation of the vineyard as well as for on-site operations related to vineyard production.

(2) Indicate the water source proposed for the vineyard and whether a new or deeper well will be needed:

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

(3) Provide a visual simulation of the vineyard(s) as seen from the nearby public roads, parks, and trails.

(4) Include a site-specific survey, conducted by a qualified biologist, to identify, characterize, and delineate habitat types present at

the site as well as any special status plant or animal species at the site. The survey should include an assessment of how the proposed vineyard development may impact habitat function and/or connectivity. Vineyards shall be sited and designed to avoid or minimize any impact to or removal of sensitive and rare species and habitat areas, as determined by the site survey.

(5) Provide proof of legal access for any new development associated with the vineyard that is not accessed directly from a public right of way.

c. Modification of Vineyard Requirements. Except for access road and driveway modifications as provided for in subsection D.8.b.iii.(K), all other modification(s) of the requirements set forth in subsection D.8.b shall be considered through the variance procedure contained in Part 2 of Chapter 22.56. Any modification of the requirement set forth in subsection D.8.b.iii.(A) shall also be supported with the required findings set forth in subsection D.5.c.

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SECTION 2. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Hilda F. Solis
Chair

ATTEST:

Patrick Ogawa

Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of December 8, 2015 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Noes

Supervisors Hilda Solis
Mark Ridley-Thomas
Sheila Kuehl
Don Knabe
Michael D. Antonovich

Supervisors None

Effective Date: January 7, 2016

Operative Date:

Patrick Ogawa

Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

PATRICK OGAWA
Acting Executive Officer
Clerk of the Board of Supervisors

By Anta
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By Lester J. Tolhai
Lester J. Tolhai
Acting Chief Deputy County Counsel