ANALYSIS

This ordinance extends Interim Ordinance No. 2015-0022U for a maximum of one-hundred twenty (120) days to November 25, 2015, and allows for a Director's Review of pending applications as of June 16, 2015, to confirm that requirements set forth in the extension ordinance are met. Interim Ordinance No. 2015-0022U adopted on June 16, 2015, temporarily prohibits the establishment or expansion of vineyards, either as a primary or accessory use, on all properties in the Santa Monica Mountains North Area Community Standards District in the County of Los Angeles while a study is conducted to consider a possible zoning amendment to address land use compatibility issues related to vineyards in that area.

This extension ordinance is an urgency measure that requires a public hearing and a four-fifths vote by the Board of Supervisors for adoption.

MARY C. WICKHAM
Interim County Counsel

By
JILL M. JONES
Deputy County Counsel
Property Division

JMJ:ph

Received: 7-23-15

Revised: 7-24-15

ORDINANCE NO. 2015-0030U

An ordinance extending Interim Ordinance No. 2015-0022U, temporarily prohibiting the establishment or expansion of vineyards, either as a primary or accessory use, on properties in the Santa Monica Mountains North Area Community Standards District in the County of Los Angeles, except that pending applications as of June 16, 2015 may proceed pursuant to the requirements set forth in Section 5, while a study is conducted to consider a possible zoning amendment to address land use compatibility issues related to vineyards in that area, and declaring the urgency thereof and that this ordinance will take effect immediately.

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

SECTION 1. Interim Prohibition.

Pursuant to section 65858 of the Government Code, the Board of Supervisors having held a public hearing, hereby extends Interim Ordinance No. 2015-0022U to November 25, 2015. Interim Ordinance No. 2015-0022U provided, and this extension similarly provides, that no vineyard, either as a primary or accessory use, shall be established or expanded upon any property that is within the area regulated by the Santa Monica Mountains North Area Community Standards District ("CSD"), as identified on the map following Los Angeles County Code Section 22.44.133 ("Santa Monica Mountains North Area"), except as set forth below at Section 5.

SECTION 2. Authority.

Interim Ordinance No. 2015-0022U was adopted on June 16, 2015. Unless this ordinance takes effect on or before July 31, 2015, Interim Ordinance No. 2015-0022U

will expire. California Government Code section 65858 provides that any urgency measure in the form of an initial interim ordinance may be adopted without following the procedures otherwise required prior to adoption of a zoning ordinance, by a four-fifths vote of the Board of Supervisors, which shall be effective for only forty-five (45) days following its adoption. Government Code section 65858 further provides that such an urgency measure may be extended, following compliance with that section, for up to an additional ten (10) months and fifteen (15) days beyond the original forty-five (45) day period, and it can be extended a second time for an additional year.

SECTION 3. Definitions and Penalties.

The definitions and penalties for land use violations that are prescribed in Title 22 of the Los Angeles County Code shall apply to the interpretation and to violations of the provisions of this interim ordinance.

SECTION 4. Zoning Study Initiated, Determination of Immediate Threat.

The Los Angeles County Regional Planning Department ("Regional Planning") has been conducting a comprehensive zoning study to review all properties in the Santa Monica Mountains North Area to consider a possible permanent zoning ordinance amendment regarding vineyards in that area.

Since May 2014, Regional Planning received fifty-one (51) ministerial applications to establish vineyards in the Santa Monica Mountains North Area. Of these fifty-one (51) applications, twenty-five (25) have been approved. There are currently twenty-six (26) pending applications that, if approved, could entail the development of

an additional three hundred eight (308) acres of land. This trend raises concerns related to water supply, water quality, and land use compatibility. The State of California recently entered its fourth (4th) year of drought and the development of dozens of vineyards, most using wells to draw upon groundwater supplies, could exacerbate these conditions by causing a significant drop in groundwater levels. Vineyards could increase runoff, erosion, and sedimentation, and cause pesticides and fertilizers to infiltrate waterways during rain events. Therefore, the cumulative impact of dozens of vineyards could be devastating to the area's fragile watersheds. Vineyards require the removal of natural vegetation, and in many cases, extensive grading due to the presence of steep slopes, which are abundant in the Santa Monica Mountains North Area. The establishment of dozens of vineyards will also result in visual impacts that will transform the character of the Santa Monica Mountains North Area. Unless this interim ordinance is extended as provided for herein, an irreversible incompatibility of land uses might reasonably occur as a result of the establishment or expansion of vineyards in the affected area, all to the detriment of the public health, safety, and welfare. Accordingly, the Board of Supervisors finds that there is a current and immediate threat to the public health, safety, or welfare, and that establishment or expansion of vineyards and the approval of any required additional subdivisions, variances, building permits, site plans or any other applicable entitlements in connection therewith would result in that threat to the public health, safety, or welfare absent implementation of the restrictions contained in Interim Ordinance No. 2015-0022U. If this interim ordinance does not take effect on or before July 31, 2015, uses may be

established or expanded that may be in conflict with any permanent amendment to the zoning code for the Santa Monica Mountains North Area CSD that may be adopted as a result of Regional Planning's study, and these uses may continue after any permanent rezoning of the properties in the Santa Monica Mountains North Area described in Section 7.

SECTION 5. Director's Review.

During this one-hundred twenty (120) day extension, ministerial applications that were pending as of June 15, 2015 may move forward to a Director's Review, subject to the following requirements. With respect to the subject property, applicant must:

1. Evidence that water service is being provided by a municipal water district;
2. Evidence legal access;
3. Evidence that no vineyards will be planted on slopes 50 percent or greater;
4. Provide a pest management plan approved by the Departments of Public Health and Agricultural Weights and Measures;
5. Provide a bioswale plan approved by the Department of Public Works;
6. Provide an erosion control plan approved by the Department of Public Works;
7. Evidence that vineyard planting only uses drip irrigation.

SECTION 6. Severability.

If any provision of this interim ordinance extension or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect

other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.

SECTION 7. Area of Applicability.

This interim ordinance applies to parcels located within the area governed by the Santa Monica Mountains North Area CSD as identified on the map following Los Angeles County Code Section 22.44.133.

SECTION 8. Urgent Need.

This interim ordinance extension is urgently needed for the immediate preservation of the public health, safety, and welfare, and it shall take effect immediately upon adoption, and it shall be of no further force and effect one-hundred twenty (120) days following the date of its taking effect, unless further extended in accordance with the provisions set forth in Government Code section 65858.

[EXT2015-0022UJJ]

SECTION 9. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Mike Antonovich
Mayor

ATTEST:

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

I hereby certify that at its meeting of July 28, 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	Supervisors	None
	Mark Ridley-Thomas		
	Sheila Kuehl		
	Don Knabe		
	Michael D. Antonovich		

Effective Date: July 28, 2015

~~Operative Date:~~

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 _____
Deputy

APPROVED AS TO FORM:
MARY C. WICKHAM
Interim County Counsel

By _____
Richard D. Weiss
Chief Deputy County Counsel

S:\Ordinances\County Counsel\2015\2015-0030U