ANALYSIS

This ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code, to implement the Urban Agriculture Incentive Zone Act, as described in section 51040, et seq., of the California Government Code, to promote and foster urban agriculture. This ordinance establishes an Urban Agricultural Incentive Zone Program for the unincorporated territory of Los Angeles County and enables incorporated cities to follow the process established by this ordinance to adopt their own Urban Agriculture Incentive Zone by resolution, after holding a public hearing. The Urban Agricultural Incentive Zone Program is designed to increase access to healthy food by providing an incentive for property owners of eligible vacant or unimproved properties within the urban areas of Los Angeles County to utilize these properties for small-scale agricultural uses.

MARY C. WICKHAM
County Counsel

By

JILL M. JONES
Senior Deputy County Counsel
Property Division

JMJ:ph

Requested: 03/08/16

Revised: 04/06/16

HOA.100363782.9

ORDINANCE NO. 2016-0023

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, to implement the Urban Agriculture Incentive Zone Act, as described in section 51040, et seq., of the California Government Code to promote and foster urban agriculture.

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

SECTION 1. Part 31 of Chapter 22.52 is hereby added to read as follows:

Part 31 Urban Agriculture Incentive Zone Program.

22.52.3400 Title for Citation.

22.52.3410 Purpose.

22.52.3420 UAIZ Program Establishment.

22.52.3430 Maximum Allocation.

22.52.3440 UAIZ Program Eligibility.

22.52.3450 Permitted Land Use.

22.52.3460 Application for UAIZ Agreement Within County's UAIZ.

22.52.3470 Consideration of UAIZ Application by County.

22.52.3480 UAIZ Agreement with County.

22.52.3490 Recordation of an UAIZ Agreement with County.

22.52.3500 Annual Inspection for Conformance.

22.52.3510 Cancellation of an UAIZ Agreement with County.

22.52.3520 UAIZ Program Operative Date.

22.52.3400 Title for Citation.

The provisions of this Part 31 of Chapter 22.52 are known as, and may be cited as, the "Los Angeles County Urban Agricultural Incentive Zone Program."

22.52.3410 Purpose.

The purpose of this Los Angeles County Urban Agriculture Incentive Zone ("UAIZ") Program is to implement the UAIZ Act ("Act"), as described in section 51040, et seq., of the California Government Code to promote and foster urban agriculture. The UAIZ Program is designed to increase access to healthy food by providing an incentive for property owners of eligible vacant or unimproved properties within the urban areas of the County of Los Angeles ("County") to utilize these properties for small-scale agricultural uses. The property owners of eligible properties may enter into agreements with the County, or respective cities that elect to participate in the UAIZ Program, to promote urban agriculture enterprises in exchange for reduced property tax assessments under section 422.7 of the California Revenue and Taxation Code.

22.52.3420 UAIZ Program Establishment.

An UAIZ is hereby established for all urban areas, as defined by the Act, throughout the unincorporated territory of the County, with the exception of any unincorporated territory located within the sphere of influence of an incorporated city, unless and until the legislative body of the city has consented to the inclusion of all or part of its sphere of influence in the County's UAIZ. Each incorporated city within the County may, likewise, establish an UAIZ within its jurisdiction by passage of a resolution after a public hearing before its respective legislative body, so long as there is a process

by which each such city causes its UAIZ agreements to be recorded with the Registrar-Recorder/County Clerk, and causes a stamped copy of its UAIZ agreements to be submitted to the Office of the County Assessor ("Assessor"). For each such recorded and submitted UAIZ agreement, the Assessor will apply the appropriate assessment formula annually to derive the reduced assessment roll value, for each year of the UAIZ agreement period. Each UAIZ established by a city pursuant to this section shall be also subject to the provisions set forth in Sections 22.52.3430 through 22.52.3450, and 22.52.3520 of this Part. However, regardless of population or location in unincorporated or incorporated territory, an UAIZ shall never include in, whole or in part, a National Recreation Area, Significant Ecological Area, and/or Sensitive Environmental Resource Area.

22.52.3430 Maximum Allocation.

In implementing the UAIZ Program, the maximum loss to the County in unrealized ad valorem property tax revenue (Article XIIIA of the California Constitution) resulting from the UAIZ agreements, whether within the unincorporated territory of the County or an incorporated city participating in the UAIZ Program, shall be a cumulative total of three million dollars ($3,000,000) for the life of the UAIZ Program. The Assessor will track the total unrealized property tax revenue loss anticipated from each UAIZ agreement, and will notify the Director and cities with UAIZs when the maximum allocation is reached. No individual property or economic parcel shall exceed an annual unrealized property tax revenue loss to the County of fifteen thousand dollars ($15,000).

22.52.3440 UAIZ Program Eligibility.

To be eligible for the UAIZ Program, all of the following requirements must be met:

A. The property is vacant, unimproved, or contains only non-habitable structures that are or will be accessory to agricultural uses, such as a toolshed, greenhouse, produce stand, or instructional facility.

B. The property is located within a Census-designated urbanized area, as defined in the Act, so long as it is not wholly or partially within a National Recreation Area, Significant Ecological Area, and/or Sensitive Environmental Resource Area.

C. The property in its entirety shall be available for and dedicated to agricultural uses immediately and for the duration of the initial agreement, which shall be for a term of five (5) years.

D. The property shall be a minimum of one-tenth (0.10) of an acre and a maximum of three (3) acres.

E. Secured property tax obligations shall be current and paid according to installments determined by State law.

F. The UAIZ agreement shall contain all provisions required by the Act.

22.52.3450 Permitted Land Use.

Eligible land uses under the UAIZ Program may include any agricultural land uses that are permitted or conditionally permitted both by the Act and by local regulations, including local planning and zoning codes.

22.52.3460 Application for UAIZ Agreement Within County's UAIZ.

A. Property owners, or authorized persons thereof, of an eligible property within the County's UAIZ may file an application with the Department to enter into an UAIZ agreement.

B. Each application shall contain the following information:

1. Name and address of the owners of the subject property;

2. Evidence that the applicant is the sole owner of the subject property or has the written permission of all owners to make such application;

3. The location and legal description of the subject property;

4. Evidence that the subject property is currently vacant or unimproved, and contains no habitable structures;

5. Proposed agricultural activity or land uses, including crop types;

6. An agreement signed by all property owners to commit to the terms of the UAIZ agreement;

7. A site plan evidencing to the satisfaction of the Director that execution of the UAIZ agreement will result in actual utilization of the entire property for agricultural activity for the entire contractual period of five (5) years; and

8. Such other information as the Director may require.

22.52.3470 Consideration of UAIZ Application by County.

For proposed uses that trigger other County Code requirements, the Department will make referrals to other departments as appropriate. The Director shall make a determination based on compliance with Section 22.52.3460.B and the

recommendation from other departments, as applicable, to approve or deny the application.

22.52.3480 UAIZ Agreement with County.

An approved application for property within the County's UAIZ will be finalized by execution of a notarized UAIZ agreement by the Director, or his/her designee, and the applicant, which shall include the approved site plan as Exhibit A. The term of an approved UAIZ agreement for property within the County's UAIZ shall commence on the first day of January following recordation of the UAIZ agreement.

22.52.3490 Recordation of an UAIZ Agreement with County.

An UAIZ agreement for property within the County's UAIZ, including the site plan attached as Exhibit A, shall be recorded by the property owner with the County Registrar-Recorder/County Clerk. The applicant shall provide copies of the recorded UAIZ agreement to the Assessor and the Department.

After recordation, the Assessor will apply the appropriate assessment formula annually to derive the reduced assessment roll value, for each year of the UAIZ agreement period.

22.52.3500 Annual Inspection for Conformance.

Within 90 days after the recordation of any UAIZ agreement for property within the County's UAIZ and every subsequent year thereafter, the Agricultural Commissioner shall conduct a site inspection to verify the property owner's conformance to the terms of the UAIZ agreement.

22.52.3510 Cancellation of an UAIZ Agreement with County.

A. Circumstances for Cancellation.

1. County-Initiated Cancellation for Noncompliance. If the Agricultural Commissioner finds that the property does not conform to the terms of the UAIZ agreement, the Agricultural Commissioner will report any issues to the Department, which will then make any appropriate referrals to other departments based on the nature of the issue of noncompliance. The respective department shall initiate enforcement actions to bring the property into compliance. Should the property owner fail to comply with the corrective actions requested by the enforcing department within a time period set forth by such department, then notice of such continuing violation shall be submitted to the Director. The Director shall then notify the property owner by mail that the UAIZ agreement will be cancelled fifteen (15) calendar days after mailing of the notice. At the end of the fifteen (15) days, the Department shall execute a cancellation document and record it with the Registrar-Recorder/County Clerk and notify the Agricultural Commissioner and Assessor.

2. Owner-Initiated Cancellation. If the property owner submits a request to the Director to cancel a recorded UAIZ agreement, the Director will execute a cancellation document with the property owner, which the Director will record with the Registrar-Recorder/County Clerk and notify the Agricultural Commissioner and Assessor.

B. Effect of Cancellation–Tax Rate.

The property shall be reassessed to its previous non-agricultural tax rate from the first day of January following recordation of the cancellation document. The property owner shall also receive a secured property tax bill equal to the cumulative value of the tax benefit received during the duration of the UAIZ agreement upon the property owner for cancellation of any agreement prior to the expiration of that agreement, unless the Director makes a determination that the cancellation was caused by extenuating circumstances despite the good faith effort by the property owner.

22.52.3520 Program Operative Date.

Unless extended by State law, no UAIZ agreement for property within the County's UAIZ or any city's UAIZ shall be renewed or created after January 1, 2019. However, any UAIZ agreement entered into pursuant to this Part on or before January 1, 2019, shall be valid and enforceable for the duration of the UAIZ agreement.

[22523400JJCC]

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

Hilda L. Solis
Chair

ATTEST:

Lori Glasgow
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of April 12, 2016 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		

Effective Date: May 12, 2016

~~Operative Date:~~

Lori Glasgow
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.

LORI GLASGOW
Executive Officer
Clerk of the Board of Supervisors

By
Deputy

APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By
Lester J. Tolnai
Acting Chief Deputy County Counsel

S:\Ordinances\County Counsel\2016\2016-0023