

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ESTABLISHING AN URBAN AGRICULTURE INCENTIVE ZONE WITHIN CERTAIN AREAS OF UNINCORPORATED SANTA CLARA COUNTY CONSISTENT WITH THE URBAN AGRICULTURE INCENTIVE ZONES ACT (ASSEMBLY BILL 551) AND ORDINANCE NS-1203.123

WHEREAS, the Urban Agriculture Incentive Zones Act (AB 551) is intended to promote small-scale agriculture on vacant, unimproved or blighted lands in urban areas;

WHEREAS, AB 551 authorizes, under specified conditions and until January 1, 2019, a city, county, or city and county and a landowner to enter into a contract to enforceably restrict the use of vacant, unimproved, or otherwise blighted lands for small-scale production of agricultural crops and animal husbandry in urban areas, provided the contract is for a term of no less than 5 years and the property is at least 0.10 acres in size;

WHEREAS, a city may establish by ordinance an Urban Agriculture Incentive Zone (UAIZ) after approval from the board of supervisors of the county in which the city is located;

WHEREAS, on June 9, 2015, the Board of Supervisors of the County of Santa Clara adopted Resolution No. BOS-2015-86 approving the establishment of Urban Agriculture Incentive Zones consistent with the requirements of AB 551 for cities within Santa Clara County;

WHEREAS, under AB 511 the County must not establish a UAIZ within any portion of the spheres of influence of a city unless the legislative body of the city has consented to the establishment of the UAIZ;

WHEREAS, many of the lands in unincorporated County that are potentially eligible to qualify for a contract under AB 511 are located within the spheres of influence of a city;

WHEREAS, County Ordinance NS-1203.123, adding a new Division 21 to Title C of the Ordinance Code and establishing a UAIZ program for the County, calls for the establishment of the UAIZ by resolution of the Board of Supervisors, provided, however, that the areas of the UAIZ within any portion of the spheres of influence of a city shall not be established without the consent of the city; and,

WHEREAS, Exhibit A—Urban Agriculture Incentive Zones: Unincorporated Santa Clara County, attached hereto and incorporated herein, identifies those areas of unincorporated County qualifying as a UAIZ.

Resolution No.
Establishing UAIZ within
Unincorporated County of
Santa Clara

RESOLUTION NO.**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ESTABLISHING FEES FOR SERVICES PROVIDED BY THE COUNTY OF SANTA CLARA RELATED TO THE URBAN AGRICULTURE INCENTIVE ZONES ORDINANCE AND PROGRAM**

WHEREAS, the Urban Agriculture Incentive Zones Act (AB 551) is intended to promote small-scale agriculture on vacant, unimproved or blighted lands in urban areas;

WHEREAS, AB 551 authorizes, under specified conditions and until January 1, 2019, a city, county, or city and county and a landowner to enter into a contract to enforceably restrict the use of vacant, unimproved, or otherwise blighted lands for small-scale production of agricultural crops and animal husbandry in urban areas, provided the contract is for a term of no less than 5 years and the property is at least 0.10 acres and not more than 3.0 acres in size;

WHEREAS, County Ordinance NS-1203.123, adding a new Division 21 to Title C of the Ordinance Code, establishes an Urban Agriculture Incentives Zones (“UAIZ”) program for the County;

WHEREAS, AB 511 (California Government Code Section 51042(a)(2)(A)) authorizes the County to impose a fee upon contracting landowners for the reasonable costs of implementing and administering contracts, and County Ordinance NS-1203.123 authorizes the Board of Supervisors to adopt a resolution establishing fees to ensure that the County recovers its costs;

WHEREAS, it is necessary to adopt a fee schedule to accurately reflect the fees for implementing and administering the UAIZ program;

WHEREAS, County staff calculated new UAIZ program-related fees and costs, as depicted in Attachment A;

WHEREAS, the methodology employed in the analysis for the estimated reasonable fees and costs depicted in Attachment A were reviewed and approved by the Controller-Treasurer Department for purposes of this Resolution;

WHEREAS, notice of the time and place of the September 29, 2015 hearing of the Board of Supervisors, a general explanation of the subject matter to be considered, and a statement that the required data is available for public review, was provided in compliance with applicable law;

WHEREAS, at least 10 days prior to the public meeting, data was made available to the public indicating the amount of costs, or estimated costs reasonably necessary to provide the services for which the fees are levied;

Resolution No.
Resolution Adopting Fees
for UAIZ Program

WHEREAS, based upon the oral and written data presented, the Board of Supervisors finds the costs depicted in Attachment A do not exceed the estimated reasonable costs to provide the service for which each of the fees is levied;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Santa Clara, State of California, that the estimated reasonable costs and fees for services depicted in Attachment A hereto are hereby adopted and shall take effect November 28, 2015.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____ by the following vote:

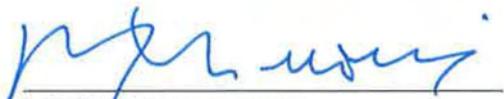
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

DAVE CORTESE, President
Board of Supervisors

ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



MICHAEL L. ROSSI
Deputy County Counsel

Attachment to this Resolution: A—UAIZ Fees

Resolution No.
Resolution Adopting Fees
for UAIZ Program

Attachment: UAIZ Program Fee Resolution (78255 : Fee Resolution: UAIZ Program)