

Meeting Date: 03/11/2020 (01)

**ORDINANCE NO. 10662 (N.S.)**

**AN ORDINANCE ENACTING ARTICLE IV-A ASSESSOR / RECORDER / COUNTY CLERK SECTION 88.20 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCE PERTAINING TO URBAN AGRICULTURE INCENTIVE ZONES**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Section 88.20 of the Administrative Code is hereby enacted to read as follows:

(a) **INTENT AND PURPOSE.** The provisions of this chapter shall be known as the Urban Agriculture Incentive Zones (UAIZ) Ordinance. The purpose of the San Diego County UAIZ Program (UAIZ Program) is to implement the Urban Agriculture Incentive Zones Act (Act) pursuant to Section 51040 et. seq. of the California Government Code. UAIZ is intended to promote small-scale urban agriculture by providing a financial incentive for property owners of unimproved, underutilized, and vacant properties in census designated urban areas to use their properties for agricultural uses. The owners of eligible properties may enter into a voluntary contract with the County to restrict the property use to agriculture for a period of no less than five years, in exchange for reduced property tax assessments (UAIZ contract). All terms not defined herein shall have the meaning set forth in the Act.

(b) **UAIZ ESTABLISHMENT AREA.** The County's UAIZ Establishment Area shall include all urban areas, as defined by the UAIZ Act, within the unincorporated County, except for the following two types of property: (1) property that is currently subject to, or has been subject to within the previous three years, a Williamson Act Contract (current Government Code section 51200 et seq.); or (2) property in the unincorporated County, within the sphere of influence of a city, unless the legislative body of the city consents to inclusion of the property within the County UAIZ Establishment Area.

(c) **CRITERIA FOR UAIZ ELIGIBILITY.** To be eligible for the UAIZ Program, the property or combination of contiguous properties (property) shall comply with all the following requirements:

- (1) The property is located within the UAIZ Establishment Area as defined in Section (b) of the UAIZ Ordinance.
- (2) The property is not less than one-tenth (0.1) acres, but not more than three (3) acres in area.
- (3) The property is vacant, unimproved, or containing only non-residential structures that are or will be accessory to agricultural uses, as defined by the Act.
- (4) The entire property is or will be fully dedicated to agricultural uses, as defined by the Act, for a minimum of five (5) years.

(d) **UAIZ CONTRACT REQUIREMENTS.** Every UAIZ contract shall contain the following information:

- (1) A statement noting that the property shall comply with all provisions of the Act;
- (2) A statement that the UAIZ contract does not expand the allowable uses of any property under the County's existing land use and zoning regulations and proposed agricultural uses must be uses allowed by law and allowed in the underlying zoning;
- (3) Include conformance provisions pursuant to Section (j) of the UAIZ Ordinance;
- (4) Include a provision that if the landowner or the County cancels a contract, the County will assess a cancellation fee equal to the cumulative value of the tax benefit received during the duration of the contract, unless the County determines that the cancellation was caused by extenuating circumstances despite good faith of the landowner; and
- (5) Identify cancellation procedures pursuant to Section (k) of the UAIZ Ordinance.

(e) **MAXIMUM ANNUAL FISCAL IMPACT AND TAX REDUCTION.** The maximum annual fiscal impact and tax reduction shall not exceed a total of two-hundred and fifty thousand dollars (\$250,000) for all properties under contract in the UAIZ Program. If the annual maximum fiscal impact is reached, no new UAIZ Contracts will be issued for that year.

(f) **APPLICATION FOR UAIZ CONTRACT.**

(1) A landowner requesting a UAIZ contract and reduced assessment shall file an application for a contract on a form prepared by the County.

(2) Applications for UAIZ contracts shall be accompanied with the following information:

- (a) Description and drawing of proposed agricultural use activities, major site features, and utilities;
- (b) Photographs of the property demonstrating that the property is currently vacant and unimproved and contains no dwelling units to the satisfaction of the PDS;
- (c) Other information as required by PDS; and
- (d) A fee (if any) as prescribed in a resolution or fee schedule adopted by the Board of Supervisors.

(g) **REVIEW AND APPROVAL OF UAIZ CONTRACT APPLICATION.**

- (1) PDS shall review UAIZ applications.

(2) PDS may approve the UAIZ application upon a determination of compliance with the provisions of the Act and the Ordinance.

(3) An approved application for the UAIZ Program will be finalized by the execution of a notarized contract signed by the Director and the applicant.

(4) The County shall not enter into a new contract or renew an existing contract after January 1, 2029, unless the Act is amended to permit new contracts after that date.

**(h) RECORDATION OF UAIZ CONTRACTS.**

(1) The executed contract shall be recorded by the property owner with the County Recorder/County Clerk within fourteen (14) days.

(2) The property owner shall provide copies of the recorded contract to the County Assessor and PDS.

(i) **ASSESSMENT AND REASSESSMENT.** Upon contract recordation, the property shall be assessed pursuant to Section 422.7 of the Revenue and Taxation Code during the term of the contract.

**(j) CONFORMANCE WITH UAIZ CONTRACT TERMS.**

(1) Within ninety (90) days of contract execution and every anniversary thereafter, the property owner shall provide evidence to verify the property's conformance with terms of the contract to the satisfaction of the PDS.

(2) PDS may conduct a site inspection to verify the property's conformance with the terms of the contract at any time during the contract period upon reasonable prior notice.

(3) In the event that a property is found to be in violation of the contract, PDS shall issue a warning to include a deadline for corrective actions and compliance; a description of the violation; and what must be done to resolve the violation.

(4) Should the property fail to comply with the corrective actions within the time period set forth by PDS, PDS shall issue an Administrative Citation as formal notice of violation and notice of intent to cancel the contract.

(a) The property owner may file a written appeal to the Director of PDS within fourteen (14) days after issuance of an Administrative Citation.

(i) If a timely appeal is filed, the Director shall hear the appeal within forty-five (45) days of its filing.

(ii) A timely appeal will stay any further action until the hearing is concluded. The Clerk of the Board will set the hearing, assign the appeal

to a hearing officer and provide at least 10 days notice to the parties in writing of the date and location of the hearing.

(iii) If no appeal is filed, the cancellation shall become final fifteen (15) days after notification of intent to cancel the contract.

(iv) If an appeal is filed and the cancellation upheld, the cancellation shall become final on the date of the hearing.

(k) UAIZ CONTRACT CANCELLATION.

(1) A property owner may cancel the contract at any time prior to the expiration of the contract by submitting a written notice to the Director.

(2) The County may cancel the contract prior to the expiration of the contract if the terms of the contract are not met, pursuant to Section (j)(3) of this UAIZ Ordinance.

(3) Upon contract cancellation, the property owner shall pay the Tax Collector a cancellation fee equal to the cumulative value of the tax benefit received during the duration of the contract. The Director may waive the cancellation fee if a determination is made that the cancellation was caused by extenuating circumstances despite the good faith effort by the property owner.

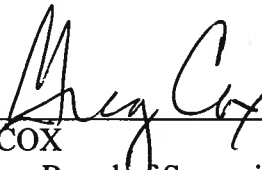
(4) Upon contract cancellation, the Director shall provide a cancellation notice via certified mail to the property owner and record the document with the County Recorder/County Clerk and file a copy with the County Assessor.

(5) Upon contract cancellation, the property shall be reassessed at its appropriate non-agricultural value.

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

By: Inga B. Lintvedt, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 11<sup>th</sup> day of March 2020.

  
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GREG COX  
Chairman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 11<sup>th</sup> day of March 2020.

ANDREW POTTER  
Clerk of the Board of Supervisors

By   
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Joana Santiago, Deputy



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