

Legislature Enacts Law To Encourage Urban Farming

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In an effort to encourage green space and urban farm enterprises in California, the Legislature adopted Assembly Bill 551 in 2013. Under AB 551, known as the Urban Agriculture Incentive Zones Act, cities and counties may now establish zones in which property owners may voluntarily agree to restrict vacant, unimproved or otherwise blighted parcels for use as small-scale urban farms. In exchange for restricting the use of their property, the property owners receive a revised, and presumably reduced, property tax assessment.

Under AB 551, cities and counties may authorize a wide array of agricultural uses, including the planting of crops, the operation of farm stands, and the raising of livestock, bees, and dairy-producing animals. The individual public agency, however, may adopt rules and regulations limiting the type of agricultural uses that may be allowed in its jurisdiction.

A county can establish an urban agriculture incentive zone by following its usual procedure for adopting a new zoning district. A city, however, must receive approval from the appropriate county board of supervisors before the new zone becomes effective. Once it establishes the zone, the public agency may enter into contracts with property owners to restrict the use of land for the purpose of urban agriculture. The contracts must have a term of at least five years, and the property must be reserved for agricultural uses. The contracts may apply to properties that are between one-tenth of an acre and three acres in size. The statute does not allow dwellings on these properties, but structures that support agricultural activity (such as tool sheds, greenhouses, produce stands, and instructional space) are allowed. Under AB 551, public agencies may enter or renew these contracts through January 1, 2019.

This E-Alert is not intended to provide a comprehensive summary of the Urban Agriculture Incentive Zones Act. If you have questions concerning the application of this law or the establishment of an Urban Agriculture Incentive Zone, please contact Diana Varat or any of the attorneys in RWG's Public Law Department.

ATTORNEYS

Diana H. Varat