



Legislation Text

File #: 18-439, **Version:** 1

Staff Report for a City of San Leandro City Council Resolution Consenting to the Establishment of an Urban Agricultural Incentive Zone in the Ashland Area of Unincorporated Alameda County (that is within the City's Sphere of Influence)

SUMMARY AND RECOMMENDATIONS

Alameda County is considering adoption of an ordinance to create Urban Agriculture Incentive Zones (UAIZ) in the unincorporated area. One of the zones includes the unincorporated community of Ashland, which lies in the City of San Leandro's sphere of influence. State law requires that a county cannot establish an UAIZ within any portion of the spheres of influence of a city unless the legislative body of the City approves it.

Staff recommends that the City Council approve the resolution consenting to the County's establishment of an Urban Agricultural Incentive Zone that includes the Ashland area in unincorporated Alameda County, which is within the City of San Leandro's sphere of influence.

BACKGROUND

State Assembly Bill (AB) 551, which was approved in 2013, authorizes cities and counties to designate Urban Agriculture Incentive Zones within their jurisdictions and to enter into contracts with the owners of vacant property within the designated zones. In exchange for agreeing to limit the use of the property to agriculture for the five-year contract term, the property owner would benefit from a reduction in property taxes on the parcel. The purpose of the program is to support urban agriculture by increasing the amount of land available for agricultural activities and to provide stability for urban farmers by ensuring that land will be committed to agriculture for a period of years.

In 2017, the State passed AB 465, which extends authorization for counties and landowners to enter into contracts from 2019 to 2029. In addition, AB 465 would allow a combination of contiguous parcels to qualify for a contract.

Analysis

To implement AB 551 and AB 465, Alameda County is preparing to adopt an ordinance establishing one or more Urban Agriculture Incentive Zones and regulations for administration of contracts in late 2018.

Based on the outcomes from a series of community meetings beginning in 2014, the County determined the need to establish two Urban Agriculture Incentive Zones. Zone 1 would include the communities of Ashland, Cherryland, and San Lorenzo. Zone 2 would include the portion of Fairview

that is located within the County's Urban Growth Boundary. Tonight, the City Council will only consider Zone 1, which includes Ashland. At community meetings held in May and June 2017, Cherryland and Fairview residents continued to support the inclusion of their communities in the program. The San Lorenzo Village Homes Association Board expressed reservations about including San Lorenzo Village in the program due to conflicts with the Association's CC&Rs, which prohibit agricultural uses on vacant residential properties, and concerns about safety and potential nuisances from agricultural uses. To respond to the Board's concerns, Alameda County staff will recommend that Zone 1 should be amended to include only those portions of San Lorenzo that are outside of the boundaries of the Village Homes Association.

Alameda County Planning staff reviewed aerial photos of unincorporated area vacant parcels adjacent to the San Leandro city limits and did not find any that would meet the contract requirements under State law. Therefore, County staff determined that the impact of any new agricultural activities that might result from the County's proposed ordinance on property within San Leandro city limits would be minimal.

Under the proposed ordinance, agricultural uses would be allowed in the urban area only where such uses are already permitted by zoning. The County Zoning Ordinance allows "field crops, orchards and gardens" as primary uses in all residential zones so the owner of a parcel in a residential zoning district would be eligible to enter into a contract if all other requirements are met. Agriculture-related uses are not permitted in commercial zoning districts, so owners of parcels in commercial zoning districts would not be eligible to enter into contracts.

The proposed ordinance also includes rules and regulations for the implementation and administration of the Urban Agriculture Incentive Zones and the related contracts. AB 551 dictates some contract requirements; initial contract term must be at least five years, the property under contract must be at least one-tenth of an acre but not more than three acres, and the entire property must be dedicated to commercial or non-commercial agricultural use. In addition to the state mandated requirements, the draft ordinance creates application and contract approval processes; and includes site inspection requirements.

If an unincorporated area lies within the sphere of influence of a city, AB 551 requires that the County obtain the consent of the city before an Urban Agriculture Incentive Zone can be established in that area. Therefore, the County must obtain the consent of the San Leandro City Council before the Ashland community can be included in an Urban Agriculture Incentive Zone (the consent of the Hayward City Council would be required before the communities of Cherryland and Fairview can be included in an Urban Agriculture Incentive Zone).

Applicable General Plan Policies

Per Chapter 3, Land Use, 2035 General Plan:

- Policy LU-11.4 - Sphere of Influence: recognize Alameda County as governing agency for land use matters in the unincorporated San Leandro sphere of influence.

Environmental Review

This City Council action does not require an environmental review because the proposed UAIZ areas

in unincorporated Alameda County fall under the jurisdiction of the County.

Legal Analysis

The City Attorney's Office reviewed and approved this staff report and prepared the related resolution.

Fiscal Impacts

There are no fiscal impacts to the City as proposed UAIZ areas occur in unincorporated Alameda County.

ATTACHMENT(S)

Attachment(s) to Staff Report

- Draft Alameda County Ordinance for Urban Agricultural Zones

Attachment(s) to Related Legislative Files

- None

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