

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Environment and Natural Resources

REVENUE: Revenue impact is sued

FISCAL: No fiscal impact

SUBSEQUENT REFERRAL TO: Finance and Revenue

Action:

Vote:

Yeas:

Nays:

Exc.:

Ayes, 50; Nays, 10--Bentz, Esquivel, Hack, Krieger, McLane, Nearman, Sprenger, Stark, Weidner, Wilson.

Prepared By: Beth Reiley, Administrator

Meeting Dates: 5/13

WHAT THE MEASURE DOES: Authorizes city or county to designate any urbanized area of city or county as urban agriculture incentive zone. Authorizes city or county to enter into agreement with owner of unimproved land within agriculture incentive zone if owner agrees to restrict use to small-scale urban agricultural production for five consecutive years. Allows unimproved land to undergo special assessment as farmland. Permits special assessment of area of unimproved land to be smaller than tax lot, of which area is a part, and limits assessment to area actually used for small-scale urban agricultural production. Requires interested owners to file application with county assessor on or before April 1 preceding first property tax year to have unimproved land granted special assessment. Requires application be made on forms prepared by Department of Revenue that include certain information. Disqualifies special assessment if county assessor discovers that gross income requirements were not met or if unimproved land is no longer used for urban agricultural production effective January 1 of year discovery is made. Levies additional tax against land found in violation of five-year contract equal to difference between taxes assessed against land and taxes that otherwise would have been assessed against land for each property tax year in contract. Authorizes Department of Revenue to adopt rules necessary for administration of urban agriculture incentive zone special assessment. Requires local government to consider extent to which lands designated by a city or county as urban agriculture incentive zone will affect future development for purpose of inventory and determination of housing capacity as part of periodic review of comprehensive plan or regional plan that concerns the urban growth boundary. Clarifies that designation of urban agriculture incentive zone has no effect on buildable land inventories or urban growth boundary of city or county that designates zone. Takes effect on 91st day following adjournment of 78th Legislative Assembly.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: (Proposed –A4 Amendment) Replaces measure. Authorizes city or county to designate urban agriculture incentive zone. Authorizes city or county to enter into agreement with owner of unimproved land within agriculture incentive zone if owner agrees to restrict use to small-scale urban agricultural production for five consecutive years. Allows unimproved land to undergo special assessment as farmland provided gross income requirements are met. Permits special assessment of area of unimproved land to be smaller than tax lot, of which area is a part, and limits assessment to area actually used for small-scale urban agricultural production. Prohibits unimproved land from being smaller than 5,000 square feet or larger than five acres. Requires interested owners to file application with county assessor on or before April 1 preceding first property tax year to have unimproved land granted special assessment. Requires application be made on forms prepared by Department of Revenue that include certain information. Requires land owner to file application with county assessor on or before April 1 preceding first property tax year special assessment is being sought. Requires county assessor to approve application if it meets all requirements and notify owner of approval or denial. Requires application be made on forms prepared by Department of Revenue that include certain information. Disqualifies special assessment if county assessor discovers that gross income requirements were not met or if unimproved land is no longer used for urban agricultural production. Requires notification by county assessor within 30 days of land is disqualified and provides process for appeal. Levies additional tax, equal to difference between tax assessed and tax that would have otherwise been assessed, against land found in violation. Authorizes DOR

5/28/2015 3:12:00 PM *

This summary has not been adopted or officially endorsed by action of the committee.

to adopt necessary rules. Stipulates Act applies to property tax years beginning on or after July 1, 2016. Stipulates agricultural production does not mean growing, harvesting or processing of marijuana. Prohibits urban agriculture incentive zone from being designated on or after January 1, 2019 but allows unimproved land to be specially assessed until July 1, 2013. Takes effect on 91st day following adjournment of 78th Legislative Assembly.

BACKGROUND: Community gardens are gardens in which both edible plants, such as vegetables, and nonedible plants, like flowers, are grown by and for members of the surrounding community. According to the American Community Gardening Association, there are about 18,000 community gardens in the U.S. and Canada. However, numerous barriers, such as lack of long-term leases or water access, along with liability concerns may hamper the creation, operation and long-term sustainability of community gardens. In 2013, the California Legislature enacted Assembly Bill 551, which created the Urban Agriculture Incentive Zones Act (Act) which authorizes 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 by way of a reduced property tax assessment for qualifying areas.

House Bill 2723A would authorize a county or city to designate any urbanized area as an urban agriculture incentive zone and allow them to enter into an agreement with the owner of the unimproved land within the agricultural incentive zone if the owner of the land agrees to restrict use of the land to small-scale urban agricultural production for five consecutive years in exchange for a special assessment of that land.