

1 **URBAN FARMING ASSESSMENT ACT AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jacob L. Anderegg**

5 House Sponsor: Joel Ferry

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the Urban Farming Assessment Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends definitions; and
- 13 ▶ amends a provision related to the minimum acreage requirement for an urban
- 14 farming assessment.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **59-2-1702**, as last amended by Laws of Utah 2018, Chapter 360

22 **59-2-1703**, as last amended by Laws of Utah 2014, Chapter 413

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **59-2-1702** is amended to read:

26 **59-2-1702. Definitions.**

27 As used in this part:

28 (1) "Actively devoted to urban farming" means that:

29 (a) land is devoted to active urban farming activities; and

30 (b) the land produces greater than 50% of the average agricultural production per acre:

31 (i) as determined under Section 59-2-1703; and

32 (ii) for the given type of land and the given county or area.

33 (2) "Rollback tax" means the tax imposed under Section 59-2-1705.

34 (3) (a) Subject to Subsection (3)(b), "urban farming" means cultivating food or other
35 marketable crop:

36 (i) with a reasonable expectation of profit from the sale of the food or other marketable
37 crop; and

38 (ii) from irrigated land located in a county that has adopted an ordinance governing
39 urban farming in the county, pursuant to Section 59-2-1714.

40 (b) "Urban farming" does not include:

41 (i) cultivating food derived from an animal; or

42 (ii) grazing.

43 (4) "Withdrawn from this part" means that land that has been assessed under this part is
44 no longer assessed under this part or eligible for assessment under this part for any reason
45 including that:

46 (a) an owner voluntarily requests that the land be withdrawn from this part;

47 (b) the land is no longer actively devoted to urban farming;

48 (c) (i) the land has a change in ownership; and

49 (ii) (A) the new owner fails to apply for assessment under this part as required by
50 Section 59-2-1707; or

51 (B) an owner applies for assessment under this part, as required by Section 59-2-1707,
52 but the land does not meet the requirements of this part to be assessed under this part;

53 (d) (i) the legal description of the land changes; and

54 (ii) (A) an owner fails to apply for assessment under this part, as required by Section
55 59-2-1707; or

56 (B) an owner applies for assessment under this part, as required by Section 59-2-1707,
57 but the land does not meet the requirements of this part to be assessed under this part;

58 (e) the owner of the land fails to file an application as provided in Section 59-2-1707;

59 or

60 (f) except as provided in Section 59-2-1703, the land fails to meet a requirement of
61 Section 59-2-1703.

62 Section 2. Section 59-2-1703 is amended to read:

63 **59-2-1703. Qualifications for urban farming assessment.**

64 (1) (a) For general property tax purposes, land may be assessed on the basis of the
65 value that the land has for agricultural use if the land:

66 (i) is actively devoted to urban farming;

67 (ii) is at least [~~two~~] one contiguous [~~acres~~] acre, but less than five acres, in size; and

68 (iii) has been actively devoted to urban farming for at least two successive years
69 immediately preceding the tax year for which the land is assessed under this part.

70 (b) Land that is not actively devoted to urban farming may not be assessed as provided
71 in Subsection (1)(a), even if the land is part of a parcel that includes land actively devoted to
72 urban farming.

73 (2) (a) In determining whether land is actively devoted to urban farming, production
74 per acre for a given county or area and a given type of land shall be determined by using the
75 first applicable of the following:

76 (i) production levels reported in the current publication of Utah Agricultural Statistics;

77 (ii) current crop budgets developed and published by Utah State University; or

78 (iii) the highest per acre value used for land assessed under the Farmland Assessment
79 Act for the county in which the property is located.

80 (b) A county assessor may not assess land actively devoted to urban farming on the
81 basis of the value that the land has for agricultural use under this part unless an owner annually
82 files documentation with the county assessor:

83 (i) on a form provided by the county assessor;

84 (ii) demonstrating to the satisfaction of the county assessor that the land meets the
85 production levels required under this part; and

86 (iii) except as provided in Subsection 59-2-1707(2)(c)(i), no later than January 30 for
87 each tax year in which the owner applies for assessment under this part.

88 (3) Notwithstanding Subsection (1)(a)(ii), a county board of equalization may grant a
89 waiver of the acreage requirements of Subsection (1)(a)(ii):

90 (a) on appeal by an owner; and

91 (b) if the owner submits documentation to the county assessor demonstrating to the
92 satisfaction of the county assessor that:

93 (i) the failure to meet the acreage requirements of Subsection (1)(a)(ii) arose solely as a
94 result of an acquisition by a governmental entity by:

95 (A) eminent domain; or

96 (B) the threat or imminence of an eminent domain proceeding;

97 (ii) the land is actively devoted to urban farming; and

98 (iii) no change occurs in the ownership of the land.

99 **Section 3. Effective date.**

100 This bill takes effect on January 1, 2020.