

URBAN FARMING AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill modifies the Urban Farming Assessment Act.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "urban farming" to include certain counties of the second class;
- ▶ states that land may be assessed on the basis of value that the land has for agricultural use if, among other things, the land is at least ~~H~~→ [1-1/2] two ←~~H~~ contiguous acres in size;
- ▶ states that land that is withdrawn from assessment under the Urban Farming Assessment Act is subject to a rollback tax for the previous five years; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

59-2-1702, as enacted by Laws of Utah 2012, Chapter 197

59-2-1703, as enacted by Laws of Utah 2012, Chapter 197

S.B. 237



- 59 (d) (i) the legal description of the land changes; and
 60 (ii) (A) an owner fails to apply for assessment under this part, as required by Section
 61 59-2-1707; or
 62 (B) an owner applies for assessment under this part, as required by Section 59-2-1707,
 63 but the land does not meet the requirements of this part to be assessed under this part;
 64 (e) the owner of the land fails to file an application as provided in Section 59-2-1707;
 65 or
 66 (f) except as provided in Section 59-2-1703, the land fails to meet a requirement of
 67 Section 59-2-1703.

68 Section 2. Section **59-2-1703** is amended to read:

69 **59-2-1703. Qualifications for urban farming assessment.**

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

- 72 (i) is actively devoted to urban farming;
 73 (ii) is at least ~~½~~ → [f] **two** [f] ~~1½~~ ← ~~½~~ contiguous acres, but less than five acres, in
 73a size; and

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

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

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

- 82 (i) production levels reported in the current publication of Utah Agricultural Statistics;
 83 (ii) current crop budgets developed and published by Utah State University; or

84 ~~½~~ → [(iii) ~~other acceptable standards of agricultural production designated by the~~
 85 ~~commission by rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative~~
 86 ~~Rulemaking Act, using:~~

87 ~~———(A) information provided annually to the commission by the county assessor in a~~
 88 ~~county where urban farming occurs; and~~

89 ~~———(B) other information the commission determines is appropriate.]~~

89a **(iii) the highest per acre value used for land assessed under the Farmland Assessment**
 89b **Act for the county in which the property is located.** ← ~~½~~

121 computing the difference for the rollback period described in Subsection (3)(b) between:

122 (i) the tax paid while the land was assessed under this part; and

123 (ii) the tax that would have been paid had the property not been assessed under this

124 part.

125 (b) For purposes of this section, the rollback period is a time period that:

126 (i) begins on the later of:

127 (A) the date the land is first assessed under this part; or

128 (B) [~~10~~] ~~5~~ → ~~8~~ → [f] five [f] [~~eight~~] ← ~~8~~ ← ~~5~~ years preceding the day on which the

128a1 county assessor mails

128a the notice

129 required by Subsection (5); and

130 (ii) ends the day on which the county assessor mails the notice required by Subsection

131 (5).

132 (4) (a) The county treasurer shall:

133 (i) collect the rollback tax; and

134 (ii) after the rollback tax is paid, certify to the county recorder that the rollback tax lien

135 on the property has been satisfied by:

136 (A) preparing a document that certifies that the rollback tax lien on the property has

137 been satisfied; and

138 (B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder

139 for recording.

140 (b) The rollback tax collected under this section shall:

141 (i) be paid into the county treasury; and

142 (ii) be paid by the county treasurer to the various taxing entities pro rata in accordance

143 with the property tax levies for the current year.

144 (5) (a) The county assessor shall mail to an owner of the land that is subject to a

145 rollback tax a notice that:

146 (i) the land is withdrawn from this part;

147 (ii) the land is subject to a rollback tax under this section; and

148 (iii) the rollback tax is delinquent if the owner of the land does not pay the tax within

149 30 days after the day on which the county assessor mails the notice.

150 (b) (i) The rollback tax is due and payable on the day the county assessor mails the

151 notice required by Subsection (5)(a).