

Senator Jacob L. Anderegg proposes the following substitute bill:

URBAN FARMING ASSESSMENT ACT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Joel Ferry

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

30a per

31 acre:

32 ~~the~~ ~~land~~ (i) ~~the~~ ~~land~~ as determined under Section 59-2-1703; and

33 ~~the~~ ~~land~~ (ii) ~~the~~ ~~land~~ for the given type of land and the given county or area ~~the~~

33a ~~the~~ ~~land~~ ~~per~~ ~~acre~~ ~~or~~

34 ~~the~~ ~~land~~ ~~per~~ ~~acre~~ ~~or~~ ~~the~~ ~~land~~ ~~total~~ ~~at~~ ~~least~~ ~~\$1,000~~ ~~per~~

35 ~~year~~ ~~for~~ ~~each~~ ~~.125~~ ~~acre~~ ~~assessed~~ ~~as~~ ~~described~~ ~~in~~ ~~Section~~ ~~59-2-1703;~~ ~~the~~ ~~land~~

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

37 (3) (a) Subject to Subsection (3)(b), "urban farming" means cultivating food or other

38 marketable crop:

39 (i) with a reasonable expectation of profit from the sale of the food or other marketable

40 crop; and

41 (ii) from irrigated land located in a county that has adopted an ordinance governing

42 urban farming in the county, pursuant to Section 59-2-1714.

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

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

45 (ii) grazing.

46 (4) "Withdrawn from this part" means that land that has been assessed under this part is

47 no longer assessed under this part or eligible for assessment under this part for any reason

48 including that:

49 (a) an owner voluntarily requests that the land be withdrawn from this part;

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

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

52 (ii) (A) the new owner fails to apply for assessment under this part as required by

53 Section 59-2-1707; or

54 (B) an owner applies for assessment under this part, as required by Section 59-2-1707,

55 but the land does not meet the requirements of this part to be assessed under this part;

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

57 (ii) (A) an owner fails to apply for assessment under this part, as required by Section
58 59-2-1707; or

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

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

62 or

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

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

66 **59-2-1703. Qualifications for urban farming assessment.**

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

69 (i) is actively devoted to urban farming;

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

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

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

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

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

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

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

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

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

87 (ii) demonstrating to the satisfaction of the county assessor that the land meets the

88 production levels required under this part; and

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

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

93 (a) on appeal by an owner; and

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

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

98 (A) eminent domain; or

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

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

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

102 Section 3. **Effective date.**

103 This bill takes effect on January 1, 2020.