

1 **URBAN FARMING AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kevin T. Van Tassell**

5 House Sponsor: Logan Wilde

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7 **LONG TITLE**

8 **General Description:**

9 This bill deals with urban farming.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the definition of "urban farming";
- 13 ▶ authorizes a county to authorize urban farming; and
- 14 ▶ makes technical changes.

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 2014, Chapter 413

22 ENACTS:

23 **59-2-1714**, Utah Code Annotated 1953

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

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

27 **59-2-1702. Definitions.**

28 As used in this part:

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

- 30 (a) land is devoted to active urban farming activities;
- 31 (b) the land produces greater than 50% of the average agricultural production per acre:
- 32 (i) as determined under Section 59-2-1703; and
- 33 (ii) for the given type of land and the given county or area.
- 34 (2) "Rollback tax" means the tax imposed under Section 59-2-1705.
- 35 (3) (a) Subject to Subsection (3)(b), "urban farming" means cultivating food:
- 36 (i) with a reasonable expectation of profit from the sale of the food; and
- 37 (ii) from irrigated land located in a county[+] that has adopted an ordinance governing
- 38 urban farming in the county, pursuant to Section 59-2-1714.
- 39 [~~(A) of the first class, as defined in Section 17-50-501; or~~]
- 40 [~~(B) of the second class, as defined in Section 17-50-501, if the county is at least 98%~~
- 41 ~~urban, as determined by the United States Census Bureau.~~]
- 42 (b) "Urban farming" does not include:
- 43 (i) cultivating food derived from an animal; or
- 44 (ii) grazing.
- 45 (4) "Withdrawn from this part" means that land that has been assessed under this part is
- 46 no longer assessed under this part or eligible for assessment under this part for any reason
- 47 including that:
- 48 (a) an owner voluntarily requests that the land be withdrawn from this part;
- 49 (b) the land is no longer actively devoted to urban farming;
- 50 (c) (i) the land has a change in ownership; and
- 51 (ii) (A) the new owner fails to apply for assessment under this part as required by
- 52 Section 59-2-1707; or
- 53 (B) an owner applies for assessment under this part, as required by Section 59-2-1707,
- 54 but the land does not meet the requirements of this part to be assessed under this part;
- 55 (d) (i) the legal description of the land changes; and
- 56 (ii) (A) an owner fails to apply for assessment under this part, as required by Section
- 57 59-2-1707; or

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

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

61 or

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

64 Section 2. Section 59-2-1714 is enacted to read:

65 **59-2-1714. County regulation.**

66 A county in this state may adopt an ordinance, authorizing residents of the county to:

67 (1) participate in urban farming; and

68 (2) utilize the provisions of this part as described in this part.

69 Section 3. **Effective date.**

70 This bill takes effect on January 1, 2019.