

URBAN FARMING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: Logan Wilde

LONG TITLE

General Description:

This bill deals with urban farming.

Highlighted Provisions:

This bill:

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

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 2014, Chapter 413

ENACTS:

59-2-1714, Utah Code Annotated 1953

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

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

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45 (4) "Withdrawn from this part" means that land that has been assessed under this part is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48 (a) an owner voluntarily requests that the land be withdrawn from this part;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.

Legislative Review Note
Office of Legislative Research and General Counsel