

1 **URBAN FARMING AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael L. Kohler**

5 Senate Sponsor: Ronald M. Winterton

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Urban Farming Assessment Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the definition of urban farming; and
- 13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **59-2-1702**, as last amended by Laws of Utah 2019, Chapter 492

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

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

24 **59-2-1702. Definitions.**

25 As used in this part:

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

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

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

- 29 (i) as determined under Section 59-2-1703; and  
30 (ii) for the given type of land and the given county or area.
- 31 (2) "Rollback tax" means the tax imposed under Section 59-2-1705.  
32 ~~[(3)(a) Subject to Subsection (3)(b), "urban farming" means cultivating food or other~~  
33 ~~marketable crop:]~~  
34 ~~[(i) with a reasonable expectation of profit from the sale of the food or other~~  
35 ~~marketable crop; and]~~  
36 ~~[(ii) from irrigated land located in a county that has adopted an ordinance governing~~  
37 ~~urban farming in the county, pursuant to Section 59-2-1714.]~~  
38 ~~[(b) "Urban farming" does not include:]~~  
39 ~~[(i) cultivating food derived from an animal; or]~~  
40 ~~[(ii) grazing.]~~  
41 (3) "Urban farming" means:  
42 (a) cultivating food or other marketable crop or engaging in livestock production,  
43 including grazing; and  
44 (b) performing the activity described in Subsection (3)(a) with a reasonable expectation  
45 of profit and from irrigated land located in a county that has adopted an ordinance governing  
46 urban farming in accordance with Section 59-2-1714.  
47 (4) "Withdrawn from this part" means that land that has been assessed under this part is  
48 no longer assessed under this part or eligible for assessment under this part for any reason  
49 including that:  
50 (a) an owner voluntarily requests that the land be withdrawn from this part;  
51 (b) the land is no longer actively devoted to urban farming;  
52 (c) (i) the land has a change in ownership; and  
53 (ii) (A) the new owner fails to apply for assessment under this part as required by  
54 Section 59-2-1707; or  
55 (B) an owner applies for assessment under this part, as required by Section 59-2-1707,

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