

Representative Michael L. Kohler proposes the following substitute bill:

URBAN FARMING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael L. Kohler

Senate Sponsor: Ronald M. Winterton

LONG TITLE

General Description:

This bill modifies the Urban Farming Assessment Act.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of urban farming for counties of the third through sixth class; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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.



26 As used in this part:

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

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

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

30 (i) as determined under Section [59-2-1703](#); and

31 (ii) for the given type of land and the given county or area.

32 (2) "Rollback tax" means the tax imposed under Section [59-2-1705](#).

33 ~~[(3)(a) Subject to Subsection (3)(b), "urban farming" means cultivating food or other~~
34 ~~marketable crop:]~~

35 ~~[(i) with a reasonable expectation of profit from the sale of the food or other~~
36 ~~marketable crop; 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 ~~[(b) "Urban farming" does not include:]~~

40 ~~[(i) cultivating food derived from an animal; or]~~

41 ~~[(ii) grazing.]~~

42 (3) (a) "Urban farming" means:

43 (i) if performed on land located in a county of the first or second class, cultivating food
44 or other marketable crop:

45 (A) with a reasonable expectation of profit from the sale of the food or other
46 marketable crop; and

47 (B) from irrigated land located in a county that has adopted an ordinance governing
48 urban farming in accordance with Section [59-2-1714](#); or

49 (ii) if performed on land located in a county other than a county of the first or second
50 class:

51 (A) cultivating food or other marketable crop or engaging in livestock production,
52 including grazing; and

53 (B) performing the activity described in Subsection (3)(a)(ii)(A) with a reasonable
54 expectation of profit and from irrigated land located in a county that has adopted an ordinance
55 governing urban farming in accordance with Section [59-2-1714](#).

56 (b) "Urban farming" does not include the following, if performed on land located in a

57 county of the first or second class:

58 (i) livestock production; or

59 (ii) grazing.

60 (4) "Withdrawn from this part" means that land that has been assessed under this part is
61 no longer assessed under this part or eligible for assessment under this part for any reason
62 including that:

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

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

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

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

67 Section 59-2-1707; or

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

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

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

71 (ii) (A) an owner fails to apply for assessment under this part, as required by Section

72 59-2-1707; or

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

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

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

76 or

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

78 Section 59-2-1703.