

Chart 7. Annexation of Agricultural Land

Current Tennessee Law	Proposed Changes	Other States' Laws
Public Chapter 441, Acts of 2013, imposes a 13-month moratorium on annexing property by the cities' initiative used for residential or agricultural purposes. Prior to this moratorium, cities were allowed to annex property used for agricultural purposes.	Senate Bill 1316 by Bowling, House Bill 1249 by Van Huss, as sent to the Commission for study, prohibits municipalities from annexing any land within its urban growth boundary that is zoned for agricultural use until there is a change in use triggered by a request for a non-agricultural zoning designation or by sale of the territory for use other than agricultural purposes.	Currently, the majority of states do not have limits on annexing agricultural land. Eight states limit the annexation of lands being used for agricultural purposes. Idaho and Ohio allow owners of agricultural land to petition the court for deannexation.

Other States' Laws on Annexation of Agricultural Land

State	Restrictions
Arkansas	Land shall not be annexed if its highest and best use is agriculture. Other lands used exclusively for agriculture shall continue to be used and assessed as agricultural land after annexation.
Florida	Only land that is used for urban purposes may be annexed.
Idaho	The owners of land 5 acres or greater in size may petition the court for deannexation if the lands are used exclusively for agricultural purposes.
Kansas	No portion of any unplatted tract of land 21 acres or more in size that is devoted to agricultural use shall be annexed by any municipality without the written consent of the owner.
Nebraska	Agricultural lands that are rural in nature may not be annexed by ordinance.
North Carolina	Property that is being used for bona fide farm purposes on the date of the resolution of intent to consider annexation may not be annexed without the written consent of the property owner(s).
Ohio	After annexation, the owner of unplatted farmlands may petition the court for deannexation.
Oregon	Lands may not be annexed where they are used only for purposes of agriculture or horticulture, and are valuable on account of such use.
South Carolina	Any property owner that owns agricultural real property in the area to be annexed shall receive written notice of the proposed annexation by certified mail. If the property owner files a written notice objecting to the inclusion of his or her property in the area to be annexed with the municipal clerk at least ten days before the election, the property must be excluded from the area to be annexed.
Virginia	The court will consider the adverse impact on agricultural operations when determining whether or not to grant an annexation.