

CHAPTER 1
RURAL AGRICULTURE PROTECTION PROGRAM

11-1-3: AGRICULTURE PROTECTION AREA:

The general plan seeks to ensure that agricultural land uses and operations in Eastern Summit County are protected, to the extent possible, from the adverse affects of development. It is the intent of the agricultural protection program to: a) provide incentives to farmers and ranchers that encourage them to stay on the land; b) augment and carry out the state's agricultural protection area provision, established in Utah Code Annotated section 17-41-101, to maintain agricultural activities that are valuable to the state and the county; c) protect farmers and ranchers from nuisance complaints, undesirable rezoning, and unreasonably restrictive state and local actions; and d) educate and raise the awareness of developers and new residents that Eastern Summit County values, which form the foundation of the general plan, will be protected from any adverse affects of development and help ensure the right to farm in Eastern Summit County.

A. Agriculture Protection Advisory Board: The board of county commissioners shall appoint members to an agriculture protection area advisory board (advisory board) ³⁵, in accordance with state law. The advisory board shall:

1. Evaluate each proposal for the creation of an agriculture protection area and make a recommendation to the board of county commissioners regarding the acceptability of the proposal;
2. Provide advice to the planning commission and board of county commissioners about:
 - a. The desirability of each proposed agriculture protection area designation;
 - b. The nature of agricultural production within each proposed agriculture protection area;
 - c. The relation of agricultural production within the proposed agriculture protection area to the county as a whole;
 - d. The type of agricultural production that should be allowed within the agriculture protection area; and
 - e. Measures that can be carried out by the county to encourage and promote agricultural production within each agriculture protection area and the county as a whole.

B. Qualifications: There must be at least five (5) acres of active agriculture production within any area to be designated an agriculture protection area in order to qualify under this chapter.

C. Application Requirements: The state has established a mechanism for the owner of land in agricultural production to file a proposal for the creation of an agricultural protection area within the county. An application for agriculture protection area designation shall include the following:

1. Identification of the land in agricultural production that the owner wishes to become part of an agriculture protection area.
2. The tax parcel number of each parcel to be included in the agriculture protection area.
3. The number of acres for each parcel, as listed on the parcel tax records.
4. The name of the owners of each parcel to be included in the agriculture protection area.
5. A description of any limitations that shall be placed on the types of agricultural production that shall occur within the agriculture protection area.

D. Review Procedures:

1. The applicant for an agriculture protection area designation shall submit the required information to the community development director.
2. Upon receipt of the application, a notice shall be published in a newspaper of general circulation and the applicant shall post the notice in at least five (5) public places within, adjacent to, or near the proposed agriculture protection area. The notice shall contain:
 - a. A statement that a proposal for the creation of an agriculture protection area has been filed with the county.
 - b. A statement that the proposal will be available for public inspection in the community development department.
 - c. A statement that any person affected by the establishment of the area may file a written request for modification of the proposal or written objections to the proposal with the county within fifteen (15) days of the date of the notice.
 - d. A statement that the county will submit the proposal to the advisory board and the planning commission for review and recommendations.
 - e. A statement that the county will hold a public hearing to discuss and hear public comment on:
 - (1) The proposal to create the agriculture protection area;
 - (2) The recommendations of the advisory board and planning commission; and
 - (3) Any requests for modifications of the proposal and objections to the proposal.
 - f. Written objections to the proposal shall be submitted to the county within fifteen (15) days after the date of the notice.
3. After fifteen (15) days from the date of the public notice, the application, along with any objections or proposed modifications, shall be referred to the advisory board and the planning commission for review, comments and recommendations.
4. Within forty five (45) days after receipt of the application, the advisory board shall submit a recommendation to the board of county commissioners that:
 - a. Recommends any modifications to the proposal.
 - b. Recommends any limitations on the types of agricultural production to be allowed in the agriculture protection area.
 - c. Identifies whether the land is currently being used for agriculture production; the viability of the land for agricultural production; the extent and nature of existing and proposed farm improvements; and anticipated trends in agricultural and technological conditions.
 - d. Evaluates any objections to the proposal.
 - e. Recommends acceptance, modification or rejection of the proposal.
5. Within forty five (45) days after receipt of the application, the planning commission shall submit a recommendation to the board of county commissioners that:
 - a. Identifies the effect of the proposal on the county planning policies and objectives.
 - b. Identifies whether the land is zoned for agricultural use.
 - c. Analyzes and evaluates any objections to the proposal.
 - d. Recommends acceptance, modification or rejection of the proposal; and

e. Recommends any limits on the types of agricultural protection to be allowed in the agriculture protection area.

6. Failure of the planning commission or advisory board to submit a recommendation within forty five (45) days shall constitute a recommendation for approval of the proposal.

7. Upon receipt of the planning commission and advisory board recommendations, or after forty five (45) days has expired, whichever comes first, the board of county commissioners shall schedule a public hearing. Notice of the hearing shall be published in a newspaper of general circulation and the applicant shall post the notice in at least five (5) public places within, adjacent to, or near the proposed agriculture protection area. The notice shall state:

a. The time, date and place of the public hearing.

b. A description of the proposed agriculture protection area.

c. Any proposed modifications to the agriculture protection area.

d. The recommendations of the planning commission and advisory board.

e. A statement that interested persons may appear at the public hearing and speak in favor or against the proposal, any proposed modifications to the proposal or the recommendations of the advisory board or planning commission.

8. The board of county commissioners, after holding the public hearing, shall make a decision regarding the application within one hundred twenty (120) days of the date of application. Failure of the board of county commissioners to act within one hundred twenty (120) days of the date of application shall constitute approval of the application.

E. Notice Of Agriculture Protection Areas:

1. Upon approval of an application for an agriculture protection area, the community development director shall file an executed document containing a legal description of the agriculture protection area in the records of the county recorder and with the planning commission.

2. Within ten (10) days of recording the executed document, the community development director shall file a written notification to the commissioner of agriculture that the agriculture protection area has been created. The notification shall include:

a. The number of landowners within the agriculture protection area; and

b. The total acreage of the area, the date of approval, and the date of recording the executed document.

F. Adding Land To Or Removing Land From Agriculture Protection Area:

1. Any owner of land may add land to an existing agriculture protection area by filing an application with the county and obtaining the approval of the board of county commissioners in accordance with the provisions of this section for creating an agriculture protection area.

2. Any owner of land may remove all or part of the property from the agriculture protection area by filing a petition for removal with the county. The board of county commissioners shall grant approval of the removal, even if the remaining agriculture protection area will be less than five (5) acres under active agriculture production. Upon removal, a revised legal description of the remaining agriculture protection area shall be filed with the county recorder and the planning commission. (Ord. 278, 5-6-1996)