

## Chapter 19.21. Agriculture Protection Areas.

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### 19.21.01. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings:

1. **“Advisory Board”** means the Agriculture Protection Area Advisory Board created by Utah County pursuant to Article 26-2 of the Utah County Ordinances.
2. **“Agriculture production”**:
  - a. means production for commercial purposes of crops, livestock, and livestock products; and
  - b. includes the processing or retail marketing of any crops, livestock, and livestock products when more than fifty percent of the processed or merchandised products are produced by the farm operator.
3. **“Agriculture protection area”** means a geographic area within the municipal boundaries of the City of Saratoga Springs created under the authority of this Chapter that is granted the specific legal protection contained herein.
4. **“Crops, livestock, and livestock products”** include:
  - a. land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
    - i. forages and sod crops;
    - ii. grains and feed crops;
    - iii. livestock as defined in Utah Code § 4-1-8;
    - iv. trees and fruits; or v) vegetables, nursery, floral and ornamental stock, or;
  - b. land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.
5. **“Proposal sponsors”** means the owners of land in agricultural production who are sponsoring the proposal for creating an agriculture protection area.

6. **“State agency”** means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

**19.21.02. Proposal for Creation of Agriculture Protection Area.**

1. A proposal to create an agriculture protection area or an amendment to an existing agriculture protection area within the incorporated boundaries of the City of Saratoga Springs may be filed with the City Council by completing the standard forms adopted by the City Council and by filing said forms in City office.
2. To be accepted for processing by the City Council, a proposal under Subsection 1. shall be signed by a majority in number of all owners of real property and the owners of a majority of the land area in agricultural production within the proposed agriculture protection area. For the purpose of this Subsection, the owners of real property shall be determined by the records of the County Recorder.
3. The City Manager, or other person designated by the City Council to receive and process proposals, shall accept and process such forms only if they are properly completed and accompanied by the filing fee in the amount of \$250.
4. The proposal shall contain the following information:
  - a. the boundaries of the land proposed to become part of an agriculture protection area;
  - b. any limits on the types of agriculture production to be allowed within the agriculture protection area; and
  - c. for each parcel of land:
    - i. the names of the owners of record of the land proposed to be included within the agriculture protection area;
    - ii. the tax parcel number or account number identifying each parcel; and
    - iii. the number of acres of each parcel.
5. An agriculture protection area may include within its boundaries land used for a roadway, dwelling site, or other non-agricultural use, if that land constitutes a minority of the total acreage within the agriculture protection area.

**19.21.03. Area Requirements.**

1. In accordance with Utah Code § 17-41-301, the minimum number of continuous acres that must be included in an agriculture protection area within the City of Saratoga Springs is hereby established at forty acres.
2. A variance to the minimum acreage requirement may be given for land which is used in intensive livestock operations or in fruit production. A variance may also be given if the acreage is contiguous to an existing agriculture protection area or contiguous to an existing or proposed agriculture protection area that is not within the City of Saratoga Springs.

3. Creation of an agriculture protection area shall not impair the ability of land within the area to obtain benefits of Utah Code § 59-2-501 -515, Farmland Assessment Act. The eligibility of land for the benefits of the Farmland Assessment Act shall be determined exclusively by the provisions of that act, notwithstanding the land's location within an agriculture protection area.

#### **19.21.04. Notice Requirements.**

1. The City Council of Saratoga Springs shall provide notice of the proposal for an agriculture protection area within the incorporated City boundaries by:
  - a. publishing notice in a newspaper having a general circulation within the proposed agriculture protection area; and
  - b. posting notice at five public places within or near the proposed agriculture protection area.
2. The notice shall contain:
  - a. a statement that a proposal for the creation of an agriculture protection area has been filed with the City Council;
  - b. a statement that the proposal will be open to public inspection in the City office;
  - c. a statement that any person or entity affected by establishment of the area may, within fifteen days of the date of notice, file with the City Council written objections to the proposal or a written request to modify the proposal to exclude land from or add land to the proposed agriculture protection area;
  - d. a statement that the City Council will submit the proposal to the Advisory Board and to the Planning Commission for review and recommendations; and
  - e. a statement that the City Council will hold a public hearing to discuss and hear public comment on:
    - i. the proposal to create the agriculture protection area;
    - ii. the recommendation of the Advisory Board and Planning Commission; and
    - iii. any requests for modification of the proposal and any objections to the proposal.
3. Any person wishing to modify the proposal for the creation of the agriculture protection area shall, within fifteen days after the date of the notice, file a written request for modification of the proposal, which identifies specifically the land that must be added to or removed from the proposal.
4. Any person wishing to object to the proposal for the creation of the agriculture protection area shall, within fifteen days after the date of the notice, file a written objection to the creation of the agriculture protection area.

#### **19.21.05. Review of Proposal.**

1. After fifteen days from the date of the notice, the City Council shall refer the proposal and any objections and proposed modifications to the proposal to the Advisory Board and Planning Commission for their review, comments, and recommendations.

2. Within forty-five days after the receipt of the proposal, the Planning Commission shall submit a written report to the City Council that:
  - a. analyzes and evaluates the effect of creating the proposed area on the City's planning policies and objectives;
  - b. analyzes and evaluates the proposal by applying the criteria contained in Section 19.21.07;
  - c. recommends any modifications to the land to be included in the proposed agriculture protection area;
  - d. analyzes and evaluates any objections to the proposal; and
  - e. includes a recommendation to the City Council either to accept, accept and modify, or reject the proposal.
  
3. Within forty-five days after receipt of the proposal, the Advisory Board shall submit a written report to the City Council that:
  - a. recommends any modifications to the land to be included in the proposed agriculture protection area;
  - b. analyzes and evaluates the proposal by applying the criteria contained in Section 19.21.07;
  - c. analyzes and evaluates any objections to the proposal; and
  - d. includes a recommendation to the City Council either to accept, accept and modify, or reject the proposal.
  
4. The City Council shall consider a failure of the Planning Commission or Advisory Board to submit a written report within the forty-five days under Subsections 2 and 3 as a recommendation against the proposal as submitted.

**19.21.06. Public Hearing.**

1. After receipt of the written reports from the Advisory Board and Planning Commission, or after the forty-five days has expired, whichever is earlier, the City Council shall:
  - a. schedule a public hearing;
  - b. provide notice of the hearing by:
    - i. publishing notice in a newspaper having general circulation within the area proposed for inclusion within the agriculture protection area; and
    - ii. posting notice in five public places within or near the proposed agriculture protection area; and
  - c. ensure the notice includes:
    - i. the time, date, and place of the public hearing on the proposal;
    - ii. a description of the proposed agriculture protection area;
    - iii. any proposed modifications to the proposed agriculture protection area;
    - iv. a summary of the recommendations of the Advisory Board and Planning Commission; and
    - v. 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 and Planning Commission.
2. After scheduling and providing notice of the public hearing as set forth in Subsection 1, the City Council shall:
  - a. convene the public hearing at the time, date, and location specified in the notice; and
  - b. take verbal or written testimony from interested persons.
3. Within 120 day of receiving the submitted proposal, the City Council shall approve, modify and approve, or reject the proposal.
4. The creation of an agriculture protection area is effective at the earlier of:
  - a. the City Council's approval of a proposal or modified proposal; or
  - b. 120 days after submitting a proposal complying with Section 19.21.02, if the City Council has failed to approve or reject the proposal within that time.
5. In order to give constructive notice of the existence of the agriculture protection area to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area, within ten days of creating or amending a currently existing agriculture protection area, the City Council shall file an executed document containing a legal description of the agriculture protection area with:
  - a. the County Recorder; and
  - b. the Planning Commission.
6. Within ten days of recording the agriculture protection area, the City Council shall send written notification to the Commissioner of Agriculture and Food that the agriculture protection area has been created or amended and include in the notification the following:
  - a. the number of landowners owning land within the agriculture protection area

- b. the total acreage of the area;
  - c. the date of approval of the area; and
  - d. the date of record.
7. Failure by the City Council to record the notice required under Subsection 5 does not invalidate the creation of an agriculture protection area.

**19.21.07. Evaluation Criteria.**

In evaluating a proposal and determining whether or not to create or recommend the creation of an agriculture protection area, the Advisory Board, Planning Commission, and City Council shall apply the following criteria:

1. whether or not the land is currently being used for agriculture production;
2. whether or not the land is zoned for agriculture use;
3. whether or not the land is viable for agricultural production;
4. the extent and nature of existing or proposed farm improvements; and
5. anticipated trends in agricultural and technological conditions.

**19.21.08. Adding Land to an Agriculture Protection Area.**

1. Any owner may add land to an existing agriculture protection area within the incorporated area of the City of Saratoga Springs by:
  - a. filing a proposal with the City Council; and
  - b. obtaining the approval of the City Council for adding the land to the area.
2. The City Council shall comply with the provisions for creating an agriculture protection area in determining whether or not to accept the proposal.

**19.21.09. Removing Land from an Agriculture Protection Area.**

1. Any owner may remove land from an agriculture protection area within the incorporated area of the City of Saratoga Springs by filing a petition for removal of the land from the agriculture protection area with the City Council.
2. The City Council shall:
  - a. grant the petition for removing land from an agriculture protection area even if removal of the land would result in an agriculture protection area of less than the number of acres established by the City as the minimum under Section 19.21.03; and
  - b. in order to give constructive notice of the removal to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture

protection area and the land removed from the agriculture protection area, file a legal description of the revised boundaries of agriculture protection area with the City of Saratoga Springs, the County Recorder, and the Planning Commission.

3. The remaining land in the agriculture protection area is still an agriculture protection area.

**19.21.10. Review of the Agriculture Protection Areas.**

1. The City Council shall review any agriculture protection area created under authority of this Chapter in the 20th calendar year after it is created.
2. In the 20th calendar year, the City Council shall:
  - a. request the Planning Commission and Advisory Board to submit recommendations about whether to continue, modify, or terminate the agriculture protection area;
  - b. at least 120 days before the end of the calendar year, hold a public hearing to discuss whether to continue, modify, or terminate the agriculture protection area;
  - c. give notice of the hearing using the same procedure required by Section 19.21.04; and
  - d. after the public hearing, continue, modify, or terminate the agriculture protection area.
3. If the City Council modifies or terminates the agriculture protection area, it shall file an executed document containing the legal description of the agriculture protection area with the County Recorder.
4. If the City County fails to affirmatively continue, modify, or terminate the agriculture protection area in the 20th calendar year, the agriculture protection area is considered to be authorized for another twenty years.