

ORDINANCE NO. 22-23

AN ORDINANCE AMENDING WASATCH COUNTY CODE CHAPTERS 2.02.19, 4.09.02 AND 16.29. THESE CODES ALLOW FOR APPLICATION FEES, AN AGRICULTURAL PROTECTION ADVISORY BOARD, A PROCESS FOR DESIGNATING PROPERTY AS AN AGRICULTURAL PROTECTION AREA AND ESTABLISHES CRITERIA FOR AGRICULTURE PROTECTION AREAS.

RECITALS

WHEREAS, the Utah State Code allows for agricultural protection areas as allowed in Utah Code 17-41-201; and

WHEREAS, Wasatch county is a rapidly developing and urbanizing county; and

WHEREAS, development adjacent to agricultural uses can cause issues with residential uses adjacent to agricultural uses; and

WHEREAS, the County Legislative Body wants to support and maintain the rural environment of the County and help farmers and ranchers maintain the uses that have been on the property for generations; and

WHEREAS, the state code allows for other protections if a property is considered to be in an agricultural protection area; and

WHEREAS, the County is not required to enact an agriculture protection area ordinance; and

WHEREAS, the legislative body desires to limit and further define some aspects of Utah Code 17-41-101 et seq. through this ordinance to ensure the purposes of the Wasatch County Land Use and Development Code are not undermined; and

WHEREAS, the ordinance excludes the area described as north of SR-113 and west of Heber City's boundary and bordered on the north and west sides by the existing transmission line, which transmission line is depicted on Exhibit A; and

WHEREAS, the land in the rectangular area 270 feet to the south and 520 feet to the east of the transmission line adjacent to the northwest corner of transmission line at the the northwest of Heber City in the north fields has been excluded from the bypass as shown in the Wasatch County General Plan because it is not needed to make the turn, and so is allowed to be in the agriculture protection area,

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

WHEREAS, the County Legislative Body, having considered all of the evidence provided to be in the best interest of the health, general welfare, and safety of the inhabitants of Wasatch County;

NOW THEREFORE, the County Legislative Body of Wasatch County ordains that the Wasatch County Code be amended as follows:

See Exhibit B

SECTION I: **Enactment.** The following amendments, additions, and deletions to the Wasatch County Code, are hereby enacted: See attached Exhibit B.

SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: **Effective Date.** This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 7 day of December, 2022.

Attest:


 Joey Granger
 Wasatch County Clerk / Auditor



WASATCH COUNTY COUNCIL:


 Mark Nelson, Chair
 Wasatch County Council

Mark Nelson, Chairman
 Spencer Park, Vice-Chair
 Marilyn Crittenden
 Jeff Wade
 Kendall Crittenden
 Steve Farrell
 Danny Goode

VOTE

Y
N
Y
Y
Y
Y
Y

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- [x] (a) Causing this ordinance to be entered at length in the ordinance book;
[x] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
[x] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in The Wasatch Wave, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 7 day of December, 2022.

Handwritten signature of Joey Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 7 day of December, 2022.

Handwritten signature of Wendy McKnight
Notary Public

Residing in: Wasatch
My commission expires: 09/10/2026

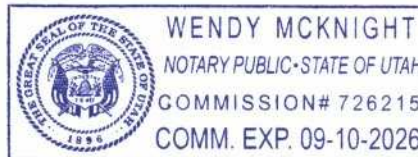
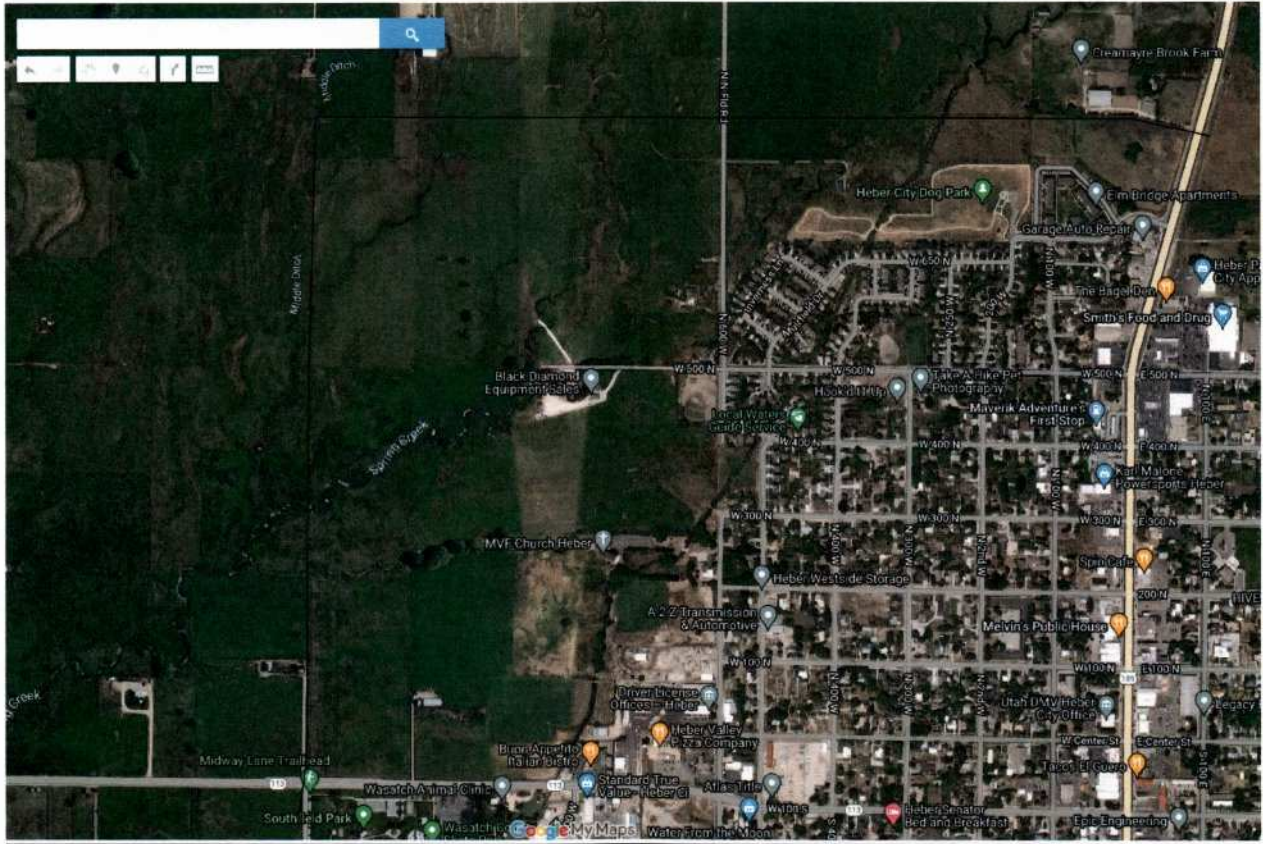


EXHIBIT A

**AREA DESCRIBED AS NORTH OF SR-113 AND WEST OF HEBER CITY'S
BOUNDARY AND BORDERED ON THE NORTH AND WEST SIDES BY THE
EXISTING TRANSMISSION LINE - NOV. 1. 2022**



**EXISTING TRANSMISSION (RED) WITH THE BYPASS AS SHOWN IN THE
GENERAL PLAN (YELLOW) AND THE LAND ON THE INSIDE OF THE
NORTHEAST CORNER THAT CAN BE IN AN AGRICULTURE PROTECTION AREA
(ORANGE) - NOV 1, 2022**



GIS Info from HL&P & From County Taxmap

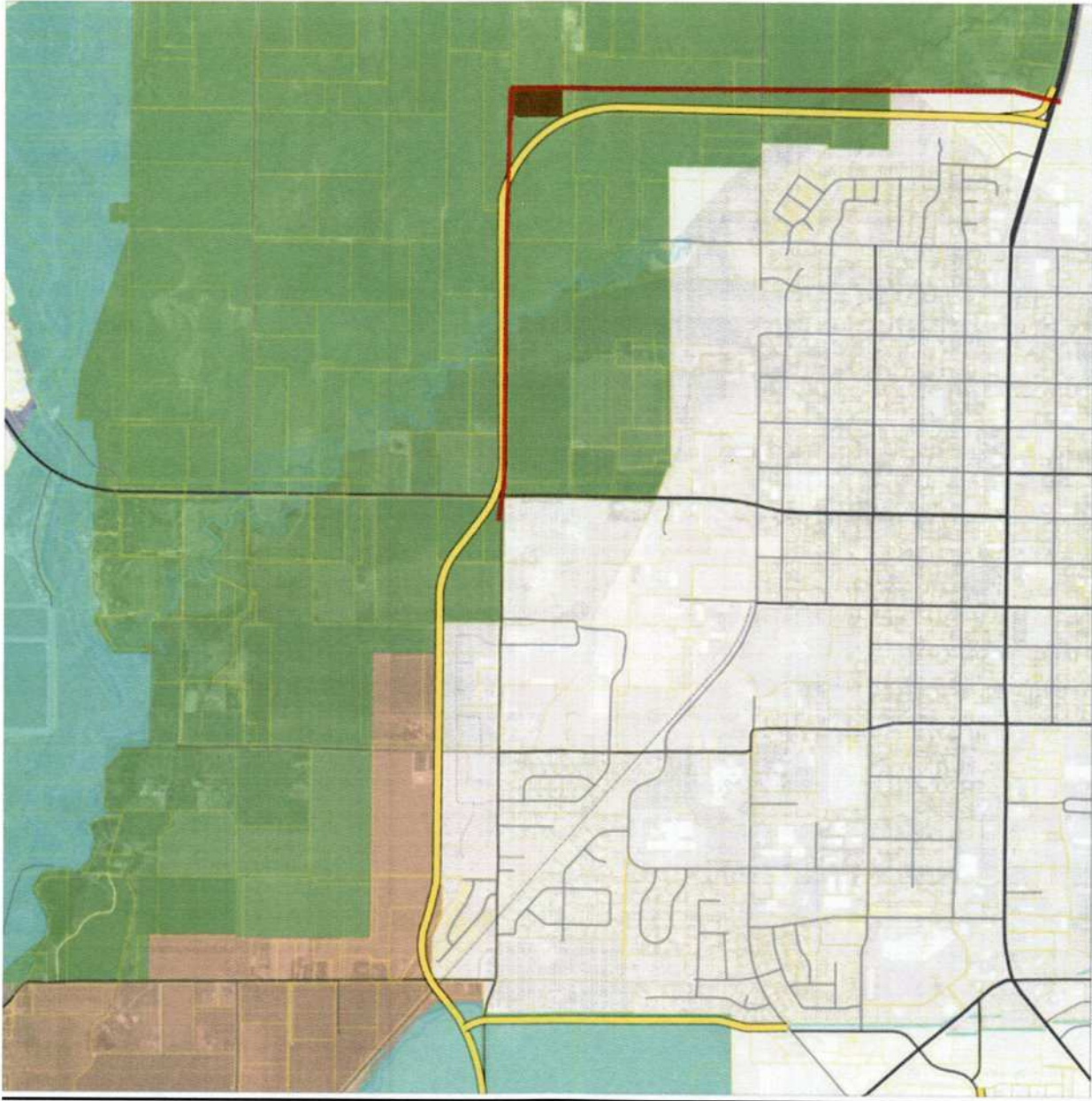


EXHIBIT B – PROPOSED AMENDMENT

1 **2.02.19: WASATCH AGRICULTURE PROTECTION AREA ADVISORY BOARD**

2 A. Establishment and Membership: Pursuant to Utah Code 17-41-201, the Wasatch County
 3 legislative body hereby creates the Wasatch County Agriculture Protection Area
 4 Advisory Board.

5 1. Membership: The Agriculture Protection Area Advisory Board shall consist of
 6 five (5) members comprised of the following:

- 7 a. Five (5) members who are also serving on a Wasatch County Soil
 8 Conservation Board.
- 9 b. Board members shall serve on a volunteer basis, without salary, and shall
 10 advise the county legislative body and perform the functions required by
 11 law.
- 12 c. Board Members shall serve a term of two years.
- 13 d. Members shall be appointed by the county manager, with the advice and
 14 consent of the county legislative body.

15 2. Voting Members of the Board shall constitute the official Governing Board of the
 16 Agriculture Protection Area Advisory Board and shall have all the rights, powers,
 17 duties and responsibilities delegated to the Board as set forth herein. Action may
 18 be taken by a simple majority of all the Board Members. The Wasatch County
 19 Planning Department is the administrator of the Agriculture Protection Area
 20 Advisory Board. At least three of the Board members must be present to take any
 21 official action. Board Member's votes are not weighted in any manner.

22 3. Powers And Duties: The Agriculture Protection Area Advisory Board shall have
 23 all power, authority and responsibility necessary to direct and conduct the
 24 business of the Wasatch Agriculture Protection Area Advisory Board as allowed
 25 by law. The Board may prepare policies, procedures, by-laws and resolutions
 26 necessary to carry out the work of the Board in a proper and businesslike manner.

- 27 4. The Board will hold meetings as necessary.
- 28 5. The Board shall comply with the Open Public Meetings Act.

29 **4.09.02: WASATCH COUNTY FEES**

C.	Fees Of The Wasatch County Planning And Zoning Department:	
	2.	Other fees:
		A proposal to create an agriculture protection area or an amendment to an existing agriculture protection area.
		\$500.00 plus actual costs.

30

31 **CHAPTER 16.29: AGRICULTURE PROTECTION AREA**

32 **16.29.01: DEFINITIONS**

33 For the purposes of this Chapter, the following words and phrases shall have the meanings
34 respectively ascribed to them below:

- 35 A. "Advisory Board" means the Wasatch County Agriculture Protection Area Advisory
36 Board.
- 37 B. "Agriculture production" means production for commercial purposes of crops,
38 livestock, and livestock products.
- 39 1. "Agriculture production" includes the processing or retail marketing of any crops,
40 livestock, and livestock products when more than 50% of the processed or
41 merchandised products are produced by the farm operator.
- 42 C. "Agriculture protection area" means a geographic area within the unincorporated part of
43 Wasatch County created under the authority of Utah Code Chapter 41, Title 17, and of
44 this Chapter, that is granted the specific legal protection contained in Utah Code Chapter
45 41, Title 17.
- 46 D. "Applicable legislative body" means:
- 47 1. the Wasatch County legislative body if the land included in or proposed to be
48 included in an agriculture protection area is within the unincorporated part of
49 Wasatch County; or
- 50 2. the legislative body of the city or town if the land included in or proposed to be
51 included in an agriculture protection area is within the boundaries of a city or
52 town.
- 53 E. "Contiguous" means touching along a common side or so close in proximity as to be
54 separated only by the width of a road, canal, railroad track, easement, or similar right-of-
55 way.
- 56 F. "Crops, livestock, and livestock products" includes:
- 57 1. Land devoted to the raising of useful plants and animals with a reasonable
58 expectation of profit, including:
- 59 2. Forages and sod crops;
- 60 3. Grains and feed crops;
- 61 4. Livestock as defined in Utah Code 59-2-102(19)(d);
- 62 5. Trees and fruits; or
- 63 6. Vegetables, nursery, floral and ornamental stock; or
- 64 7. Land devoted to and meeting the requirements and qualifications for payments or
65 other compensation under a crop-land retirement program with an agency of the
66 state or federal government.
- 67 G. "Planning Commission" means the Wasatch County Planning Commission, a Township
68 Planning Commission, or a planning commission of a city or town.
- 69 H. "Political subdivision" means a county, city, town, school district, local district, or special
70 service district.
- 71 I. "Proposal sponsors" means the owners of land in agricultural production who are
72 sponsoring the proposal for creating an agriculture protection area.
- 73 J. "Regulation" means a law, ordinance, or regulation.
- 74 K. "State agency" means each department, commission, board, council, agency, institution,
75 officer, corporation, fund, division, office, committee, authority, laboratory, library, unit,
76 bureau, panel, or other administrative unit of the state.

- 77 L. "Unincorporated" means not within a city or town.
 78 M. "Zoning Regulation" means local laws, ordinances or regulations that govern how real
 79 property can and cannot be used in a certain zoning designation.
 80 N. "Zoning Designation" means the designation of zoning for land, as indicated on the
 81 zoning map.

82 **16.29.02: PROPOSAL FOR CREATION OF AGRICULTURE PROTECTION AREA.**

- 83 A. A proposal to create an agriculture protection area or an amendment to an existing
 84 agriculture protection area within the unincorporated part of the County may be filed by
 85 completing the standard forms created by the County Planning Department and by filing
 86 said forms in the office of the County Planning Department. The written petition shall:
 87 1. Contain a legal description, including acreage, of the land proposed to be
 88 considered as an agriculture protection area;
 89 2. The names of the owners of record of the land proposed to be included within the
 90 agriculture protection area;
 91 3. for each parcel of land, or any portion thereof:
 92 a. the tax parcel number or account number identifying each parcel; and
 93 b. the number of acres of each parcel.
 94 4. Addressed, stamped envelopes for each owner of land within 1,000 feet of the
 95 land proposed to be included in an agriculture protection area;
 96 5. Contain a notarized declaration signed by the property owner(s);
 97 6. Contain a description of the agricultural pursuits on the property;
 98 7. Contain any proposed limits on the types of agriculture production to be allowed
 99 within the agriculture protection area;
 100 8. Contain a site plan showing structures, uses and acreages of agricultural
 101 production on the property;
 102 9. Contain any other information reasonably requested by the Wasatch County DRC.
 103 B. To be accepted for processing by the County Planning Department, a proposal under
 104 Subsection (A) shall be signed by a majority number of all owners of real property and
 105 the owners of a majority of the land area in agricultural production within the proposed
 106 agriculture protection area. For the purpose of this Subsection (B), the owners of real
 107 property shall be determined by the records of the County Recorder.
 108 C. The Wasatch County Planning Department shall accept and process such forms only if
 109 they are properly completed and accompanied by the filing fee. The filing fee is set forth
 110 in the adopted Wasatch County Government Fee Schedule.
 111 D. An agriculture protection area may include within its boundaries land used for a roadway,
 112 dwelling site, park, or other nonagricultural use, if that land constitutes a minority of the
 113 total acreage within the agriculture protection area.
 114 E. Any property or parcel proposed to be included in an Agriculture Protection Area must be
 115 in the A-20 zone.
 116 F. The following land is not eligible to be included in an agriculture protection area based
 117 on their condition as of November 1, 2022:
 118 1. Land in an area described as north of SR-113 and west of Heber City's boundary
 119 and bordered on the north and west sides by the existing transmission line, but not
 120 excluding the rectangular area 270 feet to the south and 520 feet to the east of the

- 121 transmission line adjacent to the northwest corner of the previously described
 122 area,
 123 2. Land that is within 100 feet of the centerline of SR-113, 2400 South, 1200 South,
 124 Southfield Road, Midway Lane, US 40, River Road, SR-32, 189, Main Canyon
 125 Road, the portion of the Bypass Alignment as shown on the Wasatch County
 126 General Plan Map 32 which is south of SR-113, or Road 10 (Wallsburg second
 127 access) as shown on the Wasatch County General Plan Map 21.
 128 G. Parcels that include property that is not eligible under this subsection may still be eligible
 129 for inclusion in an agriculture protection area, though the agriculture protection area will
 130 not include those parts that are not eligible.

131 **16.29.03: AREA REQUIREMENTS.**

132 In accordance with Utah Code 17-41-301 the minimum number of contiguous acres that must be
 133 included in an agriculture protection area within the unincorporated part of the County is hereby
 134 established as five (5) acres. Creation of an agriculture protection area shall not impair the ability
 135 of land within the area to obtain the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment
 136 Act. The eligibility of land for the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment
 137 Act, shall be determined exclusively by the provisions of that act, notwithstanding the land's
 138 location within an agriculture protection area.

139 **16.29.04: NOTICE AND PUBLIC HEARING REQUIREMENTS FOR PLANNING**
 140 **COMMISSION, ADVISORY BOARD AND COUNTY COUNCIL.**

- 141 A. The Wasatch County Planning Department shall provide notice of the proposal for an
 142 agriculture protection area within the unincorporated part of the County by:
 143 1. Posting notice on the Utah Public Notice Website created in Utah Code 63A-16-
 144 601;
 145 2. Mailing written notice to each owner of land within 1,000 feet of the land;
 146 proposed for inclusion within an agriculture protection area, industrial protection
 147 area, or critical infrastructure materials protection area; and
 148 3. Posting notice at five public places within or near the proposed agriculture
 149 protection area. The County legislative body hereby authorizes the Wasatch
 150 County Planning Department to designate the location of these five public places
 151 within or near the proposed agriculture protection area.
 152 B. The notice shall contain:
 153 1. a statement that a proposal for the creation of an agriculture protection area has
 154 been filed with the County;
 155 2. a statement that the proposal will be open to public inspection in the office of the
 156 County Planning Department;
 157 3. a statement that any person or entity affected by establishment of the area may,
 158 within 15 days of the date on the notice, file with the County Planning
 159 Department written objections to the proposal or a written request to modify the
 160 proposal to exclude land from or add land to the proposed agriculture protection
 161 area;

- 162 4. a statement that the County will submit the proposal to the Planning Commission
 163 and Advisory Board for review and recommendations and the proposed dates; and
 164 5. a statement that the County legislative body will hold a public hearing on a
 165 specified date to discuss and hear public comment on:
 166 a. the proposal to create the agriculture protection area;
 167 b. the recommendations of the Advisory Board and Planning Commission;
 168 and
 169 c. any requests for modification of the proposal and any objections to the
 170 proposal.
- 171 C. Any person wishing to modify the proposal for the creation of the agriculture protection
 172 area shall, within 15 days after the date of the notice, file a written request for
 173 modification of the proposal, which identifies specifically the land that should be added
 174 to or removed from the agriculture protection area.
- 175 D. A person wishing to object to the proposal for the creation of the agriculture protection
 176 area shall, within 15 days after the date of the notice, file a written objection to the
 177 creation of the agriculture protection area with the Wasatch County Planning Department.

178 **16.29.06: REVIEW OF PROPOSAL.**

- 179 A. After 15 days from the date of the notice, the Wasatch County Planning Department shall
 180 refer the proposal and any objections and proposed modifications to the proposal to the
 181 Planning Commission and Advisory Board for their review, comments, and
 182 recommendations.
- 183 B. Within 45 days after receipt of the proposal, the Planning Commission shall submit a
 184 report of action to the County legislative body that:
 185 1. analyzes and evaluates the effect of the creation of the proposed area on the
 186 county's planning policies and objectives;
 187 2. analyzes and evaluates the proposal by applying the criteria contained in Section
 188 16.29.08;
 189 3. recommends any modifications to the land to be included in the proposed
 190 agricultural protection area;
 191 4. analyzes and evaluates any objections to the proposal; and
 192 5. includes a recommendation to the County legislative body either to accept, accept
 193 and modify, or reject the proposal.
- 194 C. Within 45 days after receipt of the proposal, the Advisory Board shall submit a report of
 195 action to the County legislative body that:
 196 1. analyzes and evaluates the effect of the creation of the proposed area on the
 197 county's planning policies and objectives;
 198 2. recommends any modifications to the land to be included in the proposed
 199 agriculture protection area;
 200 3. analyzes and evaluates the proposal by applying the criteria contained in Section
 201 16.29.08;
 202 4. analyzes and evaluates any objections to the proposal; and
 203 5. includes a recommendation to the County legislative body either to accept, accept
 204 and modify, or reject the proposal.

205 D. The County legislative body shall consider a failure of the Planning Commission or
 206 Advisory Board to submit a written report within the 45 days under Subsections (B) and
 207 (C) as a recommendation of that body to approve the proposal as submitted.

208 **16.29.07: PUBLIC HEARING.**

- 209 A. After receipt of the written reports from the Advisory Board and Planning Commission,
 210 or after the 45 days has expired, whichever is earlier, the County clerk, in coordination
 211 with the Wasatch County planning department, shall:
- 212 1. schedule a public hearing;
 - 213 2. provide notice of the public hearing by:
 - 214 a. posting notice on the Utah Public Notice Website created in Utah Code
 215 63A-16-601; and
 - 216 b. posting mailing written notice to each owner of land within 1,000 feet of
 217 the land proposed for inclusion within an agriculture protection area,
 218 industrial protection area, or critical infrastructure materials protection
 219 area; and
 - 220 c. posting notice at five public places within or near the proposed agriculture
 221 protection area; and
 - 222 3. ensure that the notice includes:
 - 223 a. the time, date, and place of the public hearing on the proposal;
 - 224 b. a description of the proposed agriculture protection area;
 - 225 c. any proposed modifications to the proposed agriculture protection area;
 - 226 d. a summary of the recommendations of the Advisory Board and Planning
 227 Commission; and
 - 228 e. a statement that interested persons may appear at the public hearing and
 229 speak in favor of or against the proposal, any proposed modifications to
 230 the proposal, or the recommendations of the Advisory Board and Planning
 231 Commission.
 - 232 4. Nothing herein shall preclude the ability of the planning department to include all
 233 public hearings being placed on the same notice for convenience in advertising.
 - 234 B. The County legislative body shall:
 - 235 1. convene the public hearing at the time, date, and place specified in the notice; and
 - 236 2. take verbal or written testimony from interested persons.
 - 237 C. Within 120 days of the submission of the proposal, the County legislative body shall
 238 approve, modify and approve, or reject the proposal. Failure to approve the proposal
 239 within 120 days shall be deemed a denial by the county legislative body, unless the
 240 county legislative body continues the proposal to a date certain.
 - 241 D. The creation of an agriculture protection area is effective at the County legislative body's
 242 approval of a proposal or modified proposal.
 - 243 E. In order to give constructive notice of the existence of the agriculture protection area to
 244 all persons who have, may acquire, or may seek to acquire an interest in land in or
 245 adjacent to the agriculture protection area, within ten days of the creation of an
 246 agriculture protection area, the County Planning Department shall file an executed
 247 document containing a legal description of the agriculture protection area with:
 - 248 1. the County Recorder; and

- 249 2. the Planning Commission.
- 250 F. Within ten days of the recording of the agriculture protection area, the County legislative
- 251 body shall:
- 252 1. send written notification to the Commissioner of Agriculture and Food that the
- 253 agriculture protection area has been created, and include in said notification the
- 254 following:
- 255 a. the number of landowners owning land within the agriculture protection
- 256 area;
- 257 b. the total acreage of the area;
- 258 c. the date of approval of the area; and
- 259 d. the date of recording.
- 260 G. Failure by the County to record the notice required under Subsection (E) does not
- 261 invalidate the creation of an agriculture protection area.
- 262 H. Land in an agriculture protection area shall be designated on the county zoning map.
- 263 I. The County legislative body may consider the cost of recording notice under Subsection
- 264 (E) and the cost of sending notification under Subsection (F) in establishing a fee.

265 **16.29.08: EVALUATION CRITERIA.**

- 266 A. In evaluating a proposal and in determining whether or not to create or recommend the
- 267 creation of an agriculture protection area, the Advisory Board, Planning Commission, and
- 268 County legislative body shall apply the following criteria:
- 269 1. whether or not the land is currently being used for agriculture production;
- 270 2. whether or not the land is zoned for agriculture use;
- 271 3. what the General Plan land use recommendation is for the land;
- 272 4. compatibility of uses of neighboring properties for agricultural production;
- 273 5. whether or not the land is viable for agricultural production;
- 274 6. the extent and nature of existing or proposed farm improvements;
- 275 7. anticipated trends in agricultural and technological conditions; and
- 276 8. Any other criteria to be considered under this Chapter, or related to the criteria of
- 277 this Chapter.

278 **16.29.09: ADDING LAND TO AN AGRICULTURE PROTECTION AREA.**

- 279 A. Any owner may add land to an existing agriculture protection area within the
- 280 unincorporated part of the County by:
- 281 1. filing a proposal with the County planning department; and
- 282 2. obtaining the approval of the County legislative body for the addition of the land
- 283 to the area.
- 284 B. The County legislative body and other applicable persons shall comply with the
- 285 provisions for creating an agriculture protection area in determining whether or not to
- 286 accept the proposal.

287 **16.29.10: REMOVING LAND FROM AN AGRICULTURE PROTECTION AREA.**

- 288 A. Any owner may remove land from an agriculture protection area within the
 289 unincorporated part of the County by filing a petition for removal of the land from the
 290 agriculture protection area with the County planning department. The written petition
 291 shall be on a form provided by the Wasatch County Planning Department, which shall:
 292 1. Contain a legal description of the land proposed to be removed from the
 293 agriculture protection area;
 294 2. Contain a notarized declaration signed by the property owner(s);
 295 3. Contain any other information reasonably requested by the planning Department.
 296 B. The County legislative body hereby designates the Wasatch County Planning Department
 297 as the department who processes applications to remove land from an existing
 298 Agriculture Protection Area. The Planning Department shall:
 299 1. grant the petition for removal of land from an agriculture protection area even if
 300 removal of the land would result in an agriculture protection area of less than the
 301 minimum number of acres for the establishment of an Agricultural Protection
 302 Area; and
 303 2. in order to give constructive notice of the removal to all persons who have, may
 304 acquire, or may seek to acquire an interest in land in or adjacent to the agriculture
 305 protection area and the land removed from the agriculture protection area, file a
 306 legal description of the revised boundaries of the agriculture protection area with
 307 the County Recorder and the Planning Commission.
 308 C. The remaining land in the agriculture protection area is still an agriculture protection area.
 309 D. When a municipality annexes any land that is part of an agriculture protection area, the
 310 County legislative body shall, within 30 days after the land is annexed, review the
 311 feasibility of that land remaining in the agriculture protection area according to the
 312 procedures and requirements of Section 16.29.11. The planning department, in
 313 coordination with the county clerk, shall facilitate the County legislative body conducting
 314 their review by noticing any required public meetings, and preparing necessary staff
 315 reports to evaluate the feasibility.
 316 1. If appropriate, the County Planning Department shall remove the annexed land
 317 from the agriculture protection area.
 318 2. Appeals of actions of the Planning Department applying this subsection shall be
 319 made to the Board of Adjustment.

320 **16.29.11: REVIEW OF AGRICULTURE PROTECTION AREAS.**

- 321 A. For the purposes of this Section, the term "calendar year" means the period from January
 322 1 to December 31 inclusive.
 323 B. The County legislative body shall perform an initial review of any agriculture protection
 324 area created under the authority of this Chapter in the 20th calendar year after it is created
 325 to determine whether the agriculture protection area should be continued, modified, or
 326 terminated.
 327 C. If the County Planning Department receives five (5) written complaints from different
 328 aggrieved persons within three (3) calendar years immediately preceding the 20th
 329 calendar year after an agriculture protection area or any portion thereof is created or

330 reauthorized, or alternatively the County legislative body determines that after the initial
 331 review that the agriculture protection area should be modified or terminated, or within 30
 332 days of land in an agriculture protection area being annexed, then the County Planning
 333 Department shall, for that agriculture protection area:

- 334 1. request the Planning Commission and Advisory Board to submit
 335 recommendations about whether the agriculture protection area should be
 336 continued, modified, or terminated;
 - 337 2. schedule the County legislative body to, at least 120 days before the end of the
 338 20th calendar year, or within 120 days of the applicable annexation, hold a public
 339 hearing to discuss whether the agriculture protection area should be continued,
 340 modified, or terminated;
 - 341 3. give notice of the hearing using the same procedure required by Section 16.29.04;
 342 and
 - 343 4. after the public hearing, the County legislative body shall continue, modify, or
 344 terminate the agriculture protection area.
 - 345 5. If the County legislative body modifies or terminates the agriculture protection
 346 area, the Wasatch County Planning Department shall file an executed document
 347 containing the legal description of the agriculture protection area with the County
 348 Recorder.
- 349 D. If the County legislative body determines after that initial review that the agricultural
 350 protection area should be continued or otherwise fails to affirmatively continue, modify,
 351 or terminate the agriculture protection area in the 20th calendar year, within 120 days of
 352 an applicable annexation, then the agriculture protection area is considered to be
 353 reauthorized for another 20 years. The time required for action is continued provided the
 354 county legislative body continues the matter to a date certain, and the legislative body
 355 takes action on the matter in the subsequent meeting.
 356

357 **16.29.12: PROTECTION OF LAND IN AGRICULTURE PROTECTION AREA**

- 358 A. Land in an agriculture protection area shall be protected as provided in Utah Code 17-41
 359 Part 4 (2022).
- 360 B. Local regulations of general applicability, enacted after land is added to an agricultural
 361 protection area, shall apply to land in an agriculture protection area, and shall be
 362 presumed to bear a direct relationship to public health or safety, and to not unreasonably
 363 restrict farm structures or farm practices. If a property owner seeks to be exempt from
 364 local regulations of general applicability, the property owner shall bear the burden of
 365 proving beyond a reasonable doubt that the regulation does not bear a direct relationship
 366 to public health or safety, and that it unreasonably restricts farm structures or farm
 367 practices, using the statement outlined in subsection (E) below.
- 368 C. Local regulations, including zoning regulations, that only effect the A-20 zone or land in
 369 agriculture protection areas, which are enacted after land is added to an agricultural
 370 protection area, are presumed to be applicable to land in agriculture protection areas. If a
 371 property owner seeks to be exempt from such local land use regulations, including zoning
 372 regulations, the property owner shall bear the burden of proving by a preponderance of
 373 the evidence that they are exempt from the regulation under Utah Code 17-41 Part 4
 374 (2022), using the statement outlined in subsection (E) below.

- 375 D. Land within an agriculture protection area that is changed from A-20 to another zoning
376 designation shall be presumed to remain subject to the zoning designation in effect when
377 the land was added to an agriculture protection area. The property owner shall follow the
378 statement outlined in subsection (E) below to let the land use authority know of the
379 exemption, and then the land use authority shall bear the burden of proving by the
380 preponderance of the evidence that the land is subject to the new zoning designation at
381 issue. If the A-20 zone is dissolved or called by another name, the land shall be considered
382 part of the zoning designation which is functionally the closest to the A-20 zone, and the
383 property owner may seek exemption from individual local regulations, including zoning
384 regulations, using the procedure outlined in section 16.29.12.
- 385 E. If a property owner desires to have a local law, ordinance, or regulation, including a
386 zoning regulation, or zoning designation, not apply to land in the agricultural protection
387 area because its applicability is limited by Utah Code 17-41 Part 4 (2022), the property
388 owner shall submit a statement with any applicable land use application indicating:
- 389 1. What regulation is not applicable to the land.
 - 390 2. When the regulation was enacted.
 - 391 3. What alternative regulation is applicable, if any.
 - 392 4. When the land was added to an agriculture protection area, and a statement that
393 the land is still in an agriculture protection area.
 - 394 5. How the enactment or application of the land use regulation to the land is
395 prohibited by Utah Code 17-41 Part 4 (2022).
 - 396 6. Any other information reasonably requested by the planning department or the
397 legislative body.
- 398 F. The applicability of the local land use regulations, laws, ordinances, or regulations shall
399 be determined by the land use authority as part of the approval or denial of the associated
400 land use application. Any appeals shall be made using the processes for an appeal of the
401 associated land use decision. Determinations shall be made on an individual land use
402 application basis, and determinations shall not be applicable to other land use
403 applications.
- 404 G. Any complaints of violations of the land use and development code for property in an
405 agriculture protection area may be required by the planning department to demonstrate
406 that the alleged violation would not be afforded protection due to the property's status in
407 an agriculture protection area in order to be considered for an enforcement action.
408 Nevertheless, the planning department retains sole discretion on whether or not to bring
409 an enforcement action by the planning department.