

# **Agriculture Protection Areas**

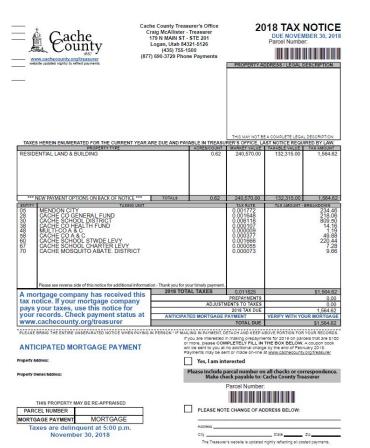






## SPANISHFORK Benefits: Greenbelt

No impact to greenbelt status

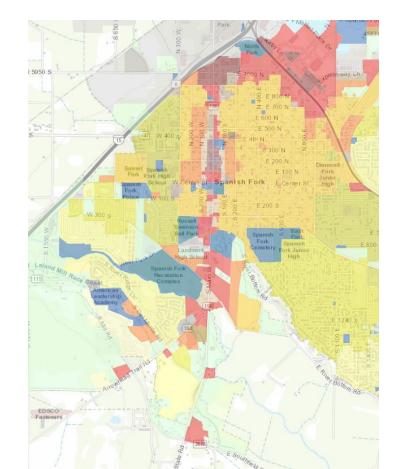






## **ISHFORK** Benefits: Local Restrictions

- 1. Local laws may not "unreasonably restrict" a farm structure or farm practice.
- No rezone without written approval from all the landowners within APA affected by the change.

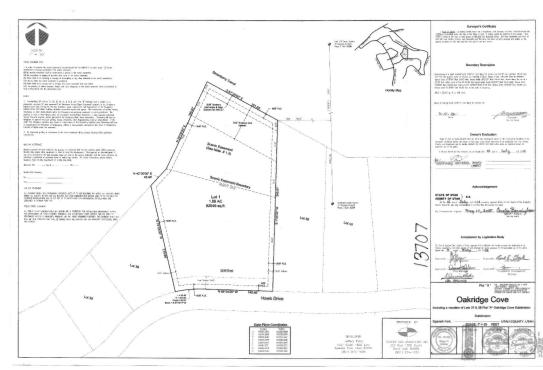






## **SPANISHFORK** Benefits: Nuisance Protection

- Definition excludes sound agricultural practices
- Defense in both civil and criminal proceedings
- Notice on plat required for new subdivision within 300 feet







### **Benefits: State Agencies**

- May not have rules that place unreasonable restrictions on agriculture
- Must submit development plans to advisory board and Commissioner of Agriculture and Food



State of Utah DFCM, Layton Construction





#### **Benefits: Eminent Domain**

- 1. Advisory Board approval required
- 2. Notice required to be filed with City Council and Advisory Board
- Joint City Council and Advisory Board public hearing
- 4. May be approved **ONLY IF**:
  - for highway or waste disposal, "no reasonable and prudent alternative"
  - b. for any other purpose,
    - i. it "would not have an unreasonably adverse effect upon the preservation and enhancement of agriculture" in APA, or
    - ii. "no reasonable and prudent alternative"



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## SPANISHFORK Process

- 1. Utah Code Ann. § 17-41-101 et seq.
- 2. City ordinance pending





## **ISHFORK** Process: Proposal

- Proposal to create APA
  - Signed by majority of property owners
  - Majority of area
- Minimum acreage
- Filing fee
- Boundaries
- Any limits on agriculture production
- Owners names and parcel numbers 6.





#### **SHFORK** Process: Notice

- Notice of Proposal
  - a. Public Notice website
  - b. 5 public places
  - c. Mailed notice within 1,000 feet
- 2. Proposal received and open to public view
- 3. Any person or entity may file written objections or modifications
- 4. Statement of Advisory Board and Planning Commission review
- 5. City Council public hearing details





#### **ISHFORK** Process: Modifications and Reviews

- 15 days written requests to modify or to object
- 45 days Planning Commission written report to City Council
  - a. Effect on City policies and objectives
  - b. Evaluation criteria
  - c. Recommend modifications
  - d. Evaluate objections
  - e. Recommendation





#### SPANISHFORK Process: Modifications and Reviews

- 45 days Advisory Board written report to City Council
  - Recommend modifications
  - b. Evaluation criteria
  - Evaluates objections
  - Recommendation





## SHFORK Process: City Council Public Hearing

- **Notice**
- Hearing
  - a. Review recommendations of Advisory **Board and Planning Commission**
  - b. Public comment
- 120 days Approve, modify and approve, or reject proposal
- 4. Record Notice of Creation







#### SHFORK Process: Evaluation Criteria

- 1. Current use
- 2. Zoning
- 3. Viability for agricultural production
- 4. Existing or proposed farm improvements
- Anticipated trends in agricultural and technological conditions
- 6. Planned roadways, parks, utility corridors, or commercial developments. Such areas may be excluded from the agriculture protection area.





#### **ISHFORK** Process: Other Procedures

- 1. Adding land to APA follow original procedure
- Removing land
  - a. Upon request of owner
  - b. After 20-year review by City Council

