

ORDINANCE NO. 556

AN ORDINANCE OF BOX ELDER COUNTY UPDATING AND REVISING THE COUNTY'S PROCEDURES FOR PROCESSING PROPOSALS FOR AGRICULTURAL PROTECTION AREAS WITHIN BOX ELDER COUNTY, CREATING AND APPOINTING A NORTH AREA AGRICULTURAL PROTECTION AREA ADVISORY BOARD AND A WEST AREA AGRICULTURAL PROTECTION AREA ADVISORY BOARD, AND REPEALING ORDINANCE NO. 212 AND ORDINANCE NO. 220.

WHEREAS, in keeping with the requirements of Utah State law relating to the creation of Agricultural Protection Areas, Box Elder County on September 2, 1997 adopted Ordinance No. 212 (creating an agricultural protection area advisory board, adopting procedures for filing and consideration of proposals to create agricultural protection areas, and providing for filing fees), and on June 9, 1998 adopted Ordinance No. 220 (establishing fees for agricultural protection area proposals); and

WHEREAS, upon review of the provisions of these ordinances and the current requirements of Utah State law with respect to the proposal and approval of agricultural protection areas, it has been determined that Box Elder County's procedures for processing and approving proposals for agricultural protection areas within Box Elder County should be updated and revised, and Ordinance No. 212 and Ordinance No. 220 should be replaced; and

WHEREAS, §17-41-201 of the Utah Code requires the legislative body of Box Elder County to establish and appoint an agricultural protection area advisory board to review proposals for agricultural protection areas within Box Elder County, and provide all other functions required by Utah Code; and

WHEREAS, pursuant to the provisions of §17-41-201 of the Utah Code, the agricultural protection area advisory board is to consist of no more than five (5) members from the county's conservation district board of supervisors; and

WHEREAS, Box Elder County currently has two (2) conservation districts with two (2) boards of supervisors, the "Northern Utah Conservation District," with its board of supervisors consisting of five (5) voting members, and the "West Box Elder Conservation District," with its board of supervisors consisting of five (5) voting members; and

WHEREAS, because the board of supervisors of the Northern Utah Conservation District is familiar with and has knowledge of the lands within its district area, the Box Elder County Commission would like to appoint no more than five (5) of its voting members to the "North Area Agricultural Protection Area Advisory Board" for the purpose of having this agricultural protection area advisory board review proposals for agricultural protection areas on lands falling within the boundaries of the Northern Utah Conservation District; and

WHEREAS, because the board of supervisors of the West Box Elder Conservation District is familiar with and has knowledge of the lands within its district area, the Box Elder County Commission would like to appoint no more than five (5) of its voting members to the “West Area Agricultural Protection Area Advisory Board” for the purpose of having this agricultural protection area advisory board review proposals for agricultural protection areas on lands falling within the boundaries of the West Box Elder Conservation District; and

WHEREAS, the rules of operation for both of these advisory boards needs to be established; and

WHEREAS, because the Box Elder County Clerk will have the responsibility of processing the proposals for agricultural protection areas, and providing all of the statutorily required notices, the Box Elder County Clerk needs to be given authority to establish policies and procedures and collect fees to offset the costs incurred in processing the proposals; and

WHEREAS, §17-41-301(5) of the Utah Code requires the County to establish the minimum number of continuous acres that shall be included within an agricultural protection area.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF BOX ELDER COUNTY, UTAH ORDAINS AS FOLLOWS:

SECTION 1: Creation and Establishment of Advisory Boards. There is hereby created and established two (2) agricultural protection area advisory boards as follows:

A. The North Area Agricultural Protection Area Advisory Board. The North Area Agricultural Protection Area Advisory Board is hereby created and established to review proposals for agricultural protection areas within Box Elder County on lands located within the boundaries of the Northern Utah Conservation District, pursuant to the provisions and requirements of §§17-41-101 thru 17-41-503 of the Utah Code, as now existing and as may be amended in the future. The members of the North Area Agricultural Protection Area Advisory Board shall at all times be the appointed and voting members of the Northern Utah Conservation District board of supervisors. Provided however, that in the event there are more than five (5) voting members of the Northern Utah Conservation District board of supervisors, only five (5) shall serve on the North Area Agricultural Protection Area Advisory Board at any time, as designated by the Northern Utah Conservation District board of supervisors.

B. The West Area Agricultural Protection Area Advisory Board. The West Area Agricultural Protection Area Advisory Board is hereby created and established to review proposals for agricultural protection areas within Box Elder County on lands located within the boundaries of the West Box Elder Conservation District, pursuant to the provisions and requirements of §§17-41-101 thru 17-41-503 of the Utah Code, as now existing and as may be amended in the future. The members of the West Area Agricultural Protection Area Advisory Board shall at all times be the appointed and voting members of the West Box Elder Conservation District board of supervisors.

Provided however, that in the event there are more than five (5) voting members of the West Box Elder Conservation District board of supervisors, only five (5) shall serve on the West Area Agricultural Protection Area Advisory Board at any time, as designated by the West Box Elder Conservation District board of supervisors.

C. Rules of Operation for Advisory Boards. The North Area Agricultural Protection Area Advisory Board and the West Area Agricultural Protection Area Advisory Board shall each follow and observe the following rules of operation:

1. Each board member shall serve until expiration of that member's respective term on the board of supervisors for the conservation district. The Box Elder County Commission may remove any board member for cause or for failure to perform the required duties.

2. The members of the board shall select a chairman, vice-chairman and secretary. The chairman and vice chairman shall be selected from among the members of the board, and the secretary may be either a member of the board or a Box Elder County employee. The selection of a Box Elder County employee to serve as secretary must be approved by the Box Elder County Commission.

3. Any three (3) members of the board shall constitute a quorum. All actions of the board, except to adjourn a meeting at which there is not a quorum present, must be made in a meeting at which a quorum is present. Any actions of the board must be approved by at least three (3) members of the board. All meetings shall be conducted in accordance with the Utah Open and Public Meetings Act. The board may adopt such additional rules of operation as it deems necessary to govern its affairs.

SECTION 2: Minimum Size for Agricultural Protection Areas. In accordance with the provisions of §17-41-301(5), as it now exists or may be amended in the future, the minimum number of continuous acres that shall be included in an agricultural protection area shall be 5.5 acres.

SECTION 3: County Clerk to Process Proposals. The Box Elder County Clerk shall be responsible for accepting and processing all proposals for agricultural protection areas within Box Elder County in accordance with and pursuant to §§17-41-101 through 17-41-503 as it now exists or may be amended in the future. Accordingly, the Box Elder County Clerk shall establish policies, procedures and forms for the processing of these proposals, and shall collect all fees associated with these proposals.

SECTION 4: Fees for Accepting and Processing Proposals. All proposals for the creation of agricultural protection areas shall be submitted with a Two Hundred Dollar (\$200.00) fee at the time of filing. The amount of this fee may be adjusted from time to time by appropriate resolution of the Box Elder County Commission.

SECTION 5: Repeal of Ordinance No. 212 and Ordinance No. 220. Ordinance No. 212 and Ordinance No. 220, both of which were previously adopted by Box Elder County, shall be repealed in their entirety upon the effective date of this ordinance.

SECTION 6: Effective Date. This Ordinance shall become effective fifteen (15) days after its adoption.

APPROVED AND ADOPTED this January 6, 2021.



Attest:


Marla Young, Clerk
Box Elder County


Jeff Scott, Chairman
Box Elder County Commission