

AGRICULTURAL PROTECTION AREAS

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Utah Code 17.41 Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas

17-41-101. Definitions



(3) "Agricultural protection area" means a geographic area... granted the specific legal protections contained in this chapter.

(4) "Applicable legislative body" means: the legislative body of the county or the legislative body of the city or town depending where the land is located.

(21) "Planning commission" means:

(a) a countywide planning commission if the land proposed to be included in the agriculture protection area... is within the unincorporated part of the county and not within a planning advisory area;

(c) a planning commission of a city or town if the land proposed to be included in the agriculture protection area... is within a city or town.

(22) "Political subdivision" means a county, city, town, school district, special district, or special service district.

17-41-201. Protection Area Advisory Board



(1)(a)(i) Legislative body shall appoint no more than five members from the county's conservation district board to serve as the APA advisory board

(3) An advisory board shall:

- (a) Evaluate proposals.. make recommendations to the legislative body
- (b) Provide expert advice to the planning commission and... legislative body
 - (i) the desirability of the proposal
 - (ii) the nature of agricultural production
 - (iii) the relation of agricultural production

17-41-301. Proposal for Creation of a Protection Area



- (1) A proposal to create an agriculture protection area may be filed with the legislative body
- (5) Legislative body may establish the form for submission and a reasonable fee
- (6) Legislative body shall establish minimum number of acres

17-41-302. Notice of Proposal for Creation of Protection Area -- Responses



- (1) (a) legislative body shall provide notice of the proposal... for a least 15 days
 - (b) legislative body shall provide the notice described for the geographic boundaries of the proposed agriculture protection area and the area that extends 1,000 feet beyond the geographic boundaries of the proposed agriculture protection area
- (3) (b) A person wishing to object to the proposal for the creation of the agriculture protection area... shall, within 15 days after the date of the notice, file a written objection to the creation of the... protection area.

17-41-303. Review of Proposal for Creation of Protection Area



(1) After 15 days, the legislative body shall refer the proposal to the Advisory Board and the Planning Commission.

(2) Within 45 days... the planning commission shall submit a written report to the legislative body.

(b) Within 45 days... the advisory board shall submit a written report to the legislative body

(c) ... a failure of the planning commission or advisory committee to submit a written report within the 45 days... a recommendation of that committee to approve the proposal as submitted.

17-41-304. Public Hearing -- Notice -- Review and Action on Proposal



(1) After receipt of the written report, or after the 45 days have expired, whichever is earlier, the legislative body shall:

- (a) schedule a public hearing

- (c) ensure that the notice includes: time, date, place, description, and summary of recommendations.

(3) 120 days for the Legislative body to approve, modify and approve, or reject.

17-41-305. Criteria to be Applied in Evaluating a Proposal for the Creation of a Protection Area



... legislative body 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 agriculture production,
- (4) the extent and nature of existing or proposed farm improvements, and
- (5)(a) ...anticipated trends in agricultural and technological conditions

17-41-306. Adding Land to or Removing Land from a Protection Area -- Removing Land from a Mining Protection Area



(1) any owner may add land to existing APA upon approval of the Legislative body.

(2) May remove any or all land in an APA

17-41-307. Review of Protection Areas



(1) APA's are subject for review in 20 years.

(3) If the... legislative body fails affirmatively to continue, modify, or terminate the agriculture protection area... in the 20th calendar year, the relevant protection area is considered to be reauthorized for another 20 years.

17-41-401. Farmland Assessment Act Benefits not Affected



(1) Creation of an APA may not impair the ability of land within the area to obtain the benefits of [Title 59, Chapter 2, Part 5, Farmland Assessment Act](#).

QR code to the Farmland
Assessment Act



17-41-402. Limitations on Local Regulations



(1) A political subdivision within which an agriculture protection area... within its boundary shall encourage the continuity, development, and viability of agriculture use by not enacting a local law, ordinance, or regulation that, unless the law, ordinance, or regulation bears a direct relationship to public health or safety, would unreasonably restrict:

(a) a farm structure or farm practice

(2) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within an agriculture protection area without written approval for the change from all the landowners within the agriculture protection area affected by the change.

17-41-403. Nuisances



(1) A political subdivision shall ensure that any of the political subdivision's laws or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition:

(a) for an agriculture protection area, any agricultural activity or operation within an agriculture protection area conducted using sound agricultural practices unless that activity or operation bears a direct relationship to public health or safety

(4) (a) New subdivisions... located... within 300 feet... of an APA shall provide notice on any plate filed with the county recorder the following notice:

"Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."



17-41-404. Policy of State Agencies

A state agency shall encourage the continuity, development, and viability of agriculture within agriculture protection areas... by:

(1) not enacting rules that would impose unreasonable restrictions on farm structures or farm practices within the APA... unless those laws, ordinances, or regulations bear a direct relationship to public health or safety or are required by federal law and

(2) modifying existing rules that would impose unreasonable restrictions on farm structures or farm practices within the APA... unless those laws, ordinances, or regulations bear a direct relationship to public health or safety or are required by federal law.

17-41-405. Eminent Domain Restrictions -- Notice of Hearing



(1) A political subdivision having or exercising eminent domain powers may not condemn for any purpose any land within an agriculture protection area that is being used for agricultural production... unless the political subdivision obtains approval, according to the procedures and requirements of this section, from the applicable legislative body and the advisory board.

(2) Any condemnor... shall file a notice of condemnation with the applicable legislative body and the relevant protection area's advisory board at least 30 days before filing an eminent domain complaint.

(3) The applicable legislative body and the advisory board shall

(a) hold a joint public hearing on the proposed condemnation at a location within the county in which the relevant protection area is located; and

(b) publish notice of the time, date, place, and purpose of the public hearing for the relevant protection area, as a class A notice under Section 63G for at least seven days.

17-41-405. continued



(4) (a) If the condemnation is for highway purposes or for the disposal of solid or liquid waste materials, the applicable legislative body and the advisory board may approve the condemnation only if there is no reasonable and prudent alternative to the use of the land within the agriculture protection area.

(b) If the condemnation is for any other purpose, the applicable legislative body and the advisory board may approve the condemnation only if:

(i) the proposed condemnation would not have an unreasonably adverse effect upon the preservation and enhancement of:

(A) agriculture within the agriculture protection area; or

(ii) there is no reasonable and prudent alternative to the use of the land within the relevant protection area for the project.

(5) Within 60 days after receipt of the notice of condemnation, the applicable legislative body and the advisory board shall approve or reject the proposed condemnation.

(6) If the applicable legislative body and the advisory board fail to act within the 60 days or such further time as the applicable legislative body establishes, the condemnation shall be considered rejected.

17-41-406. Restrictions on State Development Projects



(1) A state agency that plans any development project that might affect land within an agriculture protection area... shall submit the state agency's development plan to:

- (a) the advisory board of the relevant protection area; and
- (b) in the case of an agriculture protection area, the commissioner of agriculture and food.

(2) The commissioner of agriculture and food, in the case of an agriculture protection area, and the advisory board shall:

- (a) review the state agency's proposed development plan; and
- (b) recommend any modifications to the development project that would protect the integrity of the agriculture protection area... as the case may be, or that would protect the agriculture protection area from nonfarm encroachment...

17-41-406. continued



(3) A state agency and political subdivision of the state that designates or proposes to designate a transportation corridor shall:

(a) consider:

(i) whether the transportation corridor would:

(A) be located on land that is included within an agriculture protection area; or

(B) interfere with agriculture protection activities on land within an agriculture protection area; and

(ii) each other reasonable comparable alternative to the placement of the corridor on land within an agriculture protection area; and

(b) make reasonable efforts to minimize or eliminate any detrimental impact on agriculture that may result from the designation of a transportation corridor.

Utah Geospatial Resource Center

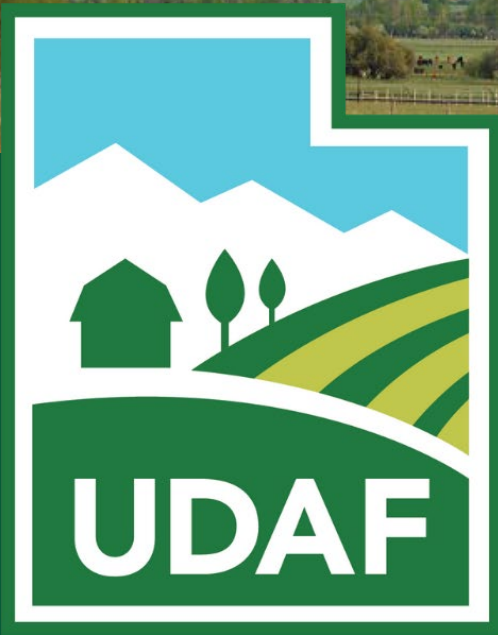


Utah Geospatial
Resources



Agricultural protection
area geospatial resource





THANK YOU!

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