



STAFF REPORT

To: Summit County Council
From: Ray Milliner, County Planner
Date of Meeting: October 30, 2019
Type of Item: Agricultural Protection - Public Hearing, Possible Action
Process: Agricultural Protection

RECOMMENDATION: Staff finds that the project meets the minimum Eastern Summit County Development Code standards for approval. Staff recommends that the Summit County Council conduct a public hearing, approve the attached resolution according to the findings of fact and conclusions of law in this staff report.

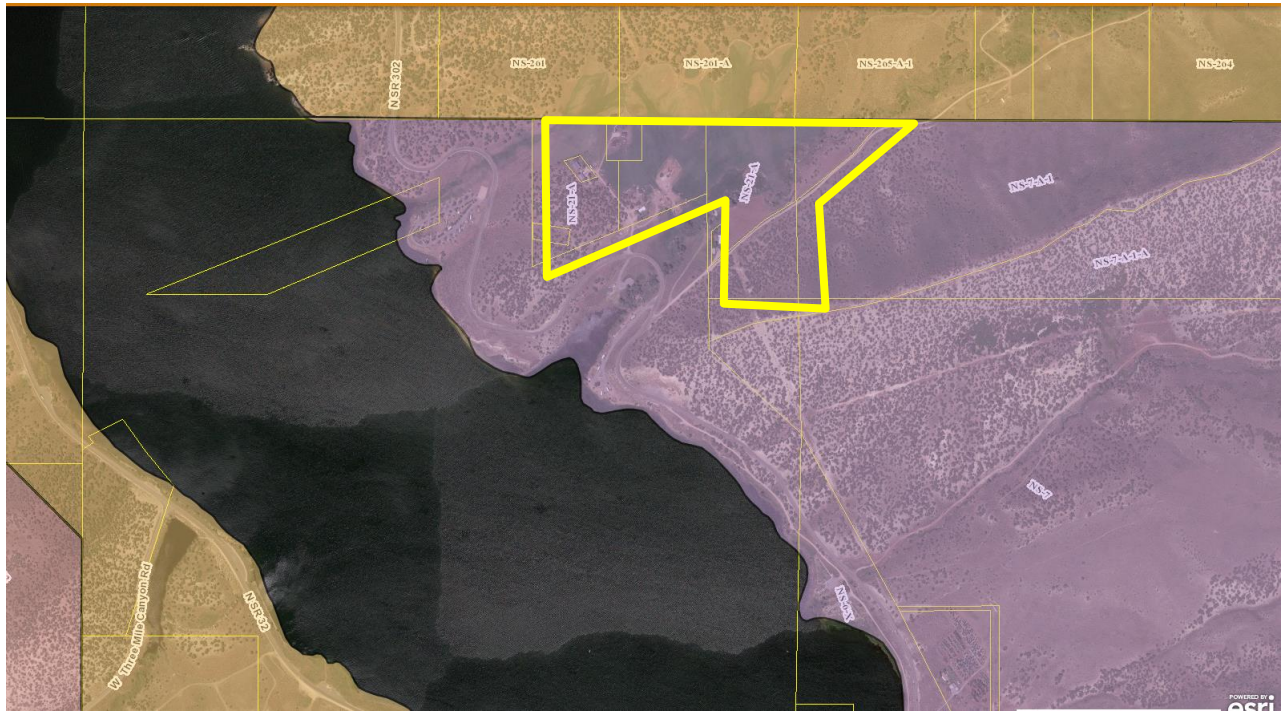
Project Description

Project Name: Siddoway Ag Protection
Applicant(s): Alan Siddoway
Property Owner(s): Alan Siddoway
Location: 8552 North Highway 32
Zone District: Agricultural Protection (AP) Agricultural Grazing (AG-100)
Parcel Number and Size: Parcels NS-21-A (25.44 acres), NS-21-A-4 (9.23 acres) and NS-7-D (4.87 acres)
Type of Process: Agricultural Protection
Final Land Use Authority: Planning Commission

Proposal

The applicant requests that the Summit County Council approve the placement of 3 parcels consisting of approximately 39.54 acres, into agricultural protection.

Vicinity Map



BACKGROUND

The parcels have been used for raising hay, pastureland, and range land for grazing cattle and horses and the property owners intend to continue this use.

The purpose of the agricultural protection area is to encourage the continuity, development, and viability of agriculture uses. For any new subdivision development located within 300' of the boundary of an agricultural protection area, the plat shall include the following language to ensure that future lot owners are aware of the presence of agricultural operations:

"This property is 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 the 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".

The application was reviewed by the Agriculture Protection Area Advisory Board on September 25, 2019. They forwarded a positive recommendation to the Planning Commission. Then per the Eastern Summit County Development Code, it was reviewed by the Eastern Summit County Planning Commission who forwarded a positive recommendation to the County Council. The applicant in his final step is now requesting approval by the Council.

COMMUNITY REVIEW

A public hearing notice was published in the *Summit County News* per the requirements in the Code. Any person affected by the establishment of the agriculture protection area is required to submit a

written objection to Summit County within fifteen (15) days from the date of the notice. As of the date of this report, no public comment has been received.

ANALYSIS

Section 11-1-3. of the Eastern Summit County Development Code requires that the Council conduct a public hearing, review the application, and approve or deny the request following recommendations from the Eastern Summit County Planning Commission and Agriculture Protection Area Advisory Board.

Recommendation 1: Recommends any modifications to the proposal.

Analysis: Staff is not recommending any modifications to the proposal.

Recommendation 2: Recommends any limitations on the types of agricultural production to be allowed in the Agriculture Protection Area.

Analysis: Agriculture is an allowed use in the AG-40 zone. Staff is not recommending limitations on the types of agriculture production to be allowed in the proposed agriculture protection area beyond what is allowed in the Code.

Recommendation 3: Identifies whether the land is currently being used for agriculture production; the viability of the land for agricultural production; the extent and nature of existing and proposed farm improvements; and anticipated trends in agricultural and technological conditions.

Analysis: The applicant has indicated that the property has been and is currently used for raising hay, pastureland, and range land for grazing cattle and horses. The property owner(s) is intending to continue the agricultural use of the property.

The viability of land for long-term agriculture use partly depends on the ability of local jurisdictions to carry out and implement agricultural preservation practices. Due to the ability to apply for agriculture protection, Summit County is recognizing the importance of agriculture.

Recommendation 4: Evaluates any objections to the proposal

Analysis: To date, staff has not received any objections to the proposal.

Recommendation 5: Recommends acceptance, modification, or rejection of the proposal.

Analysis: Staff is recommending that the Commission recommend approval of the proposed agriculture protection area without any modifications.

Recommendation

Staff finds that the project meets the minimum Eastern Summit County Development Code standards for approval. Staff recommends that the Summit County Council conduct a public hearing and approve the attached resolution according to the findings of fact and conclusions of law in this staff report.

Findings of Fact

1. The applicant requests the placement of 3 parcels consisting of approximately 39.54 acres, into agricultural protection.
2. The property has been used for raising hay, pastureland, and range land grazing for cattle and horses.
3. A public hearing notice was published in the *Summit County News*, and 5 notices of the public hearing were posted near the property per the requirements in the Eastern Summit County Development Code.
4. The zoning on the parcels is AG-40.
5. Agriculture buildings and uses are allowed uses in the AG-40 zone.
6. Section 11-1-3 of the Eastern Summit County Development Code allows a property owner to request an agriculture protection area designation if there are five (5) acres of active agriculture production within any area to be designated.
7. Any person affected by the establishment of an agriculture protection area may file a written request for modification of the proposal or written objections to the proposal within fifteen (15) days from the date of the required public hearing notice.
8. No requests for modifications or objections to the proposal have been received.
9. On September 25, 2019, the Agriculture Protection Area Advisory Board forwarded a positive recommendation to the Planning Commission.
10. On October 3, 2019 the Eastern Summit County Planning Commission forwarded a positive recommendation to the Summit County Council.

Conclusions of Law

1. The combined acreage of the parcels proposed for the agriculture protection designation is approximately 39.54 acres.
2. No written objections to the creation of an agricultural protection area have been received.
3. The parcels are zoned for agricultural use.
4. The designation of the identified parcels for agriculture protection areas is consistent with Goal 2.2 of the General Plan, which states, "Acknowledge the historic rural and agricultural character of Eastern Summit County."

Attachments

Exhibit A – Proposed Resolution

SUMMIT COUNTY, UTAH

EASTERN SUMMIT COUNTY CONSTRUCTIVE NOTICE FOR THE EXISTENCE OF AN AGRICULTURE PROTECTION AREA ON PARCELS NS-21-A (25.44 acres), NS-21-A-4 (9.23 acres) AND NS-7-D (4.87 acres)

RESOLUTION NO. _____

WHEREAS, Chapter 1 of the Eastern Summit County Development Code (Ordinance No. 278) (hereinafter referred to as “the Code”) provides for the creation of Agriculture Protection Areas by the Summit County Council; and

WHEREAS, an application has been received to designate the following contiguous parcels as an Agriculture Protection Area:

PERIMETER BOUNDARY OF THE PARCEL DESCRIPTIONS LOCATED IN SECTIONS 3 and 4, T1S, R5E, AND INCLUDED AS ATTACHMENT A

WHEREAS, the Agriculture Protection Area Advisory Board and the Eastern Summit County Planning Commission have, per Section 1.30 of the Code, reviewed and recommended the above contiguous parcels as an Agriculture Protection Area; and

WHEREAS, there have been public hearings conducted and no opposition has been brought forward; and

WHEREAS, the Administrative Guidelines of Resolution 96-18 require Constructive Notice to be given to all persons who have, may acquire or may seek an interest in land in or adjacent to the Agriculture Protection Area; and

NOW THEREFORE, be it resolved by the County Legislative Body of the County of Summit, State of Utah, as follows:

Section 1. The perimeter boundary of Parcels NS-21-A, NS-21-A-4 and NS-7-D, as legally described in Attachment A, has received an Agriculture Protection Area designation, and is protected as such under the Utah State Code, Section 17-41-101,

Section 2. This resolution shall become effective immediately upon its approval and passage.

PASSED AND APPROVED this 30th day of October 2019.

Summit County, Utah

By _____
Chair, Summit County Council

ATTEST:

By _____
County Clerk

Approved as to Form

By _____
County Attorney

ATTACHMENT A

Parcel Number NS-21-A

Legal THE E1/2 OF LOT 1 & ALL OF LOT 2 & E1/2 S1/2 NE 1/4 SEC 4 T1SR5E SLBM;
(EXCEPTING 86.13 AC UWD-380 & 4.0 AC NWD-65) (SUBJECT TO EASEMENT M70-628)
(LESS 0.62 AC M74-160 NS-21-B)
(LESS 0.75 AC M237-749 NS-21-A-1)
(LESS 0.64 AC 1428-1324 NS-21-A-2)
(LESS 0.57 AC M237-748 NS-21-A-3)
(LESS 18.01 AC 1309-500 NS-21-A-5) BAL 25.44 AC M67-473 M98-496 M175-22 953-475
1883-433 (PATENT 1877-624)

Parcel Number NS-21-A-4

Legal W1/2 OF LOT 1 SEC 4 T1SR5E SLBM (EXCEPTING 86.13 AC UWD-380 & 4.0 AC IN
NWD-65) (LESS 1.18 AC 1434-1309 NS-21-A-2) BAL 9.23 AC 1883-431 (PATENT 1877-624)

Parcel Number NS-7-D

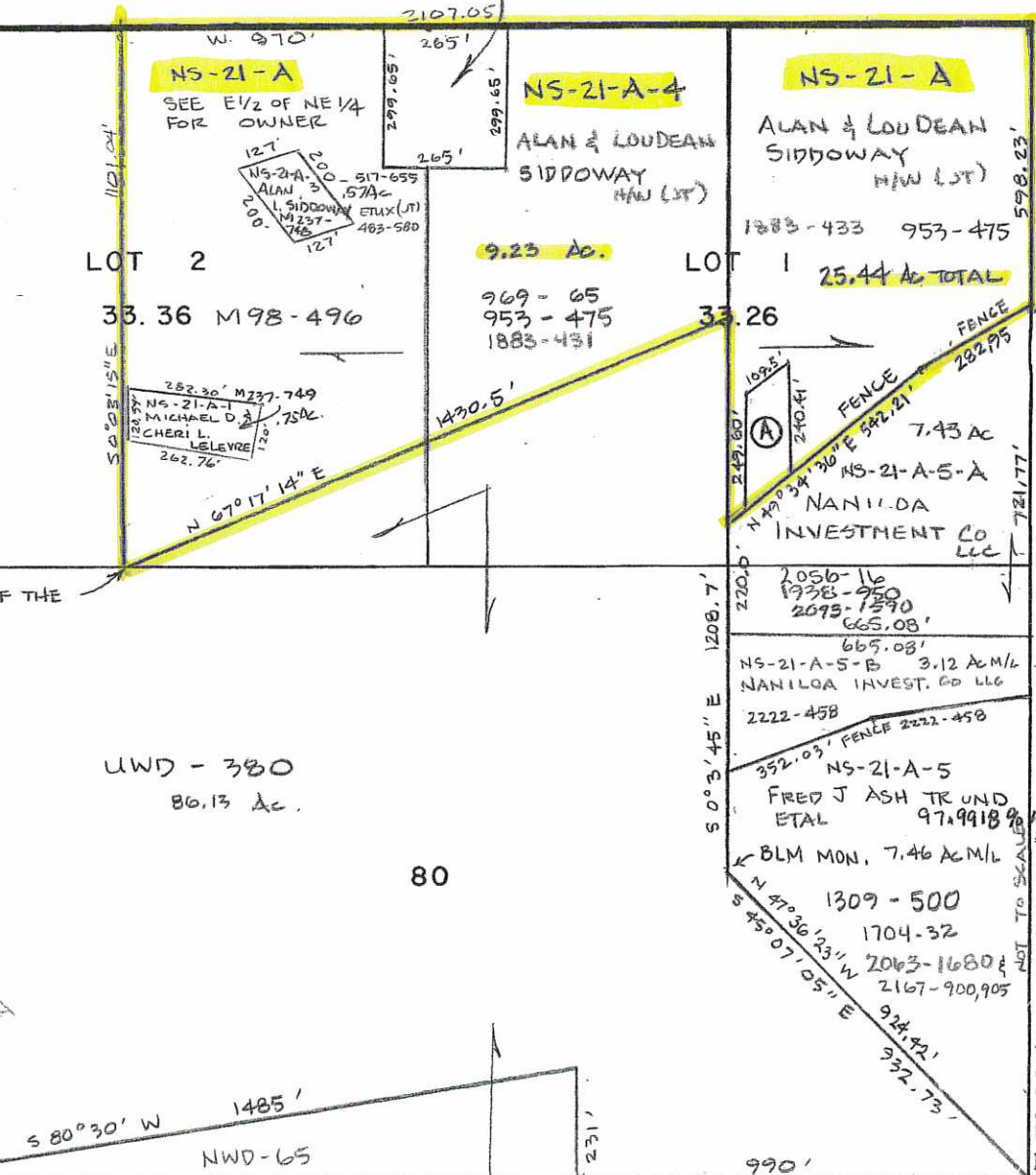
Legal BEG AT THE NW COR OF SEC 3 T1SR5E SLBM; TH S 89°44'37" E 649.38 FT ALONG
THE N LINE OF SD SEC 3 (BASIS OF BEARING BEING S 89°44'37" E BETWEEN THE NW
COR & THE N1/4 COR OF SD SEC 3); TH LEAVING SD SEC LINE S 40°21'32" W 336.70 FT
TO AN EXISTING FENCE COR; TH FOLLOWING AN EXISTING FENCE S 50°29'47" W 269.28
FT; TH CONTINUING ALONG SD FENCE S 51°24'23" W 268.19 FT TO THE W LINE OF SD
SEC 3; TH LEAVING SD FENCE LINE & ALONG THE W LINE OF SD SEC 3 N 01°20'09" W
598.23 FT TO THE PT OF BEG CONT 4.85 AC M/L 1309-501 1895-1370

N 4
R 5 E

SE & MERIDIAN

NS-21-A-2
KELLY J. & CONNIE L. WHITING (JT)
1.82 AC 1428-1324 & 1434-1309

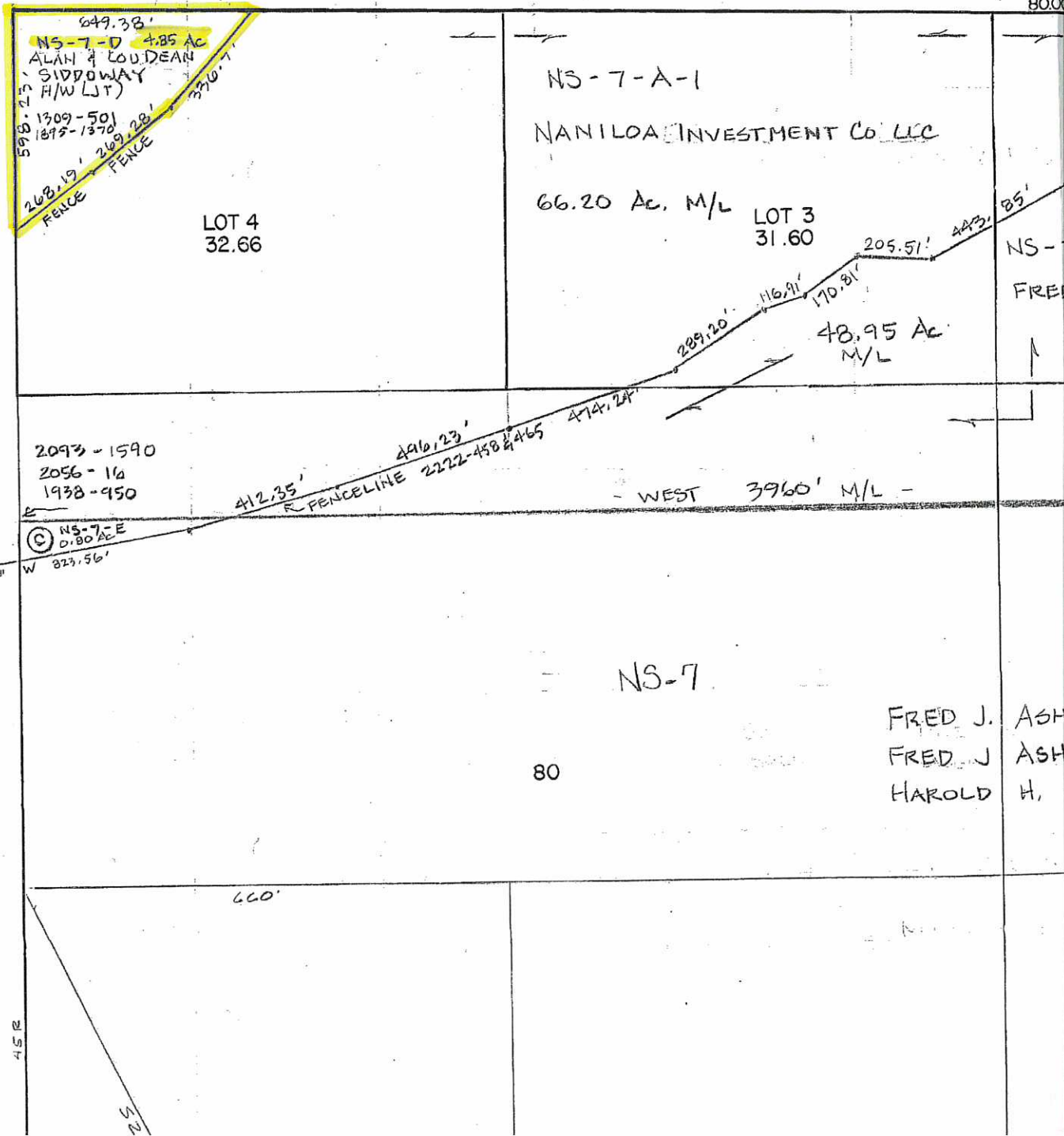
(A) NS-21-B
EMEL CHARLES &
ROMA RAE WALSH
0.62 AC. TR'S
M 74-160
1749-1850



NOT TO SCALE
TIES TO W/4 CORNER
SEC. 3, T15, R5E, S15M
3

RESERVOIR

8000



© NS-7-E
NANILOA INVESTMENT Co. LLC
0.80 AC M/L
2222-458

© NS-7-E
0.80 AC M/L
2222-458
N 80° 41' 54"

SEC 4

45R

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