



## STAFF REPORT

**To:** Summit County Council  
**From:** Sean Lewis, County Planner  
**Date of Meeting:** November 20, 2019  
**Type of Item:** Agricultural Protection Area  
**Process:** Legislative

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**RECOMMENDATION:** Staff recommends that the Summit County Council adopt Summit County Resolution 97-15-2019-28 to remove Summit County Assessment parcel CD-441 from the Agricultural Protection area as adopted by Resolution 97-15.

### Project Description

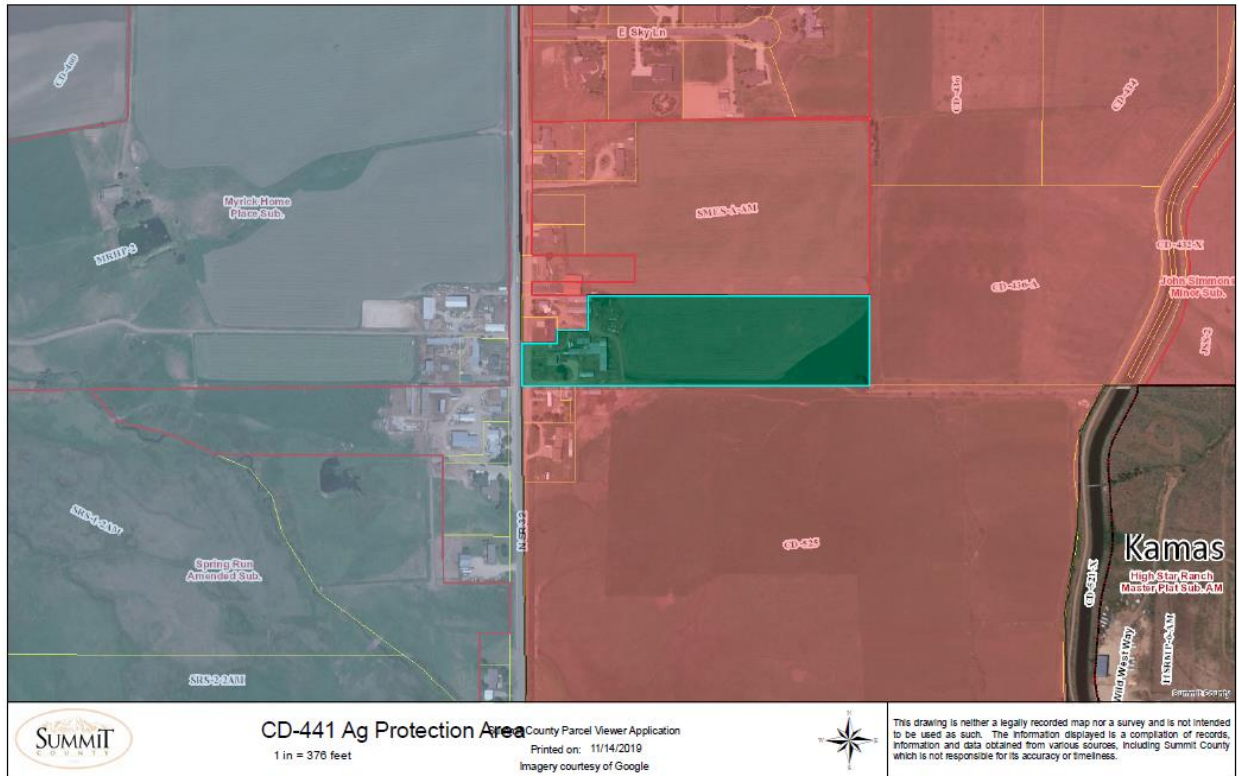
**Project Name:** Hardman Agricultural Protection Removal  
**Applicant(s):** Steven Hardman, Rhonda Mitchell  
**Property Owner(s):** Marjorie Hardman Family Trust  
**Location:** 1756 N State Road 32  
**Zone District:** Agricultural Protection Area  
**Parcel Number and Size:** CD-441, 8.95 Acres  
**Type of Process:** Agricultural Protection Area  
**Final Land Use Authority:** Summit County Council

### Proposal

The Hardman family has submitted a letter to the County Council (Exhibit A) requesting that Assessment Parcel CD-441 be formally removed from being designated as an Agricultural Protection Area. Per the Eastern Summit County Development Code, the Summit County Council shall grant the request when petitioned by a property owner.

The Hardman family is requesting removal for family estate planning purposes.

## Vicinity Map



## Background

The Eastern Summit County Development Code and Utah State Code contain provisions that allow property owners to designate land as an Agricultural Protection Area if certain conditions exist. In 1997 the owners of contiguous parcels CD-535, CD-437, and CD-441 requested and were granted Agricultural Protection Area status via resolution 97-15 (Exhibit B) approved by the then Board of County Commissioners.

One of the protections granted to landowners as part of the Agriculture Protection Process, is that Summit County may not change the underlying zoning of a property without written permission of the landowner. In 2018, when the Summit County Council was presented with the new Eastern Summit County Zoning Map, Staff sent mail to all known owners of Agricultural Protection property requesting that permission be granted to change the zoning of their property. Many property owners granted such permission and their updated zoning is reflected on the Zoning Map. Owners who did not grant permission, including the applicant, are shown as "Agricultural Protection Area" on the Zoning Map. Owners who chose not to update their zoning remain zoned as per the previous zoning, however, prior to any future land use decisions or approvals, those landowners will be asked to rezone their property to match current zoning regulations in Eastern Summit County.

At the time of the zone change, the Hardman family did not respond to the request to amend their zoning, and as such the zoning was not changed. The applicant is requesting to be removed from the Agricultural Protection area to allow opportunities for future parcel boundary amendments and possible subdivision for family estate planning purposes.

### **Analysis and Findings**

Per Eastern Summit County Development Code Section 11-1-3.F.2 “Any owner of land may remove all or part of the property from the agriculture protection area by filing a petition for removal with the county. The county council shall grant approval of the removal, even if the remaining agriculture protection area will be less than five (5) acres under active agricultural production. Upon removal, a revised legal description of the remaining agriculture protection area shall be filed with the county recorder and the planning commission.”

As the then Board of County Commissioners granted the approval of an Agricultural Protection Area via resolution 97-15, Staff recommends that the Summit County Council adopt resolution 97-15-2019-28 to repeal the previous action.

Removal of parcel CD-441 from the Agricultural Protection Area Designation will result in the property reverting to its previous zoning designations of Highway Corridor and Agricultural Protection. The Highway Corridor and Agricultural Protection zoning designations have been removed from the Eastern Summit County Development Code. As there are no listed uses or density associated with the now defunct zoning districts, the applicant will apply for a rezone of the property to comply with current zoning standards.

### **Recommendation**

Staff recommends that the Summit County Council adopt Summit County Resolution 97-15-2019-28 (Exhibit C) to remove Summit County Assessment parcel CD-441 from the Agricultural Protection area as adopted by resolution 97-15.

### **Exhibits**

- Exhibit A. Applicant Petition for removal
- Exhibit B. Summit County Resolution 97-15
- Exhibit C. Proposed Resolution 97-15-2019-28

July 1, 2019

To whom it may concern:

With the passing of our mother Marjorie O. Hardman, we are trying to settle her estate and honor her wishes. In talking with Sean Lewis we have been made aware of a problem with one of the parcels of property. We are requesting that the agricultural protection on property CD441 be removed.

Mr. Lewis told us that last year this could have been taken care of easily and free of charge but due to the illness and then the passing of our mother we were not aware of this. Since this is the case we are hoping for and requesting the fee be waived.

Thank you for your consideration.

Sincerely,



Steven D. Hardman  
1734 N. SR 32  
Kamas, UT 84036  
(435) 783-4654



Rhonda H. Mitchell  
1782 N. SR 32  
Kamas, UT 84036  
(435) 783-4486

SUMMIT COUNTY, UTAH

EASTERN SUMMIT COUNTY CONSTRUCTIVE NOTICE FOR THE EXISTENCE OF AN  
AGRICULTURE PROTECTION AREA ON CONTIGUOUS PARCELS CD-535, CD-437, CD-441

RESOLUTION NO. 97-15

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 Board of Commissioners; 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 4 & 9, T 2S, R 6E AND INCLUDED AS ATTACHMENT A; and

WHEREAS, the Agriculture Protection Area Advisory Board and the Eastern Summit County Planning Commission have, per the criteria listed in 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 to acquire an interest in land in or adjacent to the Agriculture Protection Area;

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

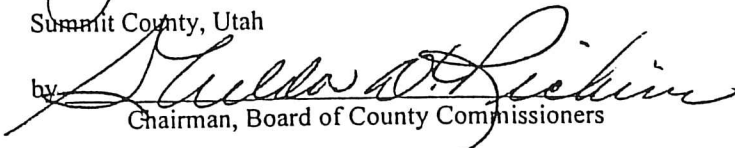
Section 1. The perimeter boundary of Parcels CD-535, CD-437, and CD-441, as legally described in Attachment A, has received an Agriculture Protection Area designation for pasture, hay production, and other related farm uses, and is protected as such under the Utah State Code Section 17-41-101.

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

PASSED AND APPROVED this 9 day of June, 1997.

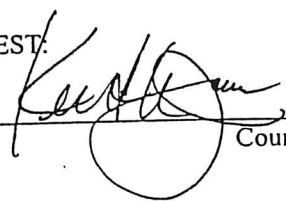
Summit County, Utah

by

  
Chairman, Board of County Commissioners


ATTEST:

by

  
County Clerk

Approved as to Form

by

  
County Attorney

**SUMMIT COUNTY, UTAH  
RESOLUTION NO. 97-15-2019-28**

**EASTERN SUMMIT COUNTY CONSTRUCTIVE NOTICE FOR THE REMOVAL OF  
AN AGRICULTURAL PROTECTION AREA ON PARCEL CD-441**

**WHEREAS**, Chapter 1 of the Eastern Summit County Development Code (hereinafter referred to as “the Code”) provides for the creation and removal of Agricultural Protection Areas by the Summit County Council; and

**WHEREAS**, Summit County Resolution 97-15, adopted June 9, 1997 designated Summit County assessment parcel CD-441 as an Agricultural Protection Area; and

**WHEREAS**, the current fee title owners of Parcel CD-441 have submitted a letter to the Summit County Council requesting that the Agricultural Protection Area designation for Parcel CD-441 be removed; and

**WHEREAS**, Chapter 1 of the Code states that the County Council shall grant approval of the removal, even if the remaining agriculture protection area will be less than five (5) acres under active agricultural production; and

**WHEREAS**, the current legal description of Parcel CD-441 is attached as Exhibit A; and

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

**Section 1. Removal From Boundary**

The perimeter boundary of Parcel CD-441 as legally described in Attachment A, is hereby removed from Agricultural Protection Designation.

**Section 2. Effective Date**

This Resolution shall take effect immediately upon its approval and passage.

APPROVED, ADOPTED, PASSED by the Summit County Council, this 20<sup>th</sup> day of November, 2019

**ATTEST:**

**SUMMIT COUNTY COUNCIL  
SUMMIT COUNTY, UTAH**

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Chairperson

Councilor Armstrong voted \_\_\_\_\_  
Councilor Carson voted \_\_\_\_\_  
Councilor Clyde voted \_\_\_\_\_  
Councilor Robinson voted \_\_\_\_\_  
Councilor Wright voted \_\_\_\_\_

**APPROVED AS TO FORM:** \_\_\_\_\_, **County Attorney**

# Attachment A

Beginning at the SW Corner of Section 4 Township 2 South Range 6 East Salt Lake Base and Meridian;  
Thence N 20 Rods; E 80 Rods; S 20 Rods; W 80 Rods to Beginning.  
(LESS 0.75 AC SWD-558)  
(LESS 0.30 AC M78-276 CD-441-A)