



STAFF REPORT

To: Agricultural Board
From: Ray Milliner, County Planner
Date of Meeting: September 25, 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 Agricultural Protection Board conduct a public hearing, review the application and forward a positive recommendation to the County Council according to the findings of fact and conclusions of law in this staff report.

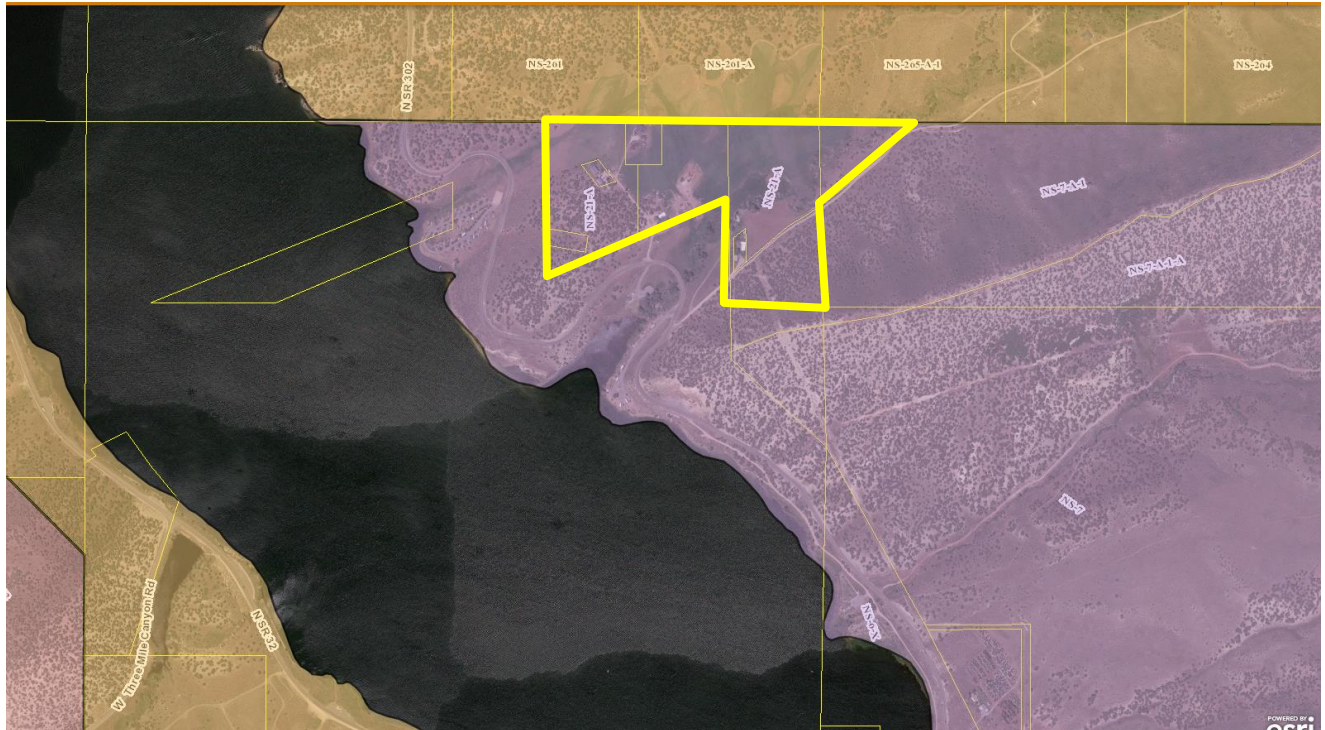
Project Description

Project Name: Battersby 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 Agricultural Board approve the placement of 3 parcels consisting of approximately 39.54 acres, into agricultural protection.

Vicinity Map



Background

The aforementioned parcels have been used for raising hay, pasture land, 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 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 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”.

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 APAB conduct a public hearing, review the application, and forward the following recommendations to the Summit County Council.

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: Staff is not recommending limitations on the types of agriculture production to be allowed in the proposed agriculture protection area.

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, pasture land, 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 APAB recommend approval of the proposed agriculture protection area without any modifications.

Recommendation

Staff recommends that the APAB conduct a public hearing on the proposed agriculture protection areas. Considering any public comment as well as Staff's analysis, Staff further recommends that the APAB forward a positive recommendation to the SCC to designate Parcels NS-21-A (25.44 acres), NS-21-A-4 (9.23 acres) and NS-7-D (4.87 acres) as agriculture protection areas, based on the following Findings of Fact and Conclusion of Law.

Findings of Fact

1. The applicant requests that the Agricultural Board approve the placement of 3 parcels consisting of approximately 39.54 acres, into agricultural protection.
2. The property has been used for raising hay, pasture land, 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 as long as 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.

Conclusions of Law

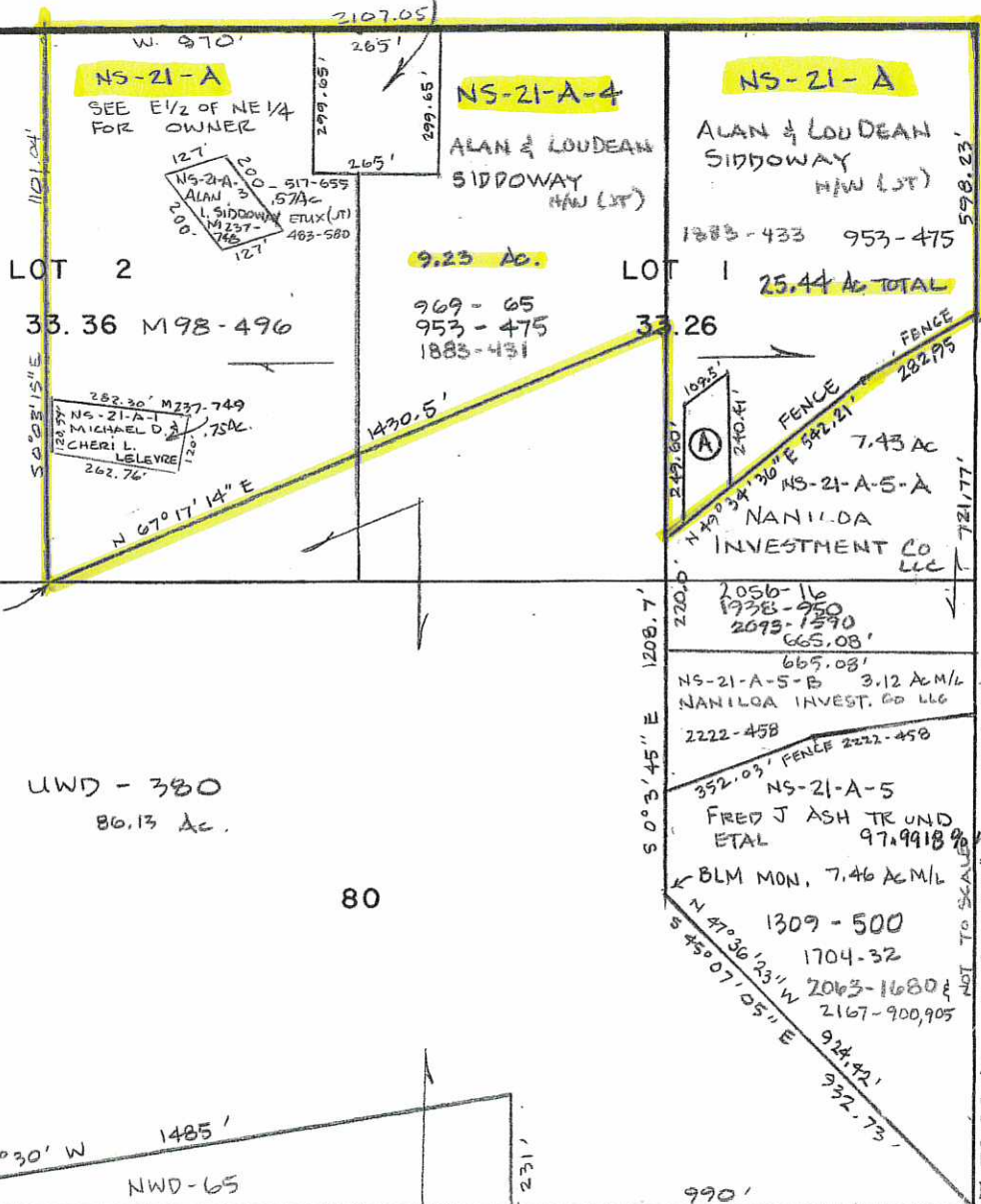
1. The combined acreage of the parcels proposed for the agriculture protection designation is approximately 39.54 acres.
2. No written objections to the creation of an agricultural protection area have been received.
3. The parcels are zoned for agricultural use.
4. The designation of the identified 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 – Vicinity Map

**N 4
R 5 E
SECTION & 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

UWD - 380
80.13 AC.

80

S 0°04' E 76.60 chs.

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