

ORDINANCE NO. 13-09

REVISING ORDINANCE 98-10 OF THE BOARD OF COMMISSIONERS OF DAGGETT COUNTY, UTAH TO ESTABLISH AN AGRICULTURE PROTECTION AREA ADVISORY BOARD, ADOPT PROCEDURES FOR FILING AND CONSIDERATION OF PROPOSALS TO CREATE AGRICULTURE PROTECTION AREAS, PROVIDE FOR FILING FEES AND TO ENACT OTHER AMENDMENTS.

The Board of Commissioners of Daggett County, Utah, as the legislative body of Daggett County (referred to herein as the "Daggett County Commission"), declares the following as part of the basis for adopting this ordinance:

- A. The Utah Legislature, by enactment in its 1994 general session of S.B. 227, as codified in Utah Code Annotated Title 17, Chapter 41, provided a procedure for creating agriculture protection areas.
- B. The Daggett County Commission finds that it is in the best interest of the Residents of Daggett County to establish an Agriculture Protection Area Advisory Board as required under Section 17-41-201, Utah Code Annotated (1953), and to create acreage limitations, fee schedules and other procedures regarding review and consideration of proposals to create agriculture protection areas.
- C. The Daggett County Commission finds that there is a need to protect the Agriculture Operations of Daggett County, Utah.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Daggett County, Utah:

1. Agricultural Protection Area Board:

An Agriculture Protection Area Advisory Board is hereby established for Daggett County pursuant to Utah Code Annotated Section 17-41-201 to perform the duties set out in Section 17-41-201 or any later amendment or enactment of that section.

2. Appointment of Board Member:

The Board of County Commissioners of Daggett County, Utah shall appoint five (5) members to the Agriculture Protection Area Advisory Board established under Section 5-210. The board members shall be appointed by resolution from among the members of the Board of Supervisors of the soil conservation district located in Daggett County, Utah; namely, the Daggett County Soil Conservation District.

3. Term in Office, Removal of Members:

Each member appointed to the Agriculture Protection Area Advisory Board shall serve on said board until expiration of that member's respective term on the Soil Conservation District Board of Supervisors. The Board of County Commissioners of Daggett County may remove and replace any Advisory Board member for cause or for failure to perform the required duties.

4. Officers of Agriculture Protection Area Advisory Board:

The members of the Agriculture Protection Area Advisory Board shall select a chairman, vice chairman and secretary. The chairman and vice chairman shall be selected from among the members of the Agriculture Protection Area Advisory Board. The secretary may be either a member of the Advisory Board or a Daggett County employee. The selection of a Daggett County employee to serve as secretary must be approved by the Board of County Commissioners of Daggett County, Utah.

5. Quorum and Rules of Operation:

Any three (3) members of the Agriculture Protection Area Advisory Board shall constitute a quorum of that Board. 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 Agriculture Protection Area Advisory Board must be approved by at least three (3) members of that Board. All meetings shall be conducted in accordance with the Utah Open and Public Meetings Act. The Agriculture Protection area Advisory Board may adopt such additional rules of operation as it deems necessary to govern its affairs.

6. Minimum Size for Agriculture Protection Areas:

Pursuant to Utah Code Annotated Section 17-41-301(4), or any contiguous later amendment or enactment of that section, at least twenty (20) contiguous acres must be included in each agriculture protection area established within Daggett County.

7. Fees for Accepting and Processing Agriculture Protection Area Proposals:

Any person or persons filing a proposal to create an agriculture protection area pursuant to Utah Code annotated Title 17, Chapter 41 shall pay a fee at the time of filing. The amount of the fee shall be established by resolution of the Board of County Commissioners of Daggett County, Utah. Until adoption of a resolution setting fees, the fee for accepting and processing a proposal to create an agriculture protection area shall be \$300.00. In addition, any person or persons filing a proposal for creation of an agriculture protection area shall reimburse Daggett County for all publication costs incurred by Daggett County in publishing the notices required Under Utah Code Annotated Title 17, Chapter 41 or any subsequent amendment or enactment of that statute.

8. Filing Procedure:

All proposals to create agriculture protection area within Daggett County, Utah shall be filed in the office of the Daggett County Clerk by March 31st of each year. The proposals will be retained and presented to the County Commission on a once a year schedule only. All Proposals must be accompanied by the filing fee established by the Board of Commissioners of Daggett County. Upon receipt by the County Clerk proposals will be provided to the County Recorder for recording. Upon approval by the County Commission the effective date for the Protective Area will be retroactive to the filing date with the County Clerk's Office.

Publication. This ordinance is ordered published in the Vernal express, a newspaper having general circulation within Daggett County, Utah.

Effective Date. This ordinance shall become effective fifteen (15) days after publication.

Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by the court of competent jurisdiction, this ordinance shall be deemed severable and such findings of invalidity shall not affect the remaining portions of this ordinance.

Repeal of Conflicting Ordinance. To the extent that any ordinances, resolutions or policies of Daggett County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

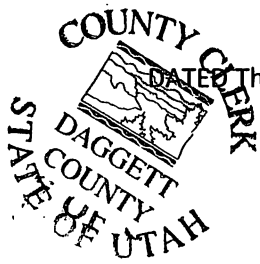
Commission members voting for:

Jerry Steglich

Warren Blanchard

Karen Perry

Commission members voting against:



DATED This 7th Day of May, 2013.

Attest:

Vicky McKee
Vicky McKee, County Clerk/Treasurer

Jerry R. Steglich
Commission Chairman