



## MILLARD COUNTY PLANNING and ZONING DEPARTMENT

71 South 200 West, PO Box 854, Delta, UT 84624

Phone: 435-864-1400 Fax: 435-864-1404

[www.millardcounty.org](http://www.millardcounty.org)

### CHECKLIST AND REVIEW PROCEDURES FOR AGRICULTURE PROTECTION AREA PROPOSAL

#### SUBMISSION REQUIREMENTS

- **Proposal form:** Completed and signed by applicant(s).
- **Approval of the property owner(s) if different from the applicant:** The property owner(s) must sign the proposal form, or submit a letter indicating their ownership and authorization for the submittal of the proposal.
- **List of Adjacent Property Owners:** Attach a written list of names and addresses of all land owners within 1,000 feet of the land proposed for inclusion within the agriculture protection area.
- **Fee:** A non-refundable administrative fee in the amount of \$165.00 plus \$1.80 per word (for publication of the required public hearing notices. There will also be an additional fee for cost of publication of ordinance upon passage.
- **Plat Map identifying the proposed Agriculture Protection Area:** Available from the Millard County Recorder's Office.
- **Legal Description**
- **ADDITIONAL INFORMATION MAY BE REQUIRED.**

#### REVIEW PROCEDURE

1. The Millard County Planner will review the proposal to ensure that there are at least ten (10) acres of active agriculture production within any parcel to be designated as an Agriculture Protection Area, and to determine that the proposal is complete.
2. The Millard County Planner will post a notice in the Millard County Chronicle Progress and post a notice in at least five (5) public places within, adjacent to, or near the proposed Agriculture Protection Area.
3. After fifteen (15) days from the date of the public notice the proposal, along with any objections or proposed modifications shall be referred to the Agriculture Protection Advisory Board and the Planning Commission for their review, comments, and recommendation.
4. Within forty five (45) days after receipt of the proposal, the Agriculture Protection Advisory Board and the Planning Commission shall submit their recommendations to the Millard County Board of County Commissioners.
5. Upon receipt of the recommendations of the Planning Commission and the Agriculture Protection Advisory Board, the Board of Millard County Commissioners will hold a public hearing.
6. The Board of Millard County Commissioners will make a decision regarding the proposal within one hundred twenty days (120) days of the date of the proposal.

## MILLARD COUNTY PROPOSAL AGRICULTURE PROTECTION AREA

*(This box for office use only)*

Date proposal received:  
 Fee collected: \$  
 Proposal Determined to be Complete:

CASE  
NUMBER

### PETITIONER INFORMATION (to whom all correspondence is to be sent)

Name	Phone
Address	Other Phone
	Fax
City, State, Zip	e-mail

*(Additional names and addresses should be listed on a separate paper and attached)*

### OWNER INFORMATION

Name	Phone
Address	Other Phone
	Fax
City, State, Zip	e-mail

*(Additional names and addresses should be listed on a separate paper and attached)*

### PROPERTY and VICINITY DESCRIPTION

Parcel Number	Property Size (in acres)	Zoning District
Acct Number	Number Parcels	Section      Township      Range
Street Address of Property or General Location		

*(List additional parcel numbers on a separate sheet of paper and attach)*

### PROJECT DESCRIPTION

Description of Agricultural Use including any limits on the types of agricultural production within the APA
Minimum of ten (10) continuous acres to be included in an agriculture protection area.

In order to apply for agriculture protection, the area being proposed must be evaluated based upon **UCA17-41-201 (Effective 01/01/15)**. **Criteria to be applied in evaluating proposals for the creation of agriculture protection areas:**

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area the advisory committee, planning commission, and Board of Millard County Commissioners shall apply the following criteria:

- (a) evaluate proposals for the establishment of agriculture protection areas and make recommendations to the county legislative body about whether or not the proposal should be accepted;
- (b) provide expert advice to the planning commission and to the county legislative body about:
  - (i) the desirability of the proposal;
  - (ii) the nature of agricultural production within the proposed area;
  - (iii) the relation of agricultural production in the area to the county as a whole; and
  - (iv) which agriculture production should be allowed within the agriculture protection area;
- (c) perform all other duties required by this chapter.

**\*NOTE:** the term **agricultural production** is defined by state law as follows: **17-41-101 (Effective 01/01/15)**.

**Definitions:** "**Agriculture production**" means production for commercial purposes of crops, livestock, and livestock products.  
 "**Agriculture production**" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

<b>AUTHORIZATION SIGNATURES</b>		
ONLY THE OWNER OF THE PROPERTY OR AN AUTHORIZED AGENT MAY FILE A PROPOSAL		
I, the Owner/Agent agree to indemnify and hold harmless Millard County and its agents, officers and employees from any claim, action or proceeding against the Owner/Agent's project. I certify, under penalty of perjury, that I am the (check one):		
<input type="checkbox"/> <b>Legal property owner</b> includes partner, trustee, grantor, or corporate officer) of the property(s) involved in this proposal, and that the foregoing proposal statements are true and correct		
<input type="checkbox"/> <b>Legal agent</b> (attach proof of the owner's consent to the proposal of the property(s) involved in this proposal and have been authorized to file on their behalf, and that the foregoing proposal statements are true and correct.		
<b>Must be signed by a majority of all owners</b>		
Print Name _____	Signature _____	Date: _____
Print Name _____	Signature _____	Date: _____
Print Name _____	Signature _____	Date: _____
Print Name _____	Signature _____	Date: _____
Print Name _____	Signature _____	Date: _____

***If signatory is not the owner of record, the attached "Owner/Agent Agreement" must be signed and notarized.***

*This space for Agriculture Protection Area Advisory Board use only ↓*

### **Agriculture Protection Area Advisory Board Recommendation**

(b) provide expert advice to the planning commission and to the county legislative body about:

- (i) the desirability of the proposal;
- (ii) the nature of agricultural production within the proposed area;
- (iii) the relation of agricultural production in the area to the county as a whole; and
- (iv) which agriculture production should be allowed within the agriculture protection area;

**Favorable Recommendation**

**Unfavorable Recommendation**

\_\_\_\_\_   
Agriculture Protection Area Advisory Board Chairman

\_\_\_\_\_   
Date

*This space for Planning Commission use only ↓*

### **Planning Commission Recommendation**

(b) provide expert advice to the county legislative body about:

- (i) the desirability of the proposal;
- (ii) the nature of agricultural production within the proposed area;
- (iii) the relation of agricultural production in the area to the county as a whole; and
- (iv) which agriculture production should be allowed within the agriculture protection area;

**Favorable Recommendation**

**Unfavorable Recommendation**

\_\_\_\_\_   
Planning Commission Chairman

\_\_\_\_\_   
Date

*This space for Board of Millard County Commissioners use only ↓*

### **Board of Millard County Commissioners Decision**

**Approved**

**Denied**

\_\_\_\_\_   
Board of Millard County Commissioners Chairman

\_\_\_\_\_   
Date

**OWNER / AGENT AGREEMENT**

The undersigned is (are) the owner(s) of record of the property identified by the Millard County Assessor's account number \_\_\_\_\_,

Located at \_\_\_\_\_,

Millard County, Utah. The undersigned hereby give(s) consent and approval to

\_\_\_\_\_ to act on his/her/their behalf as his/her/their agent to proceed with a proposal for an Agriculture Protection Area on the property referenced herein. This agreement authorizes the agent to act on the owner's behalf for the proposal through \_\_\_\_\_.  
*Date or specific phase*

\_\_\_\_\_  
*Owner of Record Date*

\_\_\_\_\_  
*Owner of Record Date*

\_\_\_\_\_  
*Owner of Record Date*

\_\_\_\_\_  
*Owner of Record Date*

**STATE OF UTAH**            )  
   )  
**COUNTY OF MILLARD**    ) §

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Utah, duly commissioned and sworn, personally appeared:

*To me known as the individual(s) described in and who executed the foregoing instrument, and acknowledged to me that he/she/they signed and sealed the said instrument, as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned, and on oath stated the he/she/they was (were) authorized to execute said instrument.*

**WITNESS MY HAND AND OFFICIAL SEAL, HERETO AFFIXED THE DAY AND YEAR IN THIS CERTIFICATE ABOVE WRITTEN.**

\_\_\_\_\_  
*Notary Public in and for the State of Utah*

Residing at \_\_\_\_\_  
 My appointment expires: \_\_\_\_\_

Figure 9  
**LAND USE ORDINANCE AMENDMENT APPLICATIONS**

