



Notice is hereby given that
The AGRICULTURE PROTECTION ADVISORY BOARD
will hold a meeting on
Wednesday, May 12, 2021
7:00 PM

AGENDA

Agenda items may or may not be discussed in the order listed.

Location: To participate in Ag Advisory Board meeting: Join Zoom webinar:
<https://summitcountyut.zoom.us/j/98618410449>

OR

To listen by phone only: Dial 1-346-248-7799 Meeting ID: 986 1841 0449 Passcode: 737231

Items:

1. Discussion and possible recommendation to create an Agriculture Protection Area. The proposal involves Parcels CD-563-B, CD-173, CD-180-A, and CD-174-B located in Eastern Summit County totaling 80.61 acres; Rhonda Fitzgerald, Applicant. — Tiffanie Northrup-Robinson, Senior Planner
2. Approval of Minutes: December 11, 2019

Board Items Items

Staff Items

Adjourn

To view staff reports available after Friday, May 7, 2021 please visit:

www.summitcounty.org

Individuals needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact Melissa Hardy, Summit County Community Development Department at (435) 336-3157.

Posted: May 7, 2021

Published: Friday, May 7, 2021- *The Summit County News*



STAFF REPORT

To: Agriculture Protection Advisory Board
From: Tiffanie N. Robinson, County Planner
Date of Meeting: May 12, 2021
Type of Item: Agriculture Protection Area - Public Hearing, Possible Action
Process: Administrative - Agriculture Protection Area Designation

RECOMMENDATION: Staff finds the application for Agriculture Protection Area designation meets the minimum Eastern Summit County Development Code standards for approval. Staff recommends the Agriculture Protection Advisory Board (APAB) hold a public hearing, discuss the application, and forward a positive recommendation to the Eastern Summit County Planning Commission and the Summit County Council according to the findings of fact and conclusions of law in this staff report.

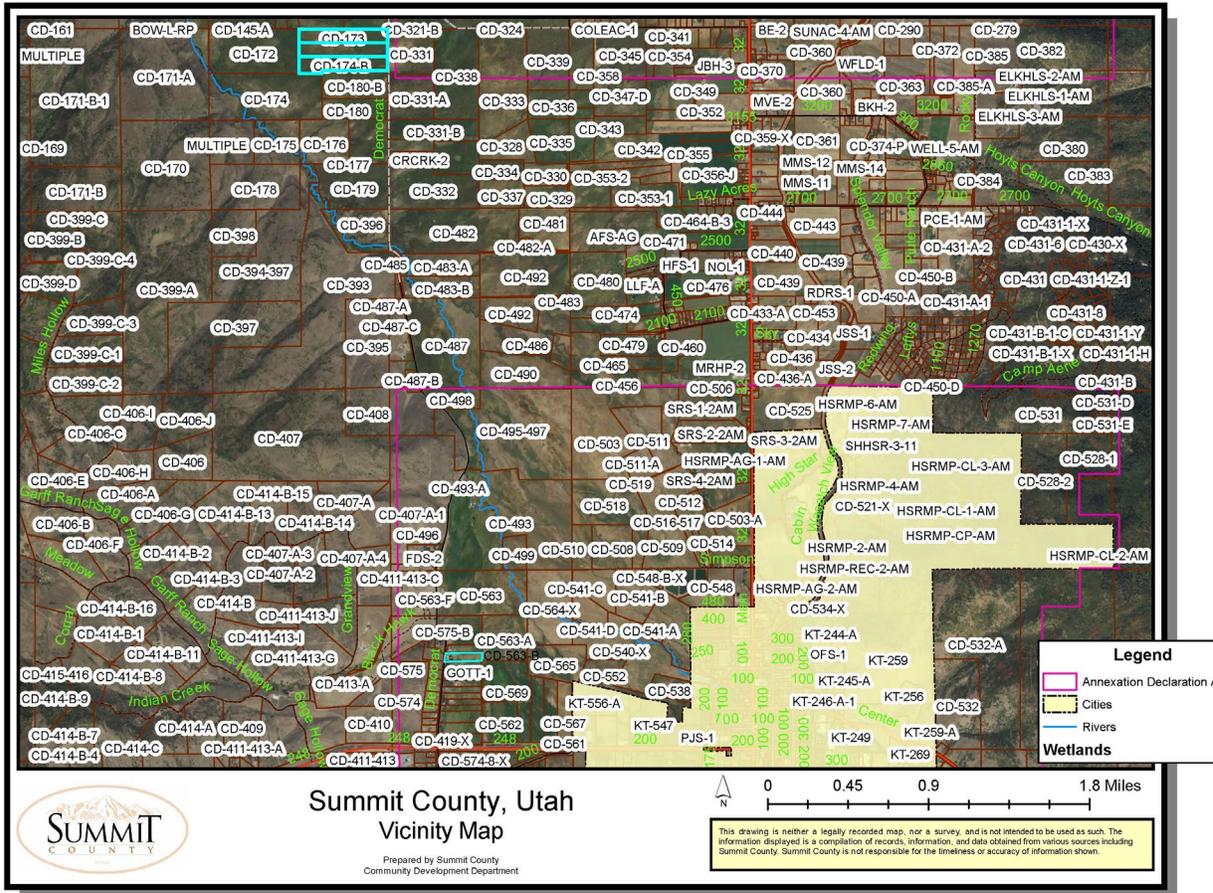
Project Description

Project Name: Fitzgerald Family Agriculture Protection Area
Applicant(s): Rhonda Fitzgerald
Property Owner(s): Rodney M. Fitzgerald & Rhonda M. Fitzgerald, Trustees of the RODNEY & RHONDA M FITZGERALD FAMILY TRUST
Location: 310 N Democrat Alley
Zone District: Agriculture 5 (AG-5) and Agriculture 40 (AG-40)
Parcel Number and Size: Parcels CD-563-B (5.68 acres), CD-173 (24.49 acres), CD-180-A (24.49 acres), and CD-174-B (25.95 acres)
Type of Process: Agriculture Protection Area
Final Land Use Authority: County Council

Proposal

The applicant requests the Agriculture Protection Advisory Board (APAB) review and forward a positive recommendation regarding the request to place four (4) parcels, CD-563-B, CD-173, CD-180-A, and CD-174-B, containing 80.61 acres total, into Agriculture Protection Area designation.

Vicinity Map



Background

The parcels are currently used for raising hay, as pastureland, and as range land for grazing cattle and the property owners intend to continue this use.

On April 2, 2021, Rhonda Fitzgerald submitted four (4) applications for parcels CD-563-B, CD-173, CD-180-A, and CD-174-B to be considered for Agricultural Protection Area designation.

Purpose

The purpose of the Agriculture Protection Area is to encourage the continuity, development, and viability of agriculture uses.

In accordance with **Section 11-1-2: RURAL AGRICULTURE PROTECTION** of the Eastern Summit County Development Code, no subdivision plat shall be approved by the County without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without an acknowledgment in writing from the owner (titled

"memorandum of understanding") containing the language stated below. The executed memorandum of understanding and plat shall be filed in the records of the county recorder to notify any future owner of the lot about the presence of agricultural and rural business operations in Eastern Summit County. It shall state:

“The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledges and accepts that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses”.

Community Review

A public hearing notice was published in the *Summit County News* per the requirements of **Section 11-1-3: AGRICULTURE PROTECTION AREA**, of the Eastern Summit County Development 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

The Eastern Summit County General Plan seeks to ensure that agricultural land uses and operations in Eastern Summit County are protected, to the extent possible, from the adverse effects of development. Goal 2.2 - Acknowledge the historic rural and agricultural character of Eastern Summit County, includes the following statements:

- a. Recognize agricultural operations as a significant and important use of the land.
- b. Consider those land use patterns and strategies that support and protect existing and future agricultural operations; support the development of tools and programs to allow the preservation of productive agricultural lands. Among others these may include agricultural preservation areas, plat notes and other methods to educate new residents of the agricultural nature of the area, cooperative agreements with landowners, and a program to transfer density from agriculturally productive lands.
- c. Implement “Agricultural Protection and Right to Farm” strategies, and require all non-agricultural activities to develop in a manner that is harmonious with nearby agricultural operations.
- d. Reevaluate and possibly amend the Development Code to streamline the process for designating and modifying Agricultural Protection / Preservation areas.
- e. Coordinate with the Eastern Summit County Agriculture and Open Space Committee (ESAP) and the affected municipalities in the acquisition of conservation easements

and/or restrictions to preserve agricultural lands and open space.

It is the intent of the agricultural protection program to: a) provide incentives to farmers and ranchers that encourage them to stay on the land; b) augment and carry out the state's agriculture protection area provision, established in Utah Code Annotated, section 17-41-101, to maintain agricultural activities that are valuable to the state and the county; c) protect farmers and ranchers from nuisance complaints, undesirable rezoning, and unreasonably restrictive state and local actions; and d) educate and raise the awareness of developers and new residents that Eastern Summit County values, which form the foundation of the general plan, will be protected from any adverse effects of development and help ensure the right to farm in Eastern Summit County. [Eastern Summit County General Plan](#)

Additionally, **Section 11-1-3: AGRICULTURE PROTECTION AREA**, of the Eastern Summit County Development Code requires the Agriculture Protection Advisory Board to review applications for Agriculture Protection Area designation, conduct a public hearing 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 indicates that the property has been and is currently used for raising hay, pastureland, and range land for grazing cattle. The property owner intends to continue agricultural use of the property in a similar manner.

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 and agricultural protection designation is one factor in long term viability.

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 recommends the Agriculture Protection Advisory Board accept the proposal and forward a positive recommendation to Eastern Summit County Planning Commission and Summit County Council to approve the proposed Agriculture Protection Area, without modification.

Recommendation

Staff recommends the Agriculture Protection Advisory Board hold a public hearing on the Fitzgerald Family Agriculture Protection Area application. Considering any public comment, as well as staff's analysis, staff further recommends the Board forwards a positive recommendation to the Eastern Summit County Planning Commission and the Summit County Council to designate parcels, CD-563-B, CD-173, CD-180-A, and CD-174-B as Agriculture Protection Areas, based on the following Findings of Fact and Conclusion of Law.

Findings of Fact

1. The applicant requests the Agriculture Protection Advisory Board review and forward recommendations to the Eastern Summit County Planning Commission and the Summit County Council to approve designation of four (4) parcels, namely, CD-563-B, CD-173, CD-180-A, and CD-174-B, consisting of 80.61 acres, as Agriculture Protection Area.
2. The property is currently used for raising hay, pastureland, and range land grazing for cattle. Parcel CD-563-B contains a single-family dwelling, in addition to agricultural uses.
3. Zoning of parcel CD-563-B is Agriculture 5 (AG-5) and parcels CD-173, CD-180-A, and CD-174-B are currently zoned Agriculture 40 (AG-40).
4. The parcels are zoned for agricultural use and agriculture buildings and uses are allowed uses in the AG-5 and AG-40 Districts.
5. 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 at least five (5) acres of active agriculture production within any area to be designated.
6. Within each of the four (4) parcels there are a minimum of five (5) acres of agriculture production and use.
7. On April 23, 2021, a public hearing notice was published in the *Summit County News*.
8. On April 21, 2021 five (5) notices of the public hearing were posted near the property per the requirements in the Eastern Summit County Development Code and additional notices were posted at the Summit County Courthouse and the Kamas Services Building.
9. No written objections to the creation of an agricultural protection area have been received.
10. 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. Designation of the identified parcels for Agriculture Protection Area is consistent with Goal 2.2 of the General Plan, which states, “Acknowledge the historic rural and agricultural character of Eastern Summit County.”
2. The application for Agriculture Protection Area complies with Section 11-1-3 of the Eastern Summit County Development Code for approval of an Agricultural Protection Area.

Exhibits

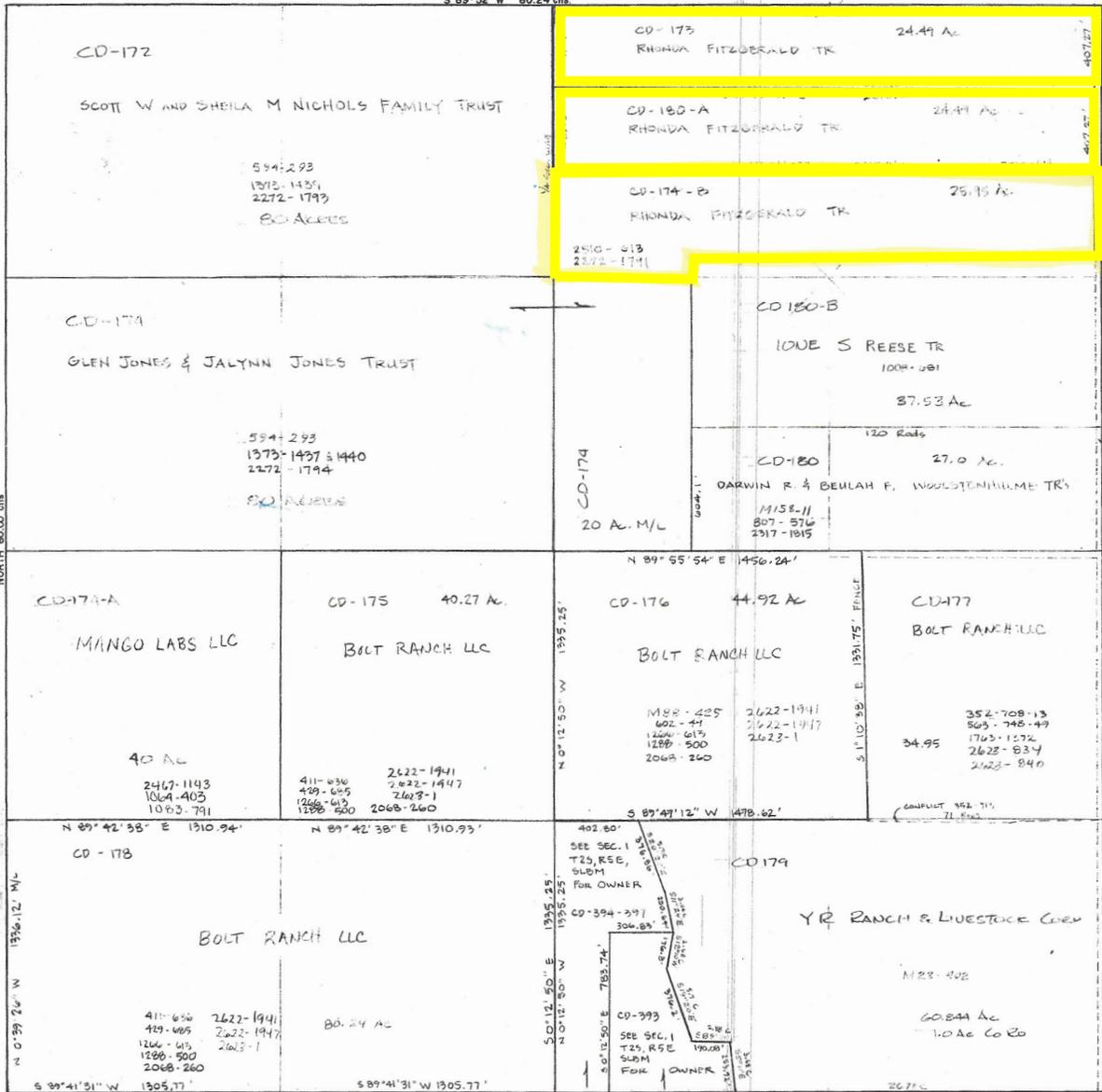
Exhibit A – Property maps

Exhibit B - Property information

SECTION 36
T 1 S - R 5 E
SALT LAKE BASE & MERIDIAN

25

S 89°52' W 80.24 chs



35

31

NORTH 80.00 chs

NORTH 80.00 chs

80.00 chs Resurvey Shows 79.22 chs.

Approved	REVISIONS - DATE AND INITIAL (In Pencil)
Utah State Tax Comm	

SUMMIT COUNTY, UTAH

SCALE
ONE INCH 400 FEET
BOOK PAGE

Date By Engineering Associates Inc.

Sec 36 48.



WSRH-4-1AM

WSRH-5-1AM

WF-3-2AM

WF-4-2AM

CD-149

CD-156-A

CD-157-921

CD-145-A

CD-150

CD-145

CD-148

CD-158

CD-321-E

CD-824

CD-821-B

CD-173

CD-172

CD-180-A

CD-331

CD-174-B

CD-833

CD-174

CD-180-B

CD-331-A

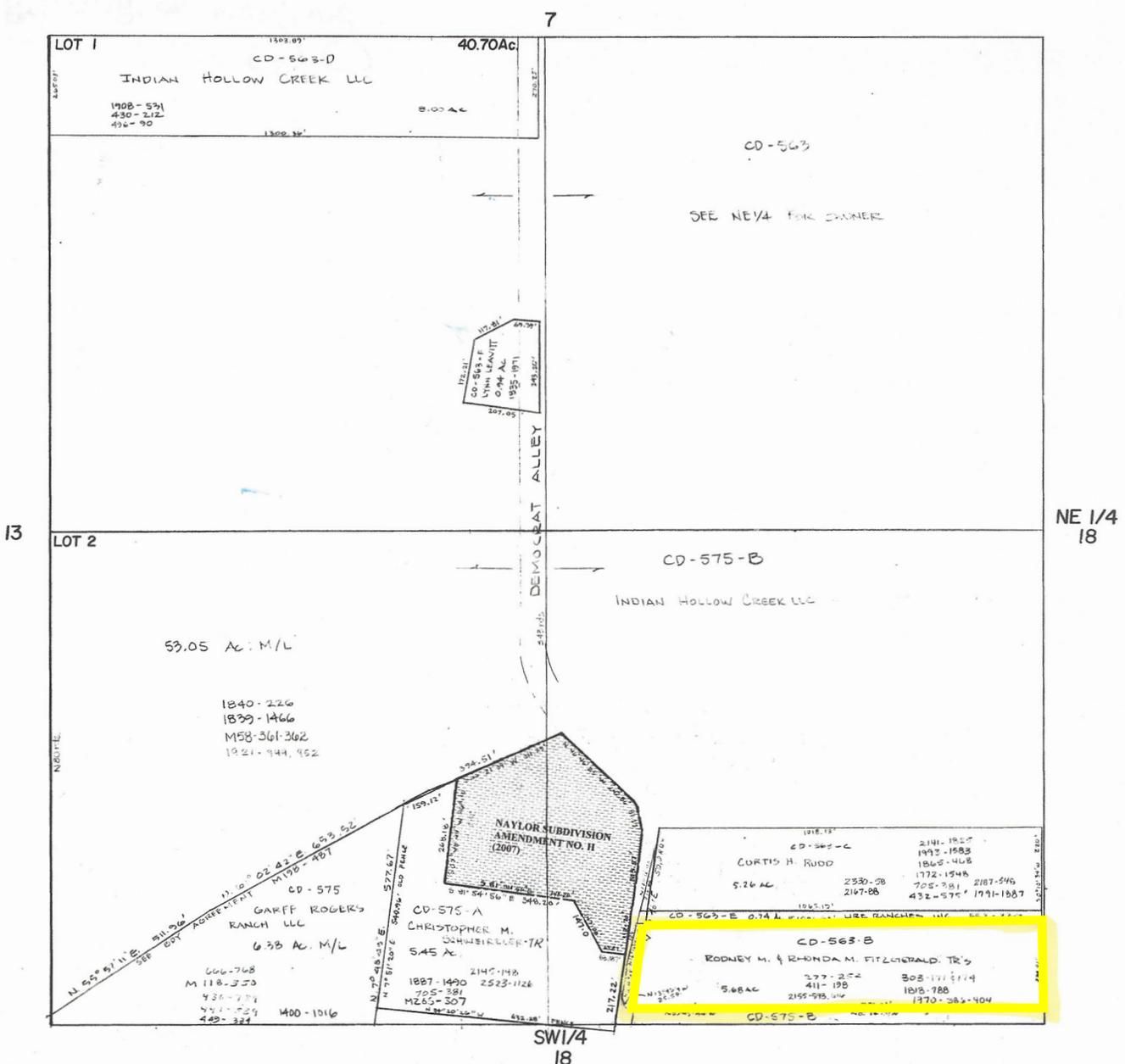
CD-180

EXHIBIT A2

NW 1/4 SECTION 18
 T 2 S - R 6 E
 SALT LAKE BASE & MERIDIAN
 SCALE 1" = 200'

ID # 0227060

Property is used for residential and agricultural



Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	7-20-81 DEW	
Date	By	

SUMMIT COUNTY, UTAH

SCALE	
ONE INCH	200 FEET
BOOK	PAGE

Engineering Associates Inc.

NW 1/4 Sec. 18 16



CD-575-B

NAYLOR-2-IIAM

CD-575-B

CD-564-X

CD-540-X

NAYLOR-1-IIAM

CD-563-C

CD-563-A

CD-575

CD-575-A

CD-563-E

CD-563-B

SPH-16

CD-574-2

CD-565

SPH-15

CD-574-2-A

GOTT-1

SPH-14

GOTT-2

CD-574-1-A

CD-574-7

CD-569

CD-574

SPH-13

CD-574-1

CD-552

KT-556-A

SPH-12

CD-574-3-A

CD-568

CD-561

CD-567

SPH-11

CD-574-3

CD-574-5

SPH-10

CD-562

SPH-9

CD-574-6

SPH-8

CD-574-7-A

SPH-7

CD-419-X

248

CD-574-8-X 248

SPH-6-X

KT-549-A-X 200

EXHIBIT A4

CD-574-8-1-X 200

CD-583-X

SPH-5

SPH-5-A

CD-583-4

CD-582-A

CD-579-A

CD-579

CD-618

Democrat

Democrat

200



Property Record Card

Summit County Utah Recorder

FITZGERALD RHONDA TRUSTEE

310 N DEMOCRAT ALLEY
KAMAS, UT 84036

Account: 0103055

Tax Area: 23 - SSSD A,B,C,U (C-C)

Acres: 24.490

Parcel: CD-180-A

Situs Address:

Value Summary

Model	Value	Override
Land (1)	\$183,675	N/A
Total	\$183,675	\$183,675

Legal Description

BEGINNING AT A POINT NORTH 89*53'37" WEST 33.00 FEET AND SOUTH 00*01'05 WEST 814.54 FEET FROM THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 89*54'38" WEST 2615.74 FEET TO A FENCE LINE BEING THE EASTERLY LINE OF PARCEL CD-172 ALSO THE 1/4 SECTION LINE OF SECTION 36; THENCE NORTH 0*17'59" WEST 408.05 FEET ALONG SAID LINE; THENCE SOUTH 89*53'37" EAST 2618.00 FEET TO THE WESTERLY LINE OF DEMOCRAT ALLEY; THENCE SOUTH 0*01'05" WEST 407.27 FEET ALONG SAID LINE TO THE POINT OF BEGINNING. CONT 24.49 AC. VWD-30 3AMI608 594-293 1373-1440 2272-1791 2510-613 RHONDA FITZGERALD TRUSTEE OF THE RODNEY AND RHONDA FITZGERALD FAMILY LIVING TRUST DATED 9-12-06 2510-613;

Transfer History

Entry Number	Book/Page	Date Recorded	Deed Type
01111513	B: 2510 P: 0613	May 28, 2019	Quit Claim Deed
01009839	B: 2272 P: 1791	Dec 29, 2014	Warranty Deed
00590122	B: 1373 P: 1440	May 30, 2001	Warranty Deed
00590120	B: 1373 P: 1437	May 30, 2001	Warranty Deed
00335732	B: 594 P: 293	Jan 23, 1991	Quit Claim Deed

Land Occurrence 1

Assessment Code	05K - FAA IRRIGATED/TILLABLE M-IV 05N - FAA GRAZING I	Version Start	1580920008494
Version End	9223372036854775807		



Property Record Card

Summit County Utah Recorder

Land Occurrence 1

Abstract Summary

Code	Classification	Market Value	Taxable Value	Market Override	Taxable Override
05K	FAA IRRIGATED/TILLABLE M-IV	\$170,175	\$4,084	NA	NA
05N	FAA GRAZING I	\$13,500	\$108	NA	NA
Total		\$183,675	\$4,192	NA	NA



Property Record Card

Summit County Utah Recorder

FITZGERALD RHONDA TRUSTEE

Account: 0487903

Parcel: CD-174-B

Tax Area: 23 - SSSD A,B,C,U (C-C)

Situs Address:

Acres: 25.950

310 N DEMOCRAT ALLEY
KAMAS, UT 84036

Value Summary

Model	Value	Override
Land (1)	\$194,625	N/A
Total	\$194,625	\$194,625

Legal Description

BEGINNING AT A POINT NORTH 89°53'37" WEST 33.00 FEET AND SOUTH 00°01'05" WEST 814.54 FEET FROM THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 0°01'05" WEST 407.27 FEET ALONG THE WESTERLY LINE OF DEMOCRAT ALLEY TO A FENCE LINE BEING THE NORTHERLY LINE OF PARCEL CD-180-B; THE FOLLOWING (4) COURSES ARE ALONG AN EXISTING FENCE LINE: THENCE NORTH 89°51'11" WEST 1933.98 FEET; THENCE SOUTH 0°22'23" EAST 103.20 FEET; THENCE NORTH 89°36'03" WEST 679.68 FEET; THENCE NORTH 0°17'59" WEST 504.87 FEET ALONG THE EASTERLY LINE OF PARCEL CD-172 ALSO THE 1/4 SECTION LINE OF SECTION 36, THENCE SOUTH 89°54'38" EAST 2615.74 FEET TO THE POINT OF BEGINNING. CONT 25.95 AC. 2510-613
RHONDA FITZGERALD TRUSTEE OF THE RODNEY AND RHONDA FITZGERALD FAMILY LIVING TRUST DATED 9-12-06 2510-613;

Transfer History

Entry Number	Book/Page	Date Recorded	Deed Type
01111513	B: 2510 P: 0613	May 28, 2019	Quit Claim Deed
01009839	B: 2272 P: 1791	Dec 29, 2014	Warranty Deed

Land Occurrence 1

Assessment Code	Version Start	Version End
05K - FAA IRRIGATED/TILLABLE M-IV 05N - FAA GRAZING I	1580920125355	9223372036854775807



Property Record Card

Summit County Utah Recorder

Abstract Summary

Code	Classification	Market Value	Taxable Value	Market Override	Taxable Override
05K	FAA IRRIGATED/TILLABLE M-IV	\$144,375	\$3,465	NA	NA
05N	FAA GRAZING I	\$50,250	\$402	NA	NA
Total		\$194,625	\$3,867	NA	NA



Property Record Card

Summit County Utah Recorder

FITZGERALD RHONDA TRUSTEE

310 N DEMOCRAT ALLEY
KAMAS, UT 84036

Account: 0102958

Tax Area: 23 - SSSD A,B,C,U (C-C)

Acres: 24.490

Parcel: CD-173

Situs Address:

Value Summary

Model	Value	Override
Land (1)	\$183,675	N/A
Total	\$183,675	\$183,675

Legal Description

BEGINNING AT A POINT NORTH 89°53'37" WEST 33.00 FEET FROM THE NORTHEAST CORNER OF SECTION 36. TOWNSHIP 1 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 0°01'05" WEST 407.27 FEET ALONG THE WESTERLY LINE OF DEMOCRAT ALLEY, THENCE NORTH 89°53'37" WEST 2618.00 FEET TO A FENCE LINE BEING THE EASTERLY LINE OF PARCEL CD-172 ALSO THE 1/4 SECTION LINE; THENCE NORTH 0°17'59" WEST 407.27 FEET ALONG SAID LINE TO THE NORTH 1/4 CORNER OF SECTION 36; THENCE SOUTH 89°53'37" EAST 2620.26 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING. CONT 24.49 AC RWD-31 XWD-545 594-293 1373-1440 2272-1791 2510-613
RHONDA FITZGERALD TRUSTEE OF THE RODNEY AND RHONDA FITZGERALD FAMILY LIVING TRUST DATED 9-12-06 2510-613;

Transfer History

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01009839	B: 2272 P: 1791	Dec 29, 2014	Warranty Deed
00590122	B: 1373 P: 1440	May 30, 2001	Warranty Deed
00590120	B: 1373 P: 1437	May 30, 2001	Warranty Deed
00335732	B: 594 P: 293	Jan 23, 1991	Quit Claim Deed

Land Occurrence 1

Assessment Code	05K - FAA IRRIGATED/TILLABLE M-IV	Version Start	1580919617649
Version End	9223372036854775807		



Property Record Card

Summit County Utah Recorder

Land Occurrence 1

Abstract Summary

Code	Classification	Market Value	Taxable Value	Market Override	Taxable Override
05K	FAA IRRIGATED/TILLABLE M-IV	\$183,675	\$4,408	NA	NA
Total		\$183,675	\$4,408	NA	NA



Property Record Card

Summit County Utah Recorder

**FITZGERALD RODNEY M
TRUSTEE
FITZGERALD RHONDA M
TRUSTEE**

Account: 0227060

Tax Area: 23 - SSSD A,B,C,U (C-C)

Acres: 5.680

Parcel: CD-563-B

Situs Address:

310 N DEMOCRAT ALLEY

310 N DEMOCRAT ALLEY
KAMAS, UT 84036

Value Summary

Model	Value	Override
Building (1)	\$195,829	N/A
Land (1)	\$202,320	N/A
Total	\$398,149	\$398,149

Legal Description

COMM N 2677.40 FT & W 6.85 FT FROM THE S1/4 COR OF SEC 18 T2SR6E SLBM; TH N 89°04'18" W 786.31 FT; TH N 89°45'44" W 315.16 FT; TH N 13°49'04" W 25.59 FT; TH N 08°30'33" E 90.29 FT; TH N 12°16'48" E 109.12 FT; TH E 1077.62 FT; TH S 0°10'34" W 234.81 FT TO PT OF BEG CONT 5.68 AC 303-171-174 319-499 411-198 1818-788 1970-386-404 2155-598-616
RODNEY M FITZGERALD & RHONDA M FITZGERALD TRUSTEES OF THE RODNEY & ROHND M FITZGERALD FAMILY TRUST
2155-616,



Transfer History

Entry Number	Book/Page	Date Recorded	Deed Type
00956775	B: 2155 P: 0598	Nov 6, 2012	Warranty Deed
00956777	B: 2155 P: 0616	Nov 6, 2012	Warranty Deed
00866354	B: 1970 P: 0386	Mar 3, 2009	Warranty Deed
00866356	B: 1970 P: 0404	Mar 3, 2009	Warranty Deed
00791587	B: 1818 P: 788	Sep 21, 2006	Warranty Deed
00262704	B: 411 P: 198	Dec 24, 1986	Warranty Deed
00226965	B: 319 P: 499	Nov 5, 1984	Quit Claim Deed



Property Record Card

Summit County Utah Recorder

Entry Number	Book/Page	Date Recorded	Deed Type
00221687	B: 303 P: 174	Jun 19, 1984	Quit Claim Deed
00221684	B: 303 P: 171	Jun 19, 1984	Warranty Deed
00212558	B: 277 P: 252	Oct 31, 1983	Warranty Deed

Building Occurrence 1

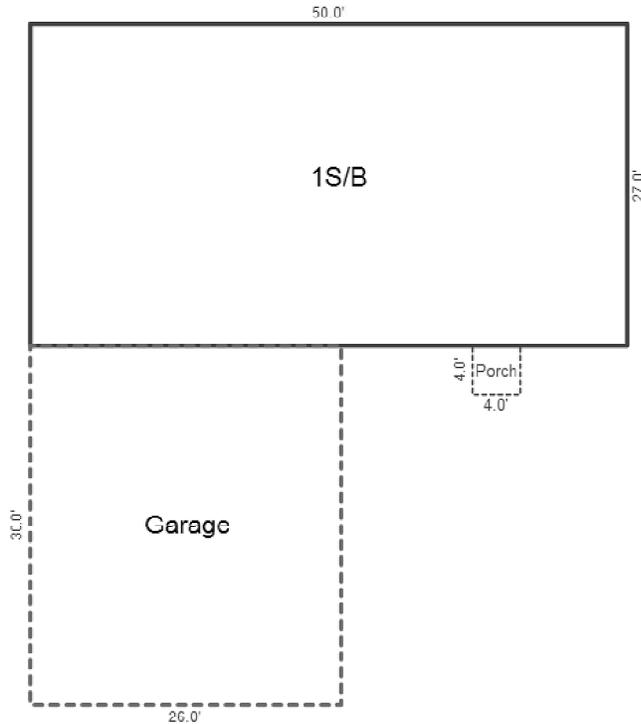
Property Code	11A - RESIDENTIAL PRIMARY	Living Area	1350
Building Type	1 - RESIDENCE	Architectural Style	1 - RANCH
Story Height	1 - ONE STORY	Construction Quality	4 - AVERAGE
Primary Wall Construction	3 - BRICK VENEER	Roof Covering	2 - TYPICAL
Building Condition	4 - AVERAGE	Year Built	1984
Wall Coverings	2 - TYPICAL	Floor Covering	2 - TYPICAL
No. Full Baths	2	No. Half Baths	0
No. Designer Bathrooms	0	Heating System Fuel	3 - ELECTRIC
Heating System Quality	3 - FAIR	Air Conditioning	3 - NONE
Basement Area	1350	Attic Area	0
Basement Garage Area	0	Carport Area	0
Attached/Built-in Area	780	Building Status %	0
Effective Age	16	Kitchen Cabinets	2 - TYPICAL
No. Range & Ovens	1		



Property Record Card

Summit County Utah Recorder

Building Occurrence 1



Land Occurrence 1

Assessment Code	05U - FAA HOMESITE (PRIMARY USE)	Version Start	1618940499905
	05I - IRRIGATED TILLABLE IV		
Version End	9223372036854775807		

Abstract Summary

Code	Classification	Market Value	Taxable Value	Market Override	Taxable Override
05I	IRRIGATED TILLABLE IV	\$112,320	\$842	NA	NA
05U	FAA HOMESITE (PRIMARY USE)	\$90,000	\$49,500	NA	NA
11A	RESIDENTIAL PRIMARY	\$195,829	\$107,706	NA	NA
Total		\$398,149	\$158,048	NA	NA