

17-41-306 Adding land to or removing land from an agriculture protection area or industrial protection area -- Removing land from a mining protection area.

- (1)
 - (a) Any owner may add land to an existing agriculture protection area or industrial protection area, as the case may be, by:
 - (i) filing a proposal with:
 - (A) the county legislative body, if the agriculture protection area or industrial protection area and the land to be added are within the unincorporated part of the county; or
 - (B) the municipal legislative body, if the agriculture protection area or industrial protection area and the land to be added are within a city or town; and
 - (ii) obtaining the approval of the applicable legislative body for the addition of the land to the area.
 - (b) The applicable legislative body shall comply with the provisions for creating an agriculture protection area or industrial protection area, as the case may be, in determining whether or not to accept the proposal.
- (2)
 - (a) Any owner of land within an agriculture protection area or industrial protection area may remove any or all of the land from the agriculture protection area or industrial protection area, respectively, by filing a petition for removal with the applicable legislative body.
 - (b)
 - (i) The applicable legislative body:
 - (A) shall:
 - (I) grant the petition for removal of land from an agriculture protection area or industrial protection area, as the case may be, even if removal of the land would result in an agriculture protection area or industrial protection area of less than the number of acres established by the applicable legislative body as the minimum under Section 17-41-301; and
 - (II) in order to give constructive notice of the removal to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area or industrial protection area and the land removed from the agriculture protection area or industrial protection area, file a legal description of the revised boundaries of the agriculture protection area or industrial protection area with the county recorder of deeds and the affected planning commission; and
 - (B) may not charge a fee in connection with a petition to remove land from an agriculture protection area or an industrial protection area.
 - (ii) The remaining land in the agriculture protection area or industrial protection area is still an agriculture protection area or industrial protection area, respectively.
- (3)
 - (a) If a municipality annexes any land that is part of an agriculture protection area or industrial protection area located in the unincorporated part of the county, the county legislative body shall, within 30 days after the land is annexed, review the feasibility of that land remaining in the agriculture protection area or industrial protection area according to the procedures and requirements of Section 17-41-307.
 - (b) The county legislative body shall remove the annexed land from the agriculture protection area or industrial protection area, as the case may be, if:
 - (i) the county legislative body concludes, after the review under Section 17-41-307, that removal is appropriate; and

- (ii) the owners of all the annexed land that is within the agriculture protection area or industrial protection area consent in writing to the removal.
- (c) Removal of land from an agriculture protection area or industrial protection area under this Subsection (3) does not affect whether that land may be:
 - (i) included in a proposal under Section 17-41-301 to create an agriculture protection area or industrial protection area within the municipality; or
 - (ii) added to an existing agriculture protection area or industrial protection area within the municipality under Subsection (1).
- (4) A mine operator that owns or controls land within a mining protection area may remove any or all of the land from the mining protection area by filing a notice of removal with the legislative body of the county in which the land is located.

Amended by Chapter 376, 2009 General Session