

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
9.20.17

BILL 3

LLS NO. 18-0124.01 Bob Lackner x4350

COMMITTEE BILL

Young and Beginning Farmers Interim Study Committee

**BILL TOPIC: "Agricultural Protection Districts"**

**A BILL FOR AN ACT**

101 **CONCERNING THE ABILITY OF COUNTY GOVERNMENTS TO CREATE**  
102 **AGRICULTURAL PROTECTION DISTRICTS TO PROMOTE THE**  
103 **VIABILITY OF THE STATE'S AGRICULTURAL SECTOR.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Young and Beginning Farmers Interim Study Committee.** The bill permits any owners of contiguous agricultural land that satisfies minimal land area requirements to submit an application to the county in which the land is located for designation of an agricultural protection district (district) that includes the land. The bill specifies the requirements

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

of the application. The application must be accompanied by a petition supporting the designation signed by a majority of the owners of the real property proposed for inclusion in the district.

The bill permits the board of county commissioners of each county (county board) to appoint no more than 5 individuals to serve as the agricultural protection district advisory board (advisory board) for the county. The advisory board evaluates applications for the establishment of a district and makes recommendations to the county board of whether the application should be accepted.

The bill requires the county board to provide public notice of an application for creation of a district and specifies the form and content of the required notice.

The bill specifies procedures whereby the affected county's planning commission and advisory board make a recommendation to the county board either to accept, accept and modify, or reject the application.

After receipt of the written reports from the advisory board and planning commission, the bill requires the county board to schedule a public hearing on the application. Not later than 120 days after the date of the submission of the application, the county board is required to approve, modify and approve, or reject the application. The bill specifies criteria to be applied by the county board in evaluating an application.

The bill also specifies procedures governing the addition to or removal of land from a district as well as the manner in which a district is affected by a municipal annexation.

The bill mandates a periodic review, on a 10-year basis, of a district and specifies the contents of the review.

In addition to any other powers to which it has been authorized under the bill, any county, as well as the department of agriculture and the division of local government within the department of local affairs, may offer such additional assistance to districts that will further the purposes of the bill.

The bill encourages a political subdivision that has a district within its territorial boundaries to encourage the continuity, development, and viability of agriculture within the state by not enacting a law, ordinance, or rule that would unreasonably restrict agricultural production within the district.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 7 to article  
3 11 of title 30 as follows:

4 **PART 7**

1                                    AGRICULTURAL PROTECTION DISTRICTS

2                    **30-11-701. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
3 FINDS, DECLARES, AND DETERMINES THAT:

4                    (a) IT IS THE POLICY OF THE STATE TO ENCOURAGE IMPROVEMENT  
5 OF AGRICULTURAL LANDS WITHIN THE STATE FOR THE PRODUCTION OF  
6 FOOD AND OTHER AGRICULTURAL PRODUCTS;

7                    (b) IT IS ALSO THE POLICY OF THE STATE TO ENCOURAGE, PROMOTE,  
8 AND PROTECT FARMING AND RANCHING AS VALUED OCCUPATIONS;

9                    (c) PRESERVATION OF THE STATE'S AGRICULTURAL LANDS IS  
10 ESSENTIAL TO MAINTAINING AGRICULTURE AS A VIABLE INDUSTRY AND A  
11 CRITICAL COMPONENT OF THE STATE'S ECONOMY; AND

12                    (d) VALUABLE AND IRREPLACEABLE AGRICULTURAL LAND IS BEING  
13 LOST AS A RESULT OF NONAGRICULTURAL DEVELOPMENT PRESSURES. TO  
14 ENSURE THE LONG-TERM USE OF THE STATE'S MOST VIABLE AGRICULTURAL  
15 LANDS, IT IS NECESSARY TO ADOPT AND IMPLEMENT AN EFFECTIVE  
16 PROGRAM FOR THE PERMANENT PRESERVATION OF SUCH LAND.

17                    (2) BY ENACTING THIS PART 7, THE GENERAL ASSEMBLY INTENDS  
18 TO FACILITATE THE CREATION AND USE OF A STATEWIDE PROGRAM OF  
19 AGRICULTURAL PROTECTION DISTRICTS ADMINISTERED BY THE COUNTIES  
20 WHEREBY THE OWNERS OF FARMS AND RANCHES RECEIVE SUFFICIENT  
21 ENCOURAGEMENT TO COME TOGETHER TO PLACE THEIR LAND IN  
22 AGRICULTURAL PROTECTION DISTRICTS TO SERVE THE LONG-TERM  
23 INTERESTS OF THE AGRICULTURAL COMMUNITY AND THE PEOPLE OF THE  
24 STATE. THE GENERAL ASSEMBLY FURTHER INTENDS THAT THIS PART 7 BE  
25 LIBERALLY CONSTRUED TO ACHIEVE THESE PURPOSES.

26                    **30-11-702. Definitions.** AS USED IN THIS PART 7, UNLESS THE  
27 CONTEXT OTHERWISE REQUIRES:

1 (1) "ADVISORY BOARD" MEANS AN AGRICULTURAL PROTECTION  
2 DISTRICT ADVISORY BOARD THAT A COUNTY MAY ESTABLISH IN  
3 ACCORDANCE WITH SECTION 30-11-703 (1).

4 (2) "AGRICULTURE" HAS THE SAME MEANING AS SPECIFIED IN  
5 SECTION 35-1-102 (1).

6 (3) "AGRICULTURAL LAND" HAS THE SAME MEANING AS SPECIFIED  
7 IN SECTION 39-1-102 (1.6).

8 (4) "AGRICULTURAL PRODUCTION" MEANS THE PRODUCTION OF  
9 AGRICULTURE FOR COMMERCIAL PURPOSES.

10 (5) "AGRICULTURAL PROTECTION DISTRICT" OR "DISTRICT" MEANS  
11 AN AGRICULTURAL PROTECTION DISTRICT APPROVED BY A COUNTY IN  
12 ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 7.

13 (6) "COUNTY BOARD" MEANS THE BOARD OF COUNTY  
14 COMMISSIONERS OF A COUNTY.

15 (7) "PLANNING COMMISSION" MEANS THE PLANNING COMMISSION  
16 OF A COUNTY ESTABLISHED IN ACCORDANCE WITH SECTION 30-28-103.

17 **30-11-703. Agricultural protection district advisory board -**  
18 **appointment - duties.** (1) THE COUNTY BOARD OF EACH COUNTY MAY  
19 APPOINT NO MORE THAN FIVE INDIVIDUALS TO SERVE ON THE  
20 AGRICULTURAL PROTECTION DISTRICT ADVISORY BOARD FOR THE COUNTY.

21 (2) EACH ADVISORY BOARD SHALL:

22 (a) EVALUATE APPLICATIONS FOR THE ESTABLISHMENT OF A  
23 DISTRICT AND MAKE RECOMMENDATIONS TO THE COUNTY BOARD OF  
24 WHETHER THE APPLICATION SHOULD BE ACCEPTED;

25 (b) PROVIDE EXPERT ADVICE TO THE PLANNING COMMISSION OF  
26 THE COUNTY AND TO THE COUNTY BOARD CONCERNING:

27 (I) THE DESIRABILITY OF A PARTICULAR APPLICATION;

1 (II) THE NATURE OF AGRICULTURAL PRODUCTION WITHIN THE  
2 LAND AREA PROPOSED TO BE DESIGNATED AS A DISTRICT; AND

3 (III) THE RELATION OF AGRICULTURAL PRODUCTION WITHIN THE  
4 LAND AREA PROPOSED TO BE DESIGNATED AS A DISTRICT TO THE COUNTY  
5 AS A WHOLE; AND

6 (c) PERFORM SUCH OTHER DUTIES AS MAY BE DELEGATED TO SUCH  
7 ADVISORY BOARD BY A COUNTY IN ACCORDANCE WITH THIS PART 7.

8 **30-11-704. Establishment of agricultural protection districts**

9 - **application by land owner.** (1) (a) ANY OWNERS OF CONTIGUOUS  
10 AGRICULTURAL LAND THAT SATISFY SUCH MINIMAL LAND AREA  
11 REQUIREMENTS SPECIFIED BY THE COUNTY PURSUANT TO SUBSECTION  
12 (3)(c) OF THIS SECTION MAY SUBMIT AN APPLICATION TO THE COUNTY IN  
13 WHICH THE LAND IS LOCATED FOR DESIGNATION OF A DISTRICT THAT  
14 INCLUDES SUCH LAND.

15 (b) THE APPLICATION SPECIFIED IN SUBSECTION (1)(a) OF THIS  
16 SECTION MUST BE ACCOMPANIED BY A PETITION SUPPORTING THE  
17 DESIGNATION THAT IS SIGNED BY A MAJORITY OF THE OWNERS OF THE  
18 REAL PROPERTY PROPOSED FOR INCLUSION IN THE DISTRICT. FOR PURPOSES  
19 OF THIS SECTION, OWNERSHIP OF REAL PROPERTY IS DETERMINED BY  
20 REFERENCE TO THE REAL PROPERTY RECORDS OF THE COUNTY CLERK AND  
21 RECORDER.

22 (2) THE APPLICATION SPECIFIED IN SUBSECTION (1)(a) OF THIS  
23 SECTION MUST IDENTIFY:

24 (a) THE BOUNDARIES OF THE LAND AREA PROPOSED FOR INCLUSION  
25 WITHIN THE DISTRICT;

26 (b) ANY LIMITS ON THE TYPES OF AGRICULTURAL PRODUCTION  
27 ALLOWED WITHIN THE LAND AREA PROPOSED FOR INCLUSION WITHIN THE

1 DISTRICT; AND

2 (c) FOR EACH PARCEL OF LAND THAT IS INCLUDED WITHIN THE  
3 APPLICATION:

4 (I) THE NAMES OF THE OWNERS OF RECORD OF THE REAL PROPERTY  
5 PROPOSED FOR INCLUSION WITHIN THE DISTRICT; AND

6 (II) THE TAX PARCEL NUMBER OR ACCOUNT NUMBER IDENTIFYING  
7 EACH PARCEL.

8 (3) (a) A COUNTY MAY ESTABLISH THE MANNER AND FORM FOR  
9 SUBMISSION OF AN APPLICATION SPECIFIED IN SUBSECTION (1)(a) OF THIS  
10 SECTION.

11 (b) A COUNTY MAY ASSESS A REASONABLE FEE FOR ACCEPTING  
12 AND PROCESSING AN APPLICATION.

13 (c) EACH COUNTY SHALL ESTABLISH THE MINIMUM NUMBER OF  
14 CONTIGUOUS ACRES OF AGRICULTURAL LAND THAT MUST BE INCLUDED IN  
15 A DISTRICT.

16 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 7, A  
17 DISTRICT MAY INCLUDE WITHIN ITS BOUNDARIES LAND USED FOR A  
18 ROADWAY, DWELLING, PARK, OR OTHER NONAGRICULTURAL USE IF SUCH  
19 USE OF LAND CONSTITUTES A MINORITY OF THE TOTAL ACREAGE WITHIN  
20 THE AREA PROPOSED FOR INCLUSION WITHIN THE DISTRICT.

21 **30-11-705. Notice of application for creation of an agricultural**  
22 **protection district - public comments.** (1) A COUNTY BOARD THAT HAS  
23 RECEIVED AN APPLICATION FILED WITH IT IN ACCORDANCE WITH SECTION  
24 30-11-704 (1) SHALL PROVIDE NOTICE OF THE APPLICATION BY:

25 (a) PUBLISHING SUCH NOTICE IN A NEWSPAPER HAVING GENERAL  
26 CIRCULATION WITHIN THE SAME COUNTY AS THE LAND PROPOSED FOR  
27 INCLUSION WITHIN A DISTRICT; OR

1 (b) POSTING SUCH NOTICE AT FIVE PUBLIC PLACES, DESIGNATED BY  
2 THE COUNTY, WITHIN OR NEAR THE PROPOSED DISTRICT; AND

3 (c) MAILING WRITTEN NOTICE TO EACH OWNER OF LAND WITHIN  
4 ONE THOUSAND FEET OF THE LAND PROPOSED FOR INCLUSION WITHIN THE  
5 DISTRICT.

6 (2) THE NOTICE MUST CONTAIN A STATEMENT THAT:

7 (a) AN APPLICATION FOR THE CREATION OF A DISTRICT HAS BEEN  
8 FILED WITH THE COUNTY;

9 (b) THE APPLICATION WILL BE OPEN TO PUBLIC INSPECTION IN THE  
10 OFFICES OF THE COUNTY BOARD;

11 (c) ANY PERSON OR ENTITY AFFECTED BY THE ESTABLISHMENT OF  
12 THE DISTRICT MAY, WITHIN FIFTEEN DAYS OF THE DATE OF THE NOTICE,  
13 FILE WITH THE APPLICABLE LEGISLATIVE BODY:

14 (I) WRITTEN OBJECTIONS TO THE APPLICATION; OR

15 (II) A WRITTEN REQUEST TO MODIFY THE PROPOSAL TO EXCLUDE  
16 LAND FROM OR TO ADD LAND TO THE PROPOSED DISTRICT, AS THE CASE  
17 MAY BE;

18 (d) THE COUNTY BOARD WILL SUBMIT THE PROPOSAL TO THE  
19 ADVISORY BOARD AND TO THE COUNTY PLANNING COMMISSION FOR  
20 REVIEW AND RECOMMENDATIONS; AND

21 (e) THE COUNTY BOARD WILL HOLD A PUBLIC HEARING TO DISCUSS  
22 AND HEAR PUBLIC COMMENT ON:

23 (I) THE PROPOSAL TO CREATE THE DISTRICT;

24 (II) THE RECOMMENDATIONS OF THE ADVISORY BOARD AND  
25 PLANNING COMMISSION; AND

26 (III) ANY REQUESTS FOR MODIFICATION OF THE PROPOSAL AND  
27 ANY OBJECTIONS TO THE PROPOSAL; AND

1 (f) THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING.

2 (3)(a) ANY PERSON WISHING TO MODIFY THE APPLICATION FOR THE  
3 CREATION OF THE DISTRICT SHALL, WITHIN FIFTEEN DAYS AFTER THE DATE  
4 OF THE NOTICE, FILE A WRITTEN REQUEST WITH THE COUNTY BOARD FOR  
5 MODIFICATION OF THE APPLICATION THAT IDENTIFIES SPECIFICALLY THE  
6 LAND THAT SHOULD BE ADDED TO OR REMOVED FROM THE APPLICATION.

7 (b) ANY PERSON WISHING TO OBJECT TO THE APPLICATION FOR THE  
8 CREATION OF THE DISTRICT SHALL, NOT LATER THAN FIFTEEN DAYS AFTER  
9 THE DATE OF THE NOTICE, FILE A WRITTEN OBJECTION WITH THE COUNTY  
10 BOARD TO THE CREATION OF THE DISTRICT.

11 **30-11-706. Review of application for creation of agricultural**  
12 **protection district by county planning commission and advisory**  
13 **board.** (1) AFTER FIFTEEN DAYS FROM THE DATE OF THE NOTICE, THE  
14 COUNTY BOARD OF THE COUNTY WHERE THE APPLICATION WAS FILED  
15 SHALL REFER THE APPLICATION AND ANY OBJECTIONS AND PROPOSED  
16 MODIFICATIONS TO THE APPLICATION TO THE ADVISORY BOARD AND THE  
17 PLANNING COMMISSION FOR THEIR REVIEW, COMMENTS, AND  
18 RECOMMENDATIONS.

19 (2) NOT LATER THAN FORTY-FIVE DAYS AFTER RECEIPT OF THE  
20 APPLICATION, THE PLANNING COMMISSION AND THE ADVISORY BOARD  
21 SHALL EACH SEPARATELY SUBMIT A WRITTEN REPORT TO THE COUNTY  
22 BOARD THAT:

23 (a) ANALYZES AND EVALUATES THE EFFECT OF THE CREATION OF  
24 THE PROPOSED DISTRICT ON THE PLANNING POLICIES AND OBJECTIVES OF  
25 THE COUNTY;

26 (b) ANALYZES AND EVALUATES THE APPLICATION BY APPLYING THE  
27 CRITERIA SPECIFIED IN SECTION 30-11-708;



1 (c) RECOMMENDS ANY MODIFICATIONS TO THE BOUNDARIES OF  
2 THE LAND AREA TO BE INCLUDED IN THE PROPOSED DISTRICT;

3 (d) ANALYZES AND EVALUATES ANY OBJECTIONS TO THE  
4 APPLICATION; AND

5 (e) INCLUDES A RECOMMENDATION TO THE COUNTY BOARD EITHER  
6 TO ACCEPT, ACCEPT AND MODIFY, OR REJECT THE APPLICATION.

7 (3) THE COUNTY BOARD SHALL CONSIDER A FAILURE TO SUBMIT A  
8 WRITTEN REPORT WITHIN THE DEADLINE SPECIFIED UNDER SUBSECTION (2)  
9 OF THIS SECTION BY THE PLANNING COMMISSION OR ADVISORY BOARD AS  
10 A RECOMMENDATION OF THE COMMISSION OR ADVISORY BOARD, AS  
11 APPLICABLE, TO APPROVE THE APPLICATION AS SUBMITTED.

12 **30-11-707. Public hearing - review of and action on**  
13 **application by county board.** (1) AFTER RECEIPT OF THE WRITTEN  
14 REPORTS FROM THE ADVISORY BOARD AND PLANNING COMMISSION, OR  
15 AFTER THE EXPIRATION OF THE FORTY-FIVE DAY DEADLINE SPECIFIED IN  
16 SECTION 30-11-706 (2), WHICHEVER IS EARLIER, THE COUNTY BOARD  
17 SHALL SCHEDULE A PUBLIC HEARING ON THE APPLICATION AND SHALL  
18 GIVE NOTICE OF THE PUBLIC HEARING IN A MANNER THAT SATISFIES THE  
19 REQUIREMENTS OF SECTION 30-11-705 (1). THE CONTENTS OF THE NOTICE  
20 MUST SATISFY THE REQUIREMENTS OF SECTION 30-11-705 (2).

21 (2) THE COUNTY BOARD SHALL CONVENE THE PUBLIC HEARING AT  
22 THE TIME, DATE, AND PLACE SPECIFIED IN THE NOTICE AND, AT THE  
23 HEARING, SHALL TAKE VERBAL OR WRITTEN TESTIMONY FROM INTERESTED  
24 PERSONS.

25 (3) (a) NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE  
26 DATE OF THE SUBMISSION OF THE APPLICATION, THE COUNTY BOARD  
27 SHALL APPROVE, MODIFY AND APPROVE, OR REJECT THE APPLICATION.

1 (b) THE CREATION OF A DISTRICT IS EFFECTIVE AT THE EARLIER OF:

2 (I) THE DATE OF THE APPROVAL OF AN APPLICATION OR A MODIFIED  
3 APPROVAL OF AN APPLICATION BY THE COUNTY BOARD; OR

4 (II) ONE HUNDRED TWENTY DAYS FOLLOWING SUBMISSION OF AN  
5 APPLICATION COMPLYING WITH SECTION 30-11-704 (2) IF THE BOARD OF  
6 COUNTY COMMISSIONERS HAS FAILED TO APPROVE OR REJECT THE  
7 APPLICATION WITHIN THAT TIME.

8 (4) IN ORDER TO GIVE CONSTRUCTIVE NOTICE OF THE EXISTENCE  
9 OF THE DISTRICT TO ALL PERSONS WHO HAVE, MAY ACQUIRE, OR MAY SEEK  
10 TO ACQUIRE AN INTEREST IN REAL PROPERTY IN OR ADJACENT TO THE  
11 DISTRICT, NOT LATER THAN TEN DAYS AFTER THE CREATION OF SUCH  
12 DISTRICT, THE COUNTY BOARD SHALL FILE AN EXECUTED DOCUMENT  
13 CONTAINING A LEGAL DESCRIPTION OF THE DISTRICT WITH THE COUNTY  
14 CLERK AND RECORDER AND THE PLANNING COMMISSION. IF THE LEGAL  
15 DESCRIPTION OF THE REAL PROPERTY TO BE INCLUDED IN THE DISTRICT IS  
16 AVAILABLE THROUGH THE COUNTY CLERK AND RECORDER'S OFFICE, THE  
17 COUNTY BOARD SHALL USE THAT LEGAL DESCRIPTION IN THE EXECUTED  
18 DOCUMENT REQUIRED BY THIS SUBSECTION (4).

19 (5) (a) WITHIN TEN DAYS OF THE DATE OF THE RECORDING OF THE  
20 DISTRICT IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION, THE  
21 COUNTY BOARD SHALL SEND WRITTEN NOTIFICATION TO THE DEPARTMENT  
22 OF AGRICULTURE CREATED IN SECTION 35-1-103 TO NOTIFY THE  
23 DEPARTMENT THAT THE DISTRICT HAS BEEN CREATED. SUCH NOTIFICATION  
24 MUST INCLUDE:

25 (I) THE NUMBER OF LANDOWNERS OWNING LAND WITHIN THE  
26 BOUNDARIES OF THE DISTRICT;

27 (II) THE TOTAL ACREAGE OF THE LAND AREA INCLUDED WITHIN

1 THE DISTRICT;

2 (III) THE DATE OF APPROVAL OF THE DISTRICT; AND

3 (IV) THE DATE OF THE RECORDING OF THE DOCUMENT UNDER  
4 SUBSECTION (4) OF THIS SECTION.

5 (b) THE FAILURE OF A COUNTY BOARD TO RECORD THE NOTICE  
6 REQUIRED BY SUBSECTION (4) OF THIS SECTION OR TO SEND THE WRITTEN  
7 NOTIFICATION REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION DOES NOT  
8 INVALIDATE THE CREATION OF A DISTRICT.

9 **30-11-708. Criteria to be applied in evaluating an application**  
10 **for the creation of an agricultural protection district.** (1) IN  
11 EVALUATING AN APPLICATION AND IN DETERMINING WHETHER OR NOT TO  
12 CREATE OR RECOMMEND THE CREATION OF A DISTRICT, THE ADVISORY  
13 BOARD, PLANNING COMMISSION, AND COUNTY BOARD SHALL APPLY THE  
14 FOLLOWING CRITERIA:

15 (a) WHETHER THE LAND PROPOSED FOR INCLUSION IN THE DISTRICT  
16 IS CURRENTLY BEING USED FOR AGRICULTURAL PRODUCTION;

17 (b) WHETHER THE LAND PROPOSED FOR INCLUSION IN THE DISTRICT  
18 IS ZONED FOR AGRICULTURAL USE;

19 (c) WHETHER THE LAND PROPOSED FOR INCLUSION IN THE DISTRICT  
20 IS VIABLE FOR AGRICULTURAL PRODUCTION;

21 (d) THE EXTENT AND NATURE OF EXISTING OR PROPOSED FARM OR  
22 RANCH IMPROVEMENTS; AND

23 (e) ANTICIPATED TRENDS IN AGRICULTURAL AND TECHNOLOGICAL  
24 CONDITIONS THAT MAY AFFECT THE LAND AREA PROPOSED FOR INCLUSION  
25 IN THE DISTRICT.

26 **30-11-709. Adding land to or removing land from an**  
27 **agricultural protection district - annexation.** (1) ANY OWNER OF LAND

1 THAT IS LOCATED WITHIN AN EXISTING DISTRICT MAY REQUEST THAT LAND  
2 BE ADDED TO OR REMOVED FROM SUCH DISTRICT BY FILING WITH THE  
3 COUNTY BOARD AN APPLICATION REQUESTING SUCH ADDITION OR  
4 REMOVAL AND OBTAINING THE APPROVAL OF THE BOARD FOR SUCH  
5 ADDITION OR REMOVAL. IN REVIEWING THE APPLICATION, THE BOARD  
6 SHALL CONSIDER THE CRITERIA SPECIFIED IN SECTION 30-11-710. IN THE  
7 CASE OF AN APPLICATION FOR REMOVAL OF LAND, THE BOARD SHALL  
8 ADDITIONALLY CONSIDER WHETHER THE SIZE OF THE LAND AREA  
9 INCLUDED IN THE DISTRICT, IF THE APPLICATION WAS GRANTED, WOULD  
10 RESULT IN THE TOTAL LEGAL AREA OF THE DISTRICT FALLING BELOW THE  
11 MINIMUM NUMBER OF CONTIGUOUS ACRES OF AGRICULTURAL LAND THE  
12 COUNTY HAS SPECIFIED AS REQUIRED TO FORM A DISTRICT UNDER SECTION  
13 30-11-704 (3)(c).

14 (2) IF THE COUNTY BOARD APPROVES A REQUEST TO REMOVE LAND  
15 FROM THE DISTRICT, IN ORDER TO GIVE CONSTRUCTIVE NOTICE OF THE  
16 REMOVAL TO ALL PERSONS WHO HAVE, MAY ACQUIRE, OR MAY SEEK TO  
17 ACQUIRE AN INTEREST IN LAND IN OR ADJACENT TO THE DISTRICT OR LAND  
18 REMOVED FROM A DISTRICT, THE COUNTY BOARD SHALL FILE A LEGAL  
19 DESCRIPTION OF THE REVISED BOUNDARIES OF THE DISTRICT WITH THE  
20 COUNTY CLERK AND RECORDER AND WITH THE AFFECTED PLANNING  
21 COMMISSION.

22 (3) (a) IF A MUNICIPALITY ANNEXES ANY LAND THAT IS PART OF A  
23 DISTRICT THAT IS LOCATED WITHIN THE UNINCORPORATED PART OF THE  
24 COUNTY, THE COUNTY BOARD SHALL, WITHIN THIRTY DAYS AFTER THE  
25 ANNEXATION IS COMPLETED, REVIEW THE FEASIBILITY OF THE AFFECTED  
26 LAND REMAINING WITHIN THE DISTRICT IN ACCORDANCE WITH THE  
27 PROCEDURES AND REQUIREMENTS OF SECTION 30-11-710.

1 (b) THE COUNTY BOARD SHALL REMOVE THE ANNEXED LAND FROM  
2 THE DISTRICT IF THE BOARD CONCLUDES, AFTER THE REVIEW UNDER  
3 SECTION 30-11-710, THAT:

4 (I) REMOVAL IS APPROPRIATE; AND

5 (II) THE OWNERS OF ALL OF THE ANNEXED LAND LOCATED WITHIN  
6 THE BOUNDARIES OF THE DISTRICT CONSENT IN WRITING TO THE REMOVAL.

7 **30-11-710. Periodic review of agricultural protection districts.**

8 (1) IN THE TENTH CALENDAR YEAR AFTER THE CREATION OF A DISTRICT  
9 UNDER THIS PART 7, EACH DISTRICT MUST BE REVIEWED, UNDER THE  
10 PROVISIONS OF THIS SECTION, BY THE COUNTY BOARD.

11 (2) IN THE TENTH YEAR, THE COUNTY BOARD SHALL:

12 (a) REQUEST THE PLANNING COMMISSION AND ADVISORY BOARD  
13 TO SUBMIT RECOMMENDATIONS ABOUT WHETHER THE DISTRICT SHOULD  
14 BE CONTINUED, MODIFIED, OR TERMINATED;

15 (b) AT LEAST ONE HUNDRED TWENTY DAYS BEFORE THE END OF  
16 THE CALENDAR YEAR, HOLD A PUBLIC HEARING TO DISCUSS WHETHER THE  
17 DISTRICT SHOULD BE CONTINUED, MODIFIED, OR TERMINATED;

18 (c) GIVE NOTICE OF THE HEARING IN A MANNER THAT SATISFIES  
19 THE REQUIREMENTS OF SECTION 30-11-705 (1); AND

20 (d) AFTER THE PUBLIC HEARING, CONTINUE, MODIFY, OR  
21 TERMINATE THE DISTRICT.

22 (3) IF THE COUNTY BOARD MODIFIES OR TERMINATES THE DISTRICT,  
23 IT SHALL FILE AN EXECUTED DOCUMENT CONTAINING THE REVISED LEGAL  
24 DESCRIPTION OF THE DISTRICT WITH THE COUNTY CLERK AND RECORDER.

25 (4) IF THE COUNTY BOARD FAILS AFFIRMATIVELY TO CONTINUE,  
26 MODIFY, OR TERMINATE THE DISTRICT IN THE TENTH CALENDAR YEAR, THE  
27 DISTRICT IS CONSIDERED TO BE REAUTHORIZED FOR ANOTHER TEN YEARS.

1           **30-11-711. Additional assistance by the state and counties.** IN  
2 ADDITION TO ANY OTHER POWERS TO WHICH IT HAS BEEN AUTHORIZED  
3 UNDER THIS PART 7, ANY COUNTY, AS WELL AS THE DEPARTMENT OF  
4 AGRICULTURE CREATED IN SECTION 35-1-103 AND THE DIVISION OF LOCAL  
5 GOVERNMENT WITHIN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN  
6 SECTION 24-32-103, MAY OFFER SUCH ADDITIONAL ASSISTANCE TO  
7 DISTRICTS AS WILL FURTHER THE PURPOSES OF THIS PART 7. SUCH  
8 ASSISTANCE INCLUDES EXPLORING AND OFFERING INCENTIVES AT THE  
9 STATE OR COUNTY LEVEL TO ENCOURAGE THE FORMATION AND  
10 WIDESPREAD USE OF SUCH DISTRICTS, FACILITATING ACCESS BY SUCH  
11 DISTRICTS TO AVAILABLE STATE ECONOMIC DEVELOPMENT RESOURCES,  
12 ENHANCING THE VISIBILITY OF SUCH DISTRICTS, PROVIDING SUCH  
13 DISTRICTS WITH TECHNICAL ASSISTANCE AND PLANNING AID, AND  
14 FOSTERING A SUPPORTIVE CLIMATE FOR AGRICULTURE WITHIN THE STATE.

15           **30-11-712. Limitations on local regulations.** A POLITICAL  
16 SUBDIVISION THAT HAS A DISTRICT WITHIN ITS TERRITORIAL BOUNDARIES  
17 SHALL ENCOURAGE THE CONTINUITY, DEVELOPMENT, AND VIABILITY OF  
18 AGRICULTURE WITHIN THE STATE BY NOT ENACTING A LAW, ORDINANCE,  
19 OR RULE THAT WOULD UNREASONABLY RESTRICT AGRICULTURAL  
20 PRODUCTION WITHIN THE DISTRICT.

21           **30-11-713. Additional procedures by counties.** A COUNTY MAY  
22 ADOPT SUCH ADDITIONAL PROCEDURES, AS APPROVED BY THE COUNTY  
23 BOARD, AS ARE NECESSARY TO FULLY IMPLEMENT AND ADMINISTER THIS  
24 PART 7. ANY SUCH ADDITIONAL PROCEDURES ADOPTED BY A COUNTY  
25 MUST BE POSTED ON THE COUNTY'S PUBLIC WEBSITE.

26           **SECTION 2. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August  
2 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2018 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.