

Chapter 29

RIGHT TO FARM PROVISIONS

10-29-010: Purpose

10-29-020: Impact Analysis

10-29-030: Applicability

10-29-040: Factors Considered

10-29-010: PURPOSE

As the City is an agricultural community and because the City Council places a high value on the protection and preservation of agricultural land uses, the City has adopted the following right to farm provisions:

10-29-020: IMPACT ANALYSIS

All subdivisions and master planned developments that:

1) border an agricultural area; or 2) contain within them an agricultural or irrigation rights-of-way or easements; or 3) will contain agricultural open space or preservation, shall have additional requirements imposed upon the developer in the form of an impact analysis to be reviewed and implemented as part of the conditional use process, MPD review process or subdivision process. This impact analysis shall be used to determine the impact on associated farming and/or livestock operations affected by the development and implement mitigation measures for the development to alleviate conflicts with affected agricultural operations.

10-29-030: APPLICABILITY

The developer is responsible for the performance of the analysis with the input and review by the City. The planning commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the development, and will apply appropriate conditions during the approval process to ensure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by neighbors. All rights to farm are preserved to the best ability of the City, taking into consideration practical land use applications and private property rights and concerns.

10-29-040: FACTORS CONSIDERED

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Mitigation measures may be required as permit conditions, restrictive covenants or agreements:

1. Protection of irrigation access and maintenance of ditches and canals.

2. Safety and protection of the public from ditches, canals, ponds and drainage systems.
3. Livestock movement corridor protections and safety concerns.
4. Fencing safety (i.e., electrical, barbed wire) and design.
5. Private property protection issues.
6. Hunting protection, access and livestock safety concerns.
7. Protection of farm equipment ingress and egress.
8. Erosion and soil protection and conservation concerns.
9. Drainage of the subdivision and designs to minimize the discharge or impact on agricultural lands and soils.
10. Noxious weeds, pests and pet (dog) controls in the development.
11. Provisions, acknowledgments and understandings by new property owners (including hold harmless agreements, if necessary) that farm work hours run late and begin early, and that farm operations may contribute to noises and odors.
12. Screening provisions and landscaping designs to reduce noise or visual impact on surrounding or conflicting land uses.
13. Any other provisions or concerns that the City deems necessary to protect the right to farm on adjoining or appurtenant properties.