

Title 10 Sec. 6 Right to Farm Ordinance #12-12-2019-1

Dated 12 December 2019

Created 12 December 2019.

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Chapter 1 General Provisions.

10.6.01.01. Purpose.

The Town of Fairfield values its rich agricultural heritage and considers agricultural uses as a component of the Town's community fabric, quality of life amenities, and contributions to the Town's economic base. Fairfield Town places great importance on its agricultural areas and the protection and preservation of agricultural land and agricultural activities within the Town.

Chapter 2 Analysis.

10.06.02.01 Right to Farm Analysis Required.

The Planning Commission, with the recommendation of the building official, may impose restrictions on any development in order to protect:

1. An existing agricultural area or activity;
2. An agricultural or irrigation right-of-way or easement;
3. An agricultural open space or agricultural preservation area;

4. A zone that permits agriculture or large animals such as sheep, horses, or cattle or;
5. Any property located within Utah County.

Chapter 3

Minimum Mitigation

10.6.03.01. Requirements.

For any new development that is not located in an agricultural use area, the following will be required, at a minimum, to mitigate the effects of new development on the existing or potential agricultural uses:

1. For all sides of the development adjacent to the agricultural property, there is a minimum fencing requirement of a six-foot high non-climb agricultural fence, defined as a closely woven 2-inch by 4-inch vertical mesh with square deal knot fastening. Fencing must include 1 7/8-inch schedule-40 or equivalent posts with a 1 5/16-inch schedule-40 or equivalent top rail.

- a. In order to provide adequate buffering, the Planning Commission and Town Council may, on a case-by-case basis, require an upgrade to the fencing and/or appropriate landscaping when the development activities will directly interfere with the operations of the agricultural use.
- b. Where there is a difference in the grade of the properties on either side of the required fence, the height of the fence shall be measured from the grade of the property upon which the new development is located.
- c. The fencing requirements of this chapter may be modified if the developer obtains a written statement from the adjacent property owner indicating that they are willing to modify or waive the fencing requirements, as well as approval from the Planning Commission following re- view by the reviewing department.
- d. For any new development that allows large animal rights that is located adjacent to a development or zone that does not allow large animal rights, fencing will be the responsibility of each individual lot owner to ensure that their animals are properly contained.
- e. Any fencing required by this chapter shall be privately owned by the developer or subsequent owner of the property upon which the fence is installed. After one year of the installation of the fence by the developer and acceptance of the fence by the Town, the existence, maintenance, and repair of the fence shall be a private issue between or among adjacent property owners, similar to any other private fence, and not a matter for enforcement by the Town.

2. A note shall be placed on the final plat that states:
"This area is subject to the normal, everyday sounds, odors, sights, equipment, facilities, pests, and any other aspects associated with an agricultural lifestyle. Future residents shall also recognize the risks inherent with livestock."

3. A written statement shall be provided from the appropriate agency regarding any irrigation channels, ditches, head gates, and piping, or any other mitigation required.

4. Exterior access shall be provided for all irrigation head gates as directed by the applicable irrigation company. This may require relocation.

5. During construction, access to all irrigation ditches and the integrity of timely deliverance of irrigation water through all ditches shall be coordinated with the applicable irrigation company.

6. Adequate berming to retain irrigation tail water shall be provided.

Chapter 4 Conflict Minimization.

10.6.04.01. Requirements.

1. The Planning Commission, and/or Town Council may consider other actions and site planning options to minimize conflicts between the proposed new uses, buildings and structures, and the existing or potential agricultural operations. The goal of the Town is to minimize or eliminate, to the fullest extent possible, all potential conflicts and to assure a continuation of a right to farm for the existing agricultural use without undue burden on the proposed new development.

2. The following issues shall be used to identify potential incompatibilities and actions to minimize conflicts:

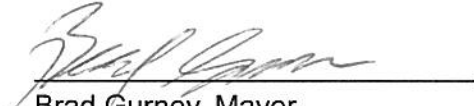
- a. Protection of irrigation access and maintenance of ditches and canals;
- b. Safety and protection of the public from ditches, canals, ponds, and drainage systems;
- c. Safety and protection of livestock and farm equipment movement corridors;
- d. Existing and proposed fencing on all agricultural property adjacent to the proposed development;
- e. Erosion and soil protection and conservation concerns;
- f. Drainage of any development, including subdivisions, will be designed to minimize the discharge or impact on agricultural lands and soils, weeds, pests, and household pet controls in subdivision areas;
- g. Provisions, acknowledgments, and understandings by new property owners of farm work hours and that farm operations may contribute to objectionable noises and odors;
- h. Screening provisions and landscaping to reduce noise, odors, pests, or visual impacts for adjoining uses; and
- i. Any other provisions Planning Commission and/or Town Council consider necessary to protect the right to farm for agricultural uses, operations, and areas.

**Chapter 5
Effective Date.**

10.06.05.01. This ordinance will take effect upon its passage by majority vote of the Fairfield Town Council and posting in three public places.

Approve and passed this 12 day of December 2019.

Attested by: 
Town Clerk

Fairfield Town

Brad Gurney, Mayor

Councilman RL Panek	Voted <u>Y</u>	Int. <u>RL</u>
Councilman Tyler Thomas	Voted <u>Y</u>	Int. <u>TT</u>
Councilwoman Hollie McKinney	Voted <u>Y</u>	Int. <u>HM</u>
Council Jayson Densley	Voted <u>Y</u>	Int. <u>JD</u>

FAIRFIELD TOWN

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the 12 day of December 2019.

“RIGHT TO FARM ORDINANCE” for the Town of FAIRFIELD.

IN WITNESS WHEREOF, have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this 12 day of December 2019.



Stephanie Shelley
Fairfield Town Recorder



AFFIDAVIT OF POSTING

STATE OF UTAH)
)
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the 12 day of December 2019 and herein referred to as "RIGHT TO FARM ORDINANCE" for Fairfield Town.

SUMMARY.

The above named ordinance was enacted to define and describe the requirements, limitations and restrictions for development in agricultural zones in the Town of Fairfield.

The three places are as follows:

- 1. Town Hall
- 2. Old School
- 3. Utah State Public Notice Website


Stephanie Shelley
Fairfield Town Recorder

Date of Posting 12 day of December 2019