

**CHAPTER 18****RIGHT TO FARM***(Amended 07/08/03, 08/14/18)*

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**Section 18.010. Purpose.**

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

**Section 18.020. Right to Farm Analysis Required.**

All new uses, buildings, and structures that are adjacent to or in close proximity to the following uses and activities shall provide an analysis to be reviewed as part of the development approval process indicating potential conflicts with, or actual impacts to, the adjoining agricultural uses and activities for consideration by the Zoning Administrator, Reviewing Departments, Planning Commission, and City Council:

- A. an existing agricultural area or activity;
- B. an agricultural or irrigation right-of-way or easement;
- C. an agricultural open space or agricultural preservation area;
- D. a zone that permits agriculture or large animals such as sheep, horses, or cattle or
- E. any property located within Utah County.

**Section 18.030. Minimum Mitigation Requirements.** *(Amended 3/14/06; 11/15/11; 01/12/16)*

For any new development that is adjacent to an agricultural use or activity listed in Section 18.020, the following will be required, at a minimum, to mitigate the effects of new development on the existing or potential agricultural uses:

- A. For all sides of the development adjacent to 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.

1. In order to provide adequate buffering, the Planning Commission and City Council may, on a case-by-case basis, require an upgrade to the fencing and/or appropriate landscaping when the new development is adjacent to an intense agricultural use such as a mink farm.

2. 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.

3. The fencing requirements of this Section 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 Planning Commission following review by the Reviewing Departments.

4. 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.

5. Any fencing required by this Section 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 City, 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 City.

- B. 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 agricultural lifestyle. Future residents shall also recognize the risks inherent with livestock.”

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

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

F. 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.

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

**Section 18.040. Conflict Minimization.**

A. The Zoning Administrator, Reviewing Departments, Planning Commission, and City 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 City 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.

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

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. safety and protection of livestock and farm equipment movement corridors;
4. existing and proposed fencing on all agricultural property adjacent to the proposed development;
5. erosion and soil protection and conservation concerns;
6. drainage of subdivision areas and designs to minimize the discharge or impact on agricultural lands and soils;
7. weeds, pests, and household pet controls in

subdivision areas;

8. provisions, acknowledgments, and understandings by new property owners of farm work hours and that farm operations may contribute to objectionable noises and odors;

9. screening provisions and landscaping to reduce noise, odors, pests, or visual impacts for adjoining uses; and

10. any other provisions that the Zoning Administrator, Reviewing Departments, Planning Commission and City Council considers necessary to protect the right to farm for agricultural uses, operations, and areas.