

ARTICLE 14E

CONTROLLED FARMING AREA (CFA)

14E.01 PURPOSE

The purpose of the Farming Overlay is to clarify the application of zoning regulations to the conduct of agricultural activity and to provide for the designation of the Controlled Farming Area ("CFA").

14E.02 ESTABLISHMENT OF CONTROLLED FARMING AREA

Exhibit "A" shall be the boundaries of the Controlled Farming Area (CFA). This overlay map may be amended from time to time as set forth below.

14E.03 APPLICABILITY

- A. Agricultural activity identified as permitted or conditionally permitted uses in Article 4 of these regulations may take place, subject to all applicable conditions, on property with the appropriate "A" zoning.
- B. Anywhere in the City, agricultural activity which has lawfully taken place, in compliance with all applicable ordinances, laws, and conditions, prior to a change in the zoning to a non-agricultural zoning classification and which has not been abandoned, discontinued, or changed to a conforming use for more than two years (in accordance with Section 19.05) is considered a legal non-conforming use. Such use may continue in accordance with all applicable regulations (i.e., Article 4 and blow sand regulations), and a Conditional Use Permit and registration as provided for in 14E.03(D) are not required.
- C. Where agricultural activity has been abandoned, discontinued, or changed to a conforming use for a period of two or more years, pursuant to Section 19.05, on land located outside the CFA, generally crop farming (i.e. field crops, tree crops, fruit crops, etc.) and grazing may be reestablished. A Conditional Use Permit and registration noted in 14E.03(D) are not required. However, should the boundaries of the CFA ever encompass this property, said farming use shall be governed by the limitations of farming within the CFA.
- D. Where agricultural activity has been abandoned, discontinued or changed to a conforming use pursuant to Section 19.05 on land located within the CFA, generally crop farming (i.e. field crops, tree crops, fruit crops, etc.) and grazing may be re-established,

without the processing of a Conditional Use Permit, but subject to the following limitations:

1. The farmer shall annually register with the Community Development Department the location and date/time of the proposed farming.
2. Aerial application is prohibited
3. Dust shall be controlled to the same level required of weed abatement contractors

14E.04 MEDIATION

Should the Community Development Department receive more than ten (10) complaints regarding agricultural activity from separate individuals regarding a similar problem during a 30 day period, the matter shall be set for mediation resolution before the City Farming Committee.

Nothing in this Section precludes the City from investigating or taking any other action with respect to any complaint or the applicability of any farming practice related to health or safety issues.

14E.05 REVISION TO THE CONTROLLED FARMING AREA

The CFA overlay map shall not be revised or amended for a period of year one year following the effective date of the establishment of this Article. Thereafter, the City, may from time to time, revise the CFA overlay map only after making written findings that there have been changed conditions on lands surrounding the farming operation and/or for consideration of issues concerning public health or general welfare. Prior to submitting such a revision to the Planning Commission for consideration at a public hearing related thereto, the proposed revision shall be presented to the City Farming Committee which may make a written recommendation to the Planning Commission. The recommendations of the City Farming Committee, as well as those of the Planning Commission, shall be submitted to the City Council for consideration at a public hearing related thereto, prior to approving a revision to CFA overlay map. Should such revision be approved, it shall become effective 12 months after adoption by the City Council.