

4.5 Agriculture Element

Agriculture has long been a principal use exercised by DCP residents. Existing agricultural uses are illustrated on Figure 30. These agricultural uses have collectively helped to foster and maintain, over time, the rural appearance and the open space character of the Dry Creek Preserve. They continue to be small-but-profitable operations. Most are family operations, conducted by resident owners.

4.5.1 DCP Farming and Livestock Operations.

Farming of crops or keeping of livestock is a core activity for about 15 percent of DCP landowners. A relatively small variety of harvested crops is grown, including pecans, grapes, walnuts, almonds, stone fruit, and occasional small-scale row crops. Some are marketed on a commercial scale, while others are marketed through Clovis' Farmers Markets and by "farm gate" sales.

Numerous DCP landowners keep large or small animals or poultry as a part of their lifestyle. The animals include horses, cows, mules, donkeys, burros, llamas, alpacas, goats, sheep, various poultry or ornamental birds, and others. Most often these animals are kept as pets, for personal riding enjoyment or for vegetation control. However, some owners do occasionally breed horses, dogs, or other animals with intent to sell the progeny. Others raise cattle or other animals for food. The diversity of large and small animals present across the DCP is one of the principal attractions to recreationists, who commonly bicycle or walk with their children, pausing to view and interact with horses or other animals. The DCP owners recognize and enjoy this recreational interaction and most owners desire its continuation.

4.5.2 DCP Agricultural Objectives

- A. Agricultural uses will continue to be allowed and encouraged within the DCP, as long as owners wish to maintain them. This is intended to help maintain the unique open space values and keep alive Clovis' historical agricultural heritage.
- B. If development proceeds, measures will be required and incorporated to avoid impacts of new development upon preexisting agriculture. Examples of mitigating measures are: setbacks, buffers, property title acknowledgements and/or deed-connected agreements, public education and other techniques.

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- C. DCP Agriculture should be utilized as an opportunity for agricultural interpretation and education, with appropriate crop signage, school field trips, demonstration farms, and other interpretive signs, brochures, etc.
- D. Agricultural activities will protect area air and water quality during any and all agricultural activities, by meeting regulations of the Valley Regional Air Resources Board, State Water Resources Control Board and Regional Water Quality Control Board – Central Valley Region.
- E. Where public landscaping is utilized along roads, trails, parks and other features, only non-toxic (to livestock) plant materials will be utilized. Known toxic plants such as Oleander or Castor Bean will not be allowed. Public educational brochures, and other informational media will be utilized to discourage private landowners from planting toxic plants in their landscaping, where they are adjacent to public-access facilities, such as equestrian trails, or neighboring resident livestock.
- F. Because free-roaming or feral dogs represent a threat to livestock, wildlife and to DCP recreationists, the DCP area shall be subject to strictly enforced licensing, leash laws, and animal control laws and ordinances.

4.5.2.1 Implementation of Agricultural Objectives and Protection of Farming Operations

Many DCP residents have agricultural activities associated with their home parcels. In particular, orchards, pastures, livestock, vineyards, and landscape horticulture are very prevalent across the DCP landscape. These uses will continue and be encouraged, insofar as possible, because: 1) almost the entire DCP lies atop very fertile Class A agricultural soils, 2) most DCP lands have surface irrigation water available from Fresno Irrigation District, 3) the agricultural uses reflect and depict Clovis' beginnings and historical heritage and "Western way of life" 4) the agricultural uses are a principal means to foster open space which the public finds attractive and wishes to enjoy in perpetuity, and 5) the agricultural uses are consistent with the land use designations currently in place and planned for the area.

For DCP agriculture to persist and continue to provide aesthetic and commercial value, it will be necessary to educate the general public about the needs of agriculture and to protect existing or new farming operations from conflicts with other uses, including residential uses. This Plan is intended to create explicit "right to farm policy. It contains the following standards to assure that neighbor conflicts over otherwise legal noise, dust, spraying, harvesting, permitted burning, or other activities will not eventually preclude and/or displace the agricultural uses from these fertile lands.

4.5.2.2 Right-to-Farm Policies, Standards, and Regulations

The value of local DCP-based agriculture is recognized for its production value, as well as its value to DCP area lifestyles, educational opportunities, and open space contribution. This Plan therefore promulgates the policy that Agriculture will continue to be allowed throughout the DCP, and will not be restricted in response to conflicts between agricultural operations or uses and other uses. The following specific agricultural use protections are identified as City and County policies, within the DCP.

1. Existing access to and use of surface irrigation supplies, through Fresno Irrigation District facilities, or to groundwater through private wells will continue to be allowed in the event lands are annexed to the City of Clovis. Within the DCP, said water rights will not be transferred to the City of Clovis, as long as property owners desire to retain them for agricultural use.
2. Operators making modifications to lands or developing or maintaining public works projects will be required to provide for downstream water users to have uninterrupted use of and access to irrigation water, structures, valves, pipelines, ditches, canals and other features, to enable them to normally irrigate agricultural crops or pastures, or provide water for livestock, pursuant to the Fresno Irrigation District rules.
1. Agricultural pumping will continue to be allowed throughout the DCP area. Pumping from existing wells for agricultural uses will not be subjected to local requirements for
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2. new (i.e., not required on or prior to January 1, 2014) permits, fees, testing or other regulation, except as may be required under laws of the State of California.
4. Noise traditionally associated with agricultural operations (e.g., from normal operations such as harvesting, wind machines, bird control, pruning, discing, ripping, leveling, hauling, processing or other agriculture related activities) shall not be construed as a “nuisance” or other basis for legal restriction in neighbor disputes affecting City or County permitting.
5. Dust arising from agricultural operations shall at all times be in compliance with State law and with regulations of the San Joaquin Valley Regional Air Pollution Control Board. No other restriction of dust from agricultural operations may be imposed in City or County permitting decisions.
6. Legally compliant agricultural chemical spraying or other pest control is a permissible activity within the Dry Creek Preserve and will not be restricted in City or County permitting.

7. No other agricultural use shall be restricted or curtailed due to concerns expressed by neighbors, unless the operations are found not to be legally compliant with respect to State or Federal law.
8. Agricultural property owners within the DCP shall continue to have authority to detain or control free-roaming dogs which are physically chasing or causing damage to livestock.

4.5.2.3 Agricultural Uses and Practices Allowed by Right of Ownership

Because much of the agriculture practiced within the Dry Creek Preserve is by rural residential homeowners who live onsite, many of the permissible uses below are similar or identical to those identified under Residential Permissible Uses, (Section 4.1.3.2)

1. Large or small farming or ranching operations (except commercial poultry growing, confined livestock operations, feed lots, or other operations with associated objectionable odors), including growing, harvesting, processing, shipping of produced commodities and disposal of agricultural waste, including by permitted burning or shredding. All above actions continue to be subject to USDA, CDFA, CARB and Regional Air Quality Control Board regulations.
2. Maintenance shops to construct or maintain resident-owned equipment needed for farming or other purposes.
3. Construction by landowners of facilities, barns, sheds, solar facilities, etc., connected to farming, livestock, or other agricultural activities. All the above are subject to Fresno County or City of Clovis building codes and standards, as applicable.
4. Keeping of large animals, including livestock, horses, donkeys, llamas, alpacas, goats, sheep, or other mammals, except that not more than 5 adult pigs may be kept on any individual parcel at one time.
5. Keeping of poultry or ornamental birds as pets or for personal use (up to 50 birds at one time).
6. Drilling, maintenance and/or repair of new or existing agricultural or domestic water wells as needed to supply on-property agricultural uses.
7. Surface irrigation of crops, pastures or other features, as allowed by Fresno Irrigation district.
8. Continued access to and maintenance of irrigation supply facilities, located both on and off the farmed property, such as FID or community ditches or pipelines.

9. Gardening or Commercial “Community garden” space rentals

10. Other uses and actions which are directly or indirectly related to on-parcel agricultural operations.