

MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 11, 2013 Time: 1:30 P.M	Agenda Item No.: 10
Project Description: Hold a public workshop to consider and provide direction to staff on a proposed “Right-to-Farm” ordinance amending Chapter 16.40 (Protection of Agricultural Activities) of the Monterey County Code, in order to increase the protection of agricultural activities from nuisance claims. The proposed amendments include but are not limited to adding a “Disclosure” section and updating the make-up of the “Agricultural Grievance Committee.”	
Project Location: County-wide	APN: County-wide
Planning File Number: REF130040	Applicant: RMA-Planning Bureau
Planning Area: County-wide	Flagged and staked: N/A
Zoning Designation: : N/A	
CEQA Action: Statutory Exemption	
Department: RMA - Planning Department	

RECOMMENDATION:

Consider options relevant to the development of a “Right-to-Farm” ordinance amending Chapter 16.40 (Protection of Agricultural Activities) of the Monterey County Code. For discussion, please refer to **Exhibit A**.

PROJECT OVERVIEW:

The 2010 Monterey County General Plan Policy AG – 1.9 states:

Agricultural operations in accord with all applicable laws and regulations and consistent with properly accepted customs and practices shall be given increased protection from nuisance claims through strengthening the County’s “Right-to-Farm” ordinance. Said ordinance shall establish the strongest, most effective possible noticing requirements to make property owners located near agricultural operations aware of potential conditions that are accepted practices within Monterey County.

The goal of an amended “Right-to-Farm” ordinance is to reduce the conflict at the agriculture/urban boundary by educating property owners, especially newcomers, as to the realities of living near modern agricultural operations. If residents are advised that factors such as dust, noise, spray and odors are typical accompaniments to *Routine and Ongoing* agricultural practices, the theory is that they will be less likely to complain or go to court over such annoyances, thereby reducing risk to the agricultural industry. It is important to note, however, that Right-to-Farm ordinances do not prevent farmers from being sued over agricultural practices, even those that are accepted customs and standards. Another purpose of the Right-to-Farm ordinance is to reiterate the Board of Supervisors’ support for the agricultural industry. Strengthening the County’s Right-to-Farm ordinance to incorporate notice and disclosure requirements, as discussed in *Exhibit A- Project Discussion*, will raise awareness about the County’s wish to preserve agriculture and the community’s tolerance of certain aspects of the industry.

In order to implement Policy AG-1.9, staff’s primary approach toward strengthening the Right-to-Farm ordinance, is to provide notice and disclosure to property owners, and potential real property purchasers, regarding agricultural operations in Monterey County. At the present time, Monterey County’s Right- to-Farm ordinance, a county-wide ordinance, (MCC Chapter 16.40-

Protection of Agricultural Activities) has no notice and disclosure requirement. In staff's opinion, the key factor in strengthening the Right-to-Farm ordinance is to re-establish a notice and disclosure requirement. Ideally, the implementation of Policy AG-1.9 would target residents who may potentially be affected by agricultural operations due to their proximity to farmland. Staff is requesting that this public workshop focus on methods of disclosure. For a focused discussion on this topic, please refer to *Exhibit A- Project Discussion*.

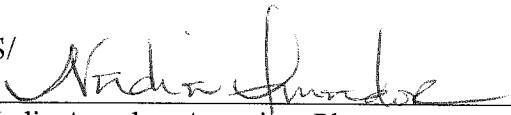
Staff is also proposing additional amendments to MCC Chapter 16.40. These additional amendments include: 1) adding language that will demonstrate the importance of educating the populace on the nature of agriculture in order to maintain public support for the industry; and 2) updating the make-up of the "Grievance Committee" to ensure a balanced committee.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

√ Agricultural Commissioner

The project was referred to the Special Ad Hoc Subcommittee of the Agricultural Advisory Committee on November 4, 2013. Staff presented a preliminary scoping memo outlining the 2010 General Plan policies, background research and technical information regarding Right-to-Farm ordinances.

/S/



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November 25, 2013

cc: Front Counter Copy; Planning Commission; Fire Protection Districts; RMA-Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Agricultural Commissioner, Attn: Christina McGinnis; Monterey County Sheriff; Monterey County Association of Realtors; Title Companies located in Monterey County: Chicago Title Co. (3 offices), First American Title Insurance (3 offices), Old Republic Title Company (3 offices); Legal Offices listed as Affiliates by the Monterey County Association of Realtors: Philip Daunt, Paul D. Gullion, Horan/Lloyd, Lombardo & Gilles, Mallery & Demaria, Rossi, Hamerslough, Reischl & Chuck; Natural Hazard Disclosures consultants listed as Affiliates by the Monterey County Association of Realtors: JCP-LGS Disclosures, Property I.D., Natural Hazard; Jacqueline Onciano, Planning Services Manager; Nadia Amador, Project Planner; The Open Monterey Project; LandWatch; Planning File REF130040.

Attachments: Exhibit A Project Discussion.
Exhibit B Monterey County "Right-to-Farm" Chapter (MCC Chapter 16.40).
Exhibit C Ordinance No. 03728 and staff report from 1993 establishing the "Right- to-Farm" ordinance.
Exhibit D Ordinance No. 03747 and staff report from 1994 repealing the "Disclosure" section of the "Right-to-Farm" ordinance after receiving opposition from the real estate industry.
Exhibit E News Release dated October 1, 2008 by Assemblywoman Wolk and AB 2881: Right-to-Farm state law, effective 2009.

- Exhibit F Research Article- “County Right to Farm Ordinances in California:
An Assessment of Impact and Effectiveness,” 2001.
- Exhibit G Research Article- “California communities deal with conflict and
adjustment at the urban-agricultural edge,” 2010.

This report was reviewed by Jacqueline R.  Manciano, Planning Services Manager, Long Range
Planning Team.

Exhibit A

Project Discussion

EXHIBIT A Project Discussion

Research

More than 60% of California's counties have Right-to-Farm ordinances. Most of these ordinances have a notification clause requiring that people living on parcels near agricultural operations be informed about the possible negative impacts of agricultural activities, but vary in regards to the mechanism of the notification. Many counties use more than one form of notification.

Staff has reviewed Right-to-Farm policies of other counties, including San Benito, San Luis Obispo and Santa Cruz (see Figure 1: COUNTY COMPARISON TABLE ON DISCLOSURE METHODS below). Staff has also reviewed research papers related to such policies (see **Exhibits F and G**), 2008 State law AB 2881 (see **Exhibit E**) and our own 1993 Right-to-Farm ordinance codified into our County Code (see **Exhibit C**), later amended in 1994 (see **Exhibit D**) because the real estate industry protested the County's disclosure method which required recordation of a Right-to-Farm notice when transferring ownership of property. The result of the 1994 amendment to the County Code, which repealed the disclosure requirement, is what is currently in effect under MCC Chapter 16.40 (see **Exhibit B**).

The following options of disclosure and notification were analyzed by staff:

1. Disclosure and/or recordation through real property sales transactions.
2. Disclosure in annual property tax bills to all or some property owners.
3. Disclosure during the building permit application process.
4. Annual or bi-annual disclosure in a newspaper of general circulation.
5. Distribution of informational pamphlets by non-county government organizations or non-profits.

See *Policy Options* below for a discussion of each option.

Figure 1: COUNTY COMPARISON TABLE ON DISCLOSURE METHODS

Types of Disclosure by County	
<u>San Benito County</u>	<ul style="list-style-type: none"> ✓ Requires the recordation of a disclosure statement with all real property transfers. ✓ All leases must also incorporate disclosure statements. ✓ Notice in Property Tax Bills mailed annually to property owners of property in unincorporated County.
<u>San Luis Obispo County</u>	<ul style="list-style-type: none"> ✓ Requires disclosure upon transfer of residential property for unincorporated areas of the County. ✓ Requires disclosure with all discretionary land use permits. ✓ Notice in Property Tax Bills mailed annually to all property owners within the County of San Luis Obispo regardless if the property is incorporated or unincorporated.
<u>Santa Cruz County</u>	<ul style="list-style-type: none"> ✓ Requires disclosure from the transferor of real property to new owner.

- ✓ **Recordation of a notice of Right to Farm is required prior to issuance of Building Permits if a parcel is located within 200 feet of ag land as designated in the Agricultural Resources Maps for the County of Santa Cruz.**
- ✓ **Notice in Property Tax Bills mailed annually to all property owners within the County of Santa Cruz regardless of whether the property is incorporated or unincorporated.**

Policy Options

1. Notification through real property sales.

In 2008, the California Business and Professions Code Section 11010 was amended per AB 2881 to include a provision that, among other things, any seller who intends to sell subdivided property within one mile of a farm or ranch must provide notice to the Department of Real Estate (see **Exhibit E**).

Monterey County’s Right-to-Farm Ordinance, Ordinance No. 03728, adopted on December 7, 1993, briefly contained a real property disclosure requirement which was then codified at Monterey County Code (MCC) Section 16.40.040. Subsection 16.40.040.C. required recordation of a Statement of Recordation to disclose and inform purchasers of the Board’s policy to protect and preserve agricultural uses and operations, prior to the transfer of real property located in the County.

Subsection 16.40.040.A. Statement for Recordation, provided for notice and disclosure of the County’s “Right-to-Farm” ordinance, via recordation of a statement which included the following language:

“...the Board will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are legal, consistent with locally accepted customs and standards, and operated in a non-negligent manner.”

Subsection 16.40.040.C. required recordation of said statement, and provided as follows:

C. Recordation of Statement of Recordation Upon Transfer of Real Property. “Prior to transfer of real property located in the County, the transferor shall record a ...Statement for Recordation...as a notice relating to the real property being transferred... The Statement of Recordation shall only be considered a document disclosing and informing purchasers of property of the significant public policy of the Board of Supervisors to protect and preserve agricultural uses and operations...”

Subsequently, Ordinance No. 03747, adopted by the Board on February 8, 1994, repealed MCC Section 16.40.040. DISCLOSURE, a mere two (2) months after adoption of this Section. This action repealed the requirement for a specified notice and disclosure statement to be recorded on all properties in the County pursuant to the “Protection of Agricultural Activities” (“Right-to-Farm”) Ordinance (see **Exhibit D**).

Staff is not certain whether the existence of the 2008 State law, and prior state legislative provisions relating to agricultural nuisances (i.e., prior State “Right-to-Farm” legislation), are working as intended. Staff believes that a local ordinance which implements this

State mandated local program is necessary. In order to provide the strongest most effective noticing provision, the local ordinance may require that notice of the Right-to-Farm is recorded with the County Recorder at the time of property transfer to put the new owner on notice of the County's Right-to-Farm provisions; or, instead of such a recordation requirement, disclosure of the Right-to-Farm can be included with real estate sales disclosure statements which are made by the seller and/or the title company handling the escrow transaction at the time of purchase.

2. Disclosure included in annual property tax bills to all or some property owners.

A few counties mail a disclosure annually to all property owners living in unincorporated areas along with their annual tax bill.

According to a study by Hammond et al. (see **Exhibit G**), the most significant area of agricultural/urban conflict in Monterey County is in the unincorporated Prunedale area, where home sites are interspersed with agricultural operations. In contrast, almost no complaints were noted at the urban edge in South Salinas, where the boundary between agriculture and the city is very clear and where there has been very little population growth since the 1970s. This information serves to indicate that a disclosure policy targeting unincorporated areas with a higher percentage of newcomers would be most effective in reducing complaints associated with routine and ongoing agriculture.

Because of the ability of the Monterey County Tax Collector's Office to target owners of properties affected by proximity to agriculture and the greater likelihood of the notice of the Right-to-Farm being seen and read, as well as the lack of reliance on outside organizations to carry out the County's disclosure requirement, inclusion of a notice of the Right-to-Farm in annual property tax bills to property owners is staff's preferred method of disclosure.

3. Disclosure during the building permit application process.

Some counties require that persons applying for a building permit application for sites near agricultural operations sign a disclosure statement.

From staff's perspective, the person applying for the building permit may be a developer and not necessarily the person who will be living in the building and affected by the day-to-day reality of living near an agricultural operation. However, if the building permit applicant is required to prove that the disclosure statement has been recorded and will remain within the chain of title for the subject property, this method could prove effective.

4. Annual or bi-annual disclosure in a newspaper of general circulation.

Kings County requires bi-annual publication of a disclosure statement to educate the public as to the importance of local agriculture and to the "inconveniences or discomforts" associated with the industry. King's County requires a minimum 1/8 of a page legal notice to be published by the Zoning Administrator twice a year. However, Kings County staff has indicated that this method is very expensive. Therefore, Kings County has discontinued this practice.

This method of disclosure targets the community at large. However, not everyone reads the newspaper, and even those who do may not read legal notices. If effectiveness of the

ordinance is based on the County's success in educating the populace, this method alone may fall short.

5. Distribution of informational pamphlets by non-county government organizations or non-profits.

Sheriff's Deputies in Sonoma County and the Farm Bureau in Napa County send pamphlets about the counties' respective Right-to-Farm ordinances to new residents (Wacker, see **Exhibit F**).

Staff believes this method of disclosure is difficult to enforce and monitor. For example, the Sheriff's Department may believe this task is not a top priority for them and they may stop disclosing this information for lack of resources. Relying on a non-county organization such as a Farm Bureau, distributing Right-to-Farm information may also be difficult. The Farm Bureau may not be interested in taking on the task.

Additional Amendments to MCC 16.40

Staff is also proposing additional amendments to MCC Chapter 16.40. These additional amendments include: 1) adding language that will demonstrate the importance of educating the populace on the nature of agriculture in order to maintain public support for the industry; and 2) updating the make-up of the "Grievance Committee" to ensure a balanced committee.

Staff Recommendations

Based on the information provided in this memo, staff is making the following recommendations and would like the public and Planning Commission's input:

- 1) Adopt a county-wide ordinance that establishes a requirement for a disclosure statement in annual property tax bills as the primary method of informing property owners about the Right-to-Farm.
- 2) Consider using a secondary method of disclosure. Staff recommends the inclusion of a disclosure statement regarding the Right-to-Farm with real estate sales disclosure statements which are made by the seller, and/or the title company handling the escrow transaction, to the buyer at the time of purchase.

NEXT STEPS:

The following are the anticipated steps to be taken before the proposed amendments are codified into the Monterey County Code:

- ✓ December 11, 2013: Public workshop before the Monterey County Planning Commission to solicit input from the public and the Planning Commission for the preparation of a draft ordinance.
- ✓ January 2014: Presentation of the draft ordinance to the Agricultural Advisory Committee for review and recommendation to the Planning Commission/Board of Supervisors.
- ✓ February 2014: Presentation of the draft ordinance to the Planning Commission for formal consideration and recommendation to the Board of Supervisors.
- ✓ March 2014: Presentation of the draft ordinance to the Board of Supervisors for formal consideration and adoption.

Exhibit B

Current Monterey County

“Right-to-Farm” Chapter

(MCC Chapter 16.40)

Exhibit B
Page 1 of 3 Pages

Monterey County, California, Code of Ordinances >> [Title 16 - ENVIRONMENT](#) >> [Chapter 16.40 PROTECTION OF AGRICULTURAL ACTIVITIES](#) >>

Chapter 16.40 PROTECTION OF AGRICULTURAL ACTIVITIES

Sections:

[16.40.010 Definitions.](#)

[16.40.020 Findings.](#)

[16.40.030 Properly operated farm not a nuisance.](#)

[16.40.040 Disclosure.](#)

[16.40.050 Resolution of disputes.](#)

16.40.010 Definitions.

Unless the context otherwise requires, the following definitions in this Section shall govern the interpretation of this Chapter.

- A. "Agricultural land" means all real property within the unincorporated boundaries of Monterey County currently used for agricultural operations or upon which agricultural operations may in the future be established.
- B. "Agricultural operation" shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including horticulture, timber, or apiculture, the raising of livestock, fish, or poultry, and any acceptable cultural practices performed as incident to, or in conjunction with such farming operations, including preparation for market, delivery to storage or market, or delivery to carriers for transportation to market.
- C. "Farm operation" means those activities normally conducted in the pursuit of agricultural operations which includes the farming of trees for commercial purposes.
- D. "Nuisance" shall have the meaning ascribed to that term in California Civil Code Section 3479, as may be amended from time to time.
- E. "Proper and accepted customs and standards" means the compliance with all applicable State and Federal statutes and regulations governing the agricultural operation or farm operation with respect to the condition or effect alleged to be a nuisance.
- F. "Transfer of property" means any real property sale, exchange, installment land sale contract (as defined in California Civil Code Section 2985, as may be amended from time to time), lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperation, improved with or consisting of not less than one dwelling unit.

(Ord. 3728, 1993)

16.40.020 Findings.

- A. It is the declared policy of the County of Monterey to conserve, enhance, and encourage agricultural operations within the County, and to minimize potential conflict between

- agricultural and non-agricultural land uses within the County. To implement this policy, the County seeks to provide to the residents of this County proper notification of these policies.
- B. Where non-agricultural land uses, especially residential development, extend into agricultural lands or are located in the vicinity of agricultural lands, agricultural operations may be the subject of nuisance complaints. Such complaints may cause the curtailment of agricultural operations and discourage investments for the improvement of agricultural land to the detriment of the economic viability of the agricultural industry of the County. It is the purpose and intent of this Chapter to prevent the loss to the County of its agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance.
 - C. This policy can best be implemented by educating residents about the laws protecting agricultural operations and farm operations from conflicts with non-agricultural uses, and by notifying residential users of property adjacent to or near agricultural operations and farm operations of circumstances relative to agricultural activities which may be objectionable to owners and/or users of non-agricultural properties. These potentially objectionable circumstances may include, but are not limited to, the noises, odors, dust, chemicals, smoke, and extended hours of operation that may accompany agricultural operations.
 - D. Implementation of the foregoing policies can be strengthened by establishing a dispute resolution procedure that is less formal and expensive than court proceedings and can bring about a resolution of many complaints about agricultural operations.

(Ord. 3728, 1993)

16.40.030 Properly operated farm not a nuisance.

- A. No agricultural operation, farm operation, or agricultural activity, facility, or appurtenance thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.
- B. Subsection A shall not apply if the agricultural activity, operation, or facility, or appurtenances thereof, obstructs the free passage or use, in the in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.
- C. This Section shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agriculture Code, or Division 7 (commencing with Section 13000) of the Water Code, if the agricultural activity, operation, or facility, or appurtenances thereof, constitute a nuisance, public or private, as specifically defined or described in any such provision.
- D. Notwithstanding any provision of this Section, no action, alleging that an agricultural operation interferes with private property or personal well-being, shall be maintained unless the plaintiff has sought and obtained a decision of the Agricultural Grievance Committee, provided in Section 16.40.070 of this Chapter or a decision has been sought but not rendered within the time limit provided in said Section. This Subsection shall not prevent a public agency from enforcing the provisions of other applicable laws without first resorting to the grievance procedure.

(Ord. 3728, 1993)

16.40.040 Disclosure.

Repealed.

(Ord. 3747, 1994)

16.40.050 Resolution of disputes.

- A. Grievance Process. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation of the parties involved, the parties shall submit the controversy to a grievance committee as set forth in this Section in an attempt to resolve the matter prior to the filing of any court action.
- B. Filing Period. Any controversy between the parties shall be submitted to a grievance committee within thirty (30) days of the later date of the occurrence of the particular activity giving rise to the controversy or the date a party became aware of the occurrence.
- C. Membership of Committee. The grievance committee shall consist of five members selected from the community at large by the Board of Supervisors, at least two of the members shall have no financial interest in any agricultural property or operation and at least one of the members shall have knowledge and expertise in agricultural production practices. A majority of the members shall constitute a quorum of the grievance committee, and no decision shall be valid or binding unless taken upon a majority vote of the committee. The Monterey County Agricultural Commissioner shall be the Secretary who shall call meetings as the need arises and shall maintain minutes of each meeting. The committee shall adopt rules of procedure governing the conduct of its meetings. Members of the committee shall receive no compensation for carrying out these duties.
- D. Cooperation. The effectiveness of the grievance committee as a forum for resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- E. Process. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Thereafter the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting to consider the merits of the matter and within five days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this Subsection for action by the committee may be extended upon the written stipulation of all parties in a dispute.
- F. Costs. All costs associated with the functioning of the grievance committee process shall be borne by the party initiating the process. The Board of Supervisors may, by resolution, prescribe the fees to recover those costs.

(Ord. 3728, 1993)

Exhibit C

1993 Ordinance No. 03728
and staff report

ORDINANCE NO. 03728

AN ORDINANCE OF THE COUNTY OF MONTEREY ADDING CHAPTER 16.40, SECTION 18.52.150, AND SECTION 19.12.220 TO THE MONTEREY COUNTY CODE, RELATING TO THE PROTECTION OF AGRICULTURAL ACTIVITIES

County Counsel Summary

This Ordinance expresses the intent of the County to preserve and protect agricultural activities and insulate lawful agricultural activities from nuisance complaints from suburban or urban uses on adjoining properties. This Ordinance requires (a) the provision of a one time notice to all property owners in the County, (b) recordation of a Statement of Recordation on all real property in the County, and (c) the recordation of agrarian easements on property which receive specified development entitlements from the County. This Ordinance also establishes an administrative procedure to resolve grievances and disputes involving potential conflicts between agricultural activities and suburban or urban uses of property.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Chapter 16.40, entitled "Protection of Agricultural Activities", is added to Title 16 of the Monterey County Code to read:

Chapter 16.40

PROTECTION OF AGRICULTURAL ACTIVITIES

Sections:

- 16.40.010. Definitions.
- 16.40.020. Findings.
- 16.40.030. Properly Operated Farm Not a Nuisance.
- 16.40.040. Disclosure.
- 16.40.050. Resolution of Disputes.

16.40.010 DEFINITIONS.

Unless the context otherwise requires, the following definitions in this section shall govern the interpretation of this Chapter.

A. "Agricultural Land" means all real property within the unincorporated boundaries of Monterey County currently used for Agricultural Operations or upon which Agricultural Operations may in the future be established.

B. "Agricultural Operation" shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including horticulture, timber, or apiculture, the raising of livestock, fish, or poultry, and any acceptable cultural practices performed as incident to, or in conjunction with such farming operations, including preparation for market, delivery to storage or market, or delivery to carriers for transportation to market.

C. "Farm Operation" means those activities normally conducted in the pursuit of agricultural operations which includes the farming of trees for commercial purposes.

D. "Nuisance" shall have the meaning ascribed to that term in California Civil Code Section 3479, as may be amended from time to time.

E. "Proper and accepted customs and standards" means the compliance with all applicable state and federal statutes and regulations governing the Agricultural Operation or Farm Operation with respect to the condition or effect alleged to be a nuisance.

F. "Transfer of Property" means any real property sale, exchange, installment land sale contract (as defined in California Civil Code Section 2985, as may be amended from time to time), lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperation, improved with or consisting of not less than one dwelling unit.

16.40.020 FINDINGS.

A. It is the declared policy of the County of Monterey to conserve, enhance, and encourage Agricultural Operations within the

County, and to minimize potential conflict between agricultural and non-agricultural land uses within the County. To implement this policy, the County seeks to provide to the residents of this County proper notification of these policies.

B. Where non-agricultural land uses, especially residential development, extend into agricultural lands or are located in the vicinity of agricultural lands, Agricultural Operations may be the subject of nuisance complaints. Such complaints may cause the curtailment of Agricultural Operations and discourage investments for the improvement of agricultural land to the detriment of the economic viability of the agricultural industry of the County. It is the purpose and intent of this Chapter to prevent the loss to the County of its agricultural resources by limiting the circumstances under which Agricultural Operations may be considered a nuisance.

C. This policy can best be implemented by educating residents about the laws protecting Agricultural Operations and Farm Operations from conflicts with non-agricultural uses, and by notifying residential users of property adjacent to or near Agricultural Operations and Farm Operations of circumstances relative to agricultural activities which may be objectionable to owners and/or users of non-agricultural properties. These potentially objectionable circumstances may include, but are not limited to, the noises, odors, dust, chemicals, smoke, and extended hours of operation that may accompany Agricultural Operations.

D. Implementation of the foregoing policies can be strengthened by establishing a dispute resolution procedure that is less formal and expensive than court proceedings and can bring about a resolution of many complaints about Agricultural Operations.

16.40.030 PROPERLY OPERATED FARM NOT A NUISANCE.

A. No Agricultural Operation, Farm Operation, or agricultural activity, facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar Agricultural Operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

B. Subsection A shall not apply if the agricultural

activity, operation, or facility, or appurtenances thereof, obstructs the free passage or use, in the in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

C. This section shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agriculture Code, or Division 7 (commencing with Section 13000) of the Water Code, if the agricultural activity, operation, or facility, or appurtenances thereof, constitute a nuisance, public or private, as specifically defined or described in any such provision.

D. Notwithstanding any provision of this section, no action, alleging that an agricultural operation interferes with private property or personal well-being, shall be maintained unless the plaintiff has sought and obtained a decision of the Agricultural Grievance Committee, provided in Section 16.40.070 of this Chapter or a decision has been sought but not rendered within the time limit provided in said Section. This subsection shall not prevent a public agency from enforcing the provisions of other applicable laws without first resorting to the grievance procedure.

16.40.040. DISCLOSURE.

A. Statement for Recordation. Whenever required in this section, a Statement for Recordation may be in the following form and contain such other language as the County Counsel deems appropriate, so long as such language is consistent with the intent of this Chapter:

"The Monterey County Board of Supervisors has established a policy that will protect agricultural lands, agricultural operations, and farm operations. To protect the agricultural lands that exist in Monterey County, the Board of Supervisors has determined that the highest and best use for agricultural land is to preserve these lands for the purposes of agricultural operations and the Board will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are legal, consistent with locally accepted customs and standards, and operated in a non-negligent manner.

Thus, as a resident of Monterey County, you must be prepared to accept those inconveniences or discomfort that are caused by agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. The Board of Supervisors has also established a grievance procedure that is designed to resolve concerns that you may have regarding neighboring agricultural operations. For further information regarding your obligations and rights under these policies, you are invited to contact the Office of the Agricultural Commission of Monterey County."

B. Initial Notice of Statement of Recordation. The County Administrative Office or the designee of the County Administrative Officer shall mail, by first class postage prepaid, a copy of the Statement for Recordation to all owners of real property in Monterey County, appearing on the last equalized assessment role, within thirty days of the effective date of this chapter.

C. Recordation of Statement of Recordation Upon Transfer of Real Property. Prior to the transfer of real property located in the County, the transferor shall record a copy of the Statement for Recordation, in a form approved by the County Counsel, as a notice relating to the real property being transferred. Such notice shall run with the land to ensure that subsequent purchasers of real property receive constructive notice of the Statement for Recordation. Recordation of the Statement for Recordation shall not be required of any transferor of real property where such notice has previously been recorded and appears on the chain of title for such real property. The Statement of Recordation shall only be considered a document disclosing and informing purchasers of property of the significant public policy of the Board of Supervisors to protect and preserve agricultural uses and operations and shall not be deemed for any purpose to be any form of encumbrance or cloud on title inhibiting, restricting, or limiting the use of property as may otherwise be permitted under the laws of the State of California and the County of Monterey.

16.40.050 RESOLUTION OF DISPUTES.

A. Grievance Process. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation of the parties involved, the parties shall submit the

controversy to a grievance committee as set forth in this section in an attempt to resolve the matter prior to the filing of any court action.

B. Filing Period. Any controversy between the parties shall be submitted to a grievance committee within thirty (30) days of the later date of the occurrence of the particular activity giving rise to the controversy or the date a party became aware of the occurrence.

C. Membership of Committee. The grievance committee shall consist of five (5) members selected from the community at large by the Board of Supervisors, at least two of the members shall have no financial interest in any agricultural property or operation and at least one of the members shall have knowledge and expertise in agricultural production practices. A majority of the members shall constitute a quorum of the grievance committee, and no decision shall be valid or binding unless taken upon a majority vote of the committee. The Monterey County Agricultural Commissioner shall be the Secretary who shall call meetings as the need arises and shall maintain minutes of each meeting. The committee shall adopt rules of procedure governing the conduct of its meetings. Members of the committee shall receive no compensation for carrying out these duties.

D. Cooperation. The effectiveness of the grievance committee as a forum for resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

E. Process. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Thereafter the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in a dispute.

F. Costs. All costs associated with the functioning of the grievance committee process shall be borne by the party initiating

the process. The Board of Supervisors may, by resolution, prescribe the fees to recover those costs.

SECTION 2. Section 18.52.150 is added to the Monterey County Code to read:

18.52.150 ENTITLEMENTS AND CONDITIONS OF APPROVAL; ANNEXATIONS.

A. Entitlements. Prior to the issuance of any building permit pursuant to Title 18 of this Code, the property owner of property in zoning districts specified in Subsection C of this Section shall execute and record an agrarian easement in a form approved by County Counsel which will preserve and protect agricultural activities as described in Chapter 16.40 of this Code. For the purpose of this section, an "agrarian easement" is an easement that will allow dust, noise, and odors emanating from lawful agricultural activities on adjoining or proximate real property to burden the property subject to the easement. The requirements of this section may be waived, or the easement may be released or reconveyed, when the Agricultural Commissioner finds that such requirement is not necessary for the preservation or protection of agricultural activities and such finding is concurred with by the person or decision maker which makes or made the final decision on the entitlement on which the easement may be or was imposed as a condition of approval. This section shall not apply to legal lots of record which conform to the minimum parcel size requirements of Title 21 of this Code on the effective date of this Chapter.

B. Annexations. The County Administrative Officer shall request the Local Agency Formation Commission to require, as a condition of approval of any annexation of real property to a City in the County which has not adopted or which does not enforce an ordinance similar to this Chapter, that such annexed territory be subject to an agrarian easement as described in subsection A of this Section, enforceable by the County of Monterey as well as any property owner who may otherwise be protected by such easement

C. Applicability. The provisions of this Section are applicable throughout the unincorporated areas of the County of Monterey which are specifically classed and zoned as follows:

1. Non-Coastal
 - a. Farmlands Zoning District (F)
 - b. Permanent Grazing Zoning District (PG)
 - c. Rural Grazing (RG)
 - d. Resource Conservation Zoning District (RC)

2. Coastal
 - a. Agricultural Preservation (CAP-CZ)
 - b. Agricultural Conservation (AC-CZ)
 - c. Resource Conservation (RC-CZ)

SECTION 3. Section 19.12.220 is added to the Monterey County Code to read:

19.12.220 ADDITIONAL CONDITIONS OF MAP APPROVAL.

A. Agrarian Easements. Prior to the recordation of a parcel map or final map affecting real property within the zone districts described in Subsection B of this Section, the property owner shall execute and record an agrarian easement in a form approved by County Counsel which will preserve and protect agricultural activities as described in Chapter 16.40 of this Code. For the purpose of this section, an "agrarian easement" is an easement that will allow dust, noise, and odors emanating from lawful agricultural activities on adjoining or proximate real property to burden the property subject to the easement. The requirements of this section may be waived, or the easement may be released or reconveyed, when the Agricultural Commissioner finds that such requirement is not necessary for the preservation or protection of agricultural activities and such finding is concurred with by the person or decision maker which makes or made the final decision on the entitlement on which the easement may be or was imposed as a condition of approval.

B. Applicability. The provisions of this Section are applicable throughout the unincorporated areas of the County of Monterey which are specifically classed and zoned as follows:

1. Non-Coastal
 - a. Farmlands Zoning District (F)
 - b. Permanent Grazing Zoning District (PG)
 - c. Rural Grazing (RG)
 - d. Resource Conservation Zoning District (RC)
2. Coastal
 - a. Agricultural Preservation (CAP-CZ)
 - b. Agricultural Conservation (AC-CZ)
 - c. Resource Conservation (RC-CZ)

SECTION 4. This ordinance shall not be applicable in the coastal zone until this Chapter is certified by the California Coastal Commission.

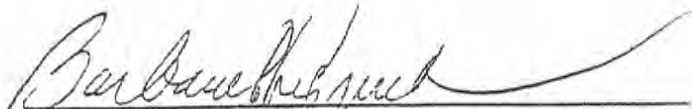
SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of Monterey this 7th day of December, 1993, by the following vote:

AYES: Supervisors Salinas, Shipnuck, Perkins, Johnsen, Karas

NOES: None

ABSENT: None


BARBARA SHIPNUCK
Chairwoman, Board of Supervisors

ATTEST:

ERNEST K. MORISHITA
Clerk of said Board

By Camela Olivas
Deputy

TEXT\ORD\Farm2



Report to Monterey County Board of Supervisors

<u>SUBJECT</u> PUBLIC HEARING TO ADOPT A NEGATIVE DECLARATION AND ADOPT AN ORDINANCE FOR VARIOUS AMENDMENTS TO COUNTY CODE TO ESTABLISH REGULATIONS FOR THE PROTECTION OF AGRICULTURAL ACTIVITIES (I.E. "RIGHT TO FARM ORDINANCE," PC93134)	<u>BOARD MEETING DATE</u> 12/07/93 2:30 P.M.	<u>AGENDA NUMBER</u> S-10
PLANNING & BUILDING INSPECTION DEPARTMENT	Exhibit <u>C</u>	

Page 10 of 11 Pages

RECOMMENDATION

It is recommended that the Board of Supervisors adopt a Negative Declaration and adopt an Ordinance for various amendments to County Code to establish Regulations for the Protection of Agricultural Activities (i.e. the "Right to Farm" Ordinance).

SUMMARY

The proposed Ordinance establishes the "Regulations for the Protection of Agricultural Activities" in Monterey County. The attached Ordinance codifies County policy regarding the preservation of agricultural uses in the County, establishes provisions for public notice of the County's policy, requirements for agrarian easements and for resolution of grievances.

DISCUSSION

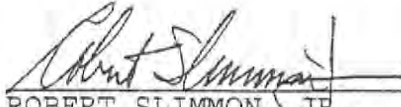
This Ordinance states it is the intention of the County to preserve and protect agricultural activities and to insulate lawful agricultural activities from nuisance complaints from adjoining properties. This Ordinance requires (a) the provision of a one-time notice to all property owners in the County, (b) recordation of a Statement of Recordation on all real property in the County, and (c) the recordation of agrarian easements on property which receive specified development entitlements from the County. This Ordinance also establishes an administrative procedure to resolve grievances and disputes involving potential conflicts between agricultural activities and suburban or urban uses of property.

OTHER AGENCY INVOLVEMENT

The Planning Commission recommended approval of this Ordinance on November 17, 1993 (vote 6-0). County Counsel prepared the Ordinance.

FINANCING

The Ordinance will have a currently unknown cost to the County resulting from the initial notification requirements of the Ordinance.



ROBERT SLIMMON, JR.
DIRECTOR OF PLANNING AND
BUILDING INSPECTION
NOVEMBER 23, 1993

cc: Clerk to the Board (16); Efren Iglesia, County Counsel; Robert Slimmon, Jr.; Dale Ellis; Nick Chiulos; Richard Nutter, Agricultural Commissioner; Bill Barker, Farm Bureau; Todd Kodet, Chair, Agricultural Advisory Committee.

Exhibit D

1994 Ordinance No. 03747
and staff report repealing
the “Disclosure” section

ORDINANCE NO. 03747

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY REPEALING SECTION 16.40.040 OF THE MONTEREY COUNTY CODE, RELATING TO DISCLOSURE AND RECORDATION OF NOTICE ON ALL PROPERTIES IN THE COUNTY PURSUANT TO THE PROTECTION OF AGRICULTURAL ACTIVITIES ORDINANCE.

County Counsel Summary

The Monterey County Code currently requires a specified notice and disclosure statement to be recorded on all properties in the County, pursuant to the Protection of Agricultural Activities ordinance. This ordinance repeals this requirement.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Section 16.40.040 of the Monterey County Code is repealed.


SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of Monterey this 8th day of February, 1994, by the following vote:

AYES: Supervisors Salinas, Shipnuck, Perkins and Johnsen.

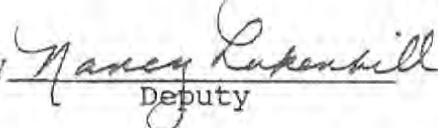
NOES: None.

ABSENT: Supervisor Karas.


BARBARA SHIPNUCK
Chairwoman, Board of Supervisors

ATTEST:

ERNEST K. MORISHITA
Clerk of said Board

By 
Deputy

TEXTOR®/Farnco

REPORT TO THE MONTEREY COUNTY BOARD OF SUPERVISORS

SUBJECT		BOARD MEETING DATE	AGENDA NUMBER
CONDUCT HEARING, CONSIDER, AND ADOPT AN ORDINANCE REPEALING THE DISCLOSURE REQUIREMENT OF THE "RIGHT-TO-FARM" ORDINANCE		Feb. 8, 1994 11:45 A.M.	S-8
DEPARTMENT	COUNTY COUNSEL		

RECOMMENDATION:

It is recommended that the Board of Supervisors conduct a public hearing, consider, and adopt an ordinance repealing the recordation of disclosure statement requirement contained in the Protection of Agricultural Activities Ordinance (the "right-to-farm" ordinance).

DISCUSSION:

A few months ago, the Board adopted the "Right-to-Farm" Ordinance. The ordinance contained as one component of that ordinance a provision that required the recordation of a specified disclosure statement on properties in the County. Although the Board adopted the ordinance in its entirety, the Board referred the disclosure/recordation requirement to staff, the Board of Realtors, and the Agricultural Advisory Committee.

This Office recommended to the Board of Realtors and the Agricultural Advisory Committee that the provision could be repealed. We advised these groups that the "Right-to Farm" Ordinance as originally proposed over three years ago predated the recent state legislative provisions relating to agricultural nuisances. The disclosure requirement was a reasonable approach when the ordinance was a novel concept on the legal landscape of the state. When the State adopted the agricultural nuisance statutes, which are consistent with the County's provisions, the need for some form of notice was substantially negated.

The Board of Realtors and the Agricultural Advisory Committee concurred with our recommendation.

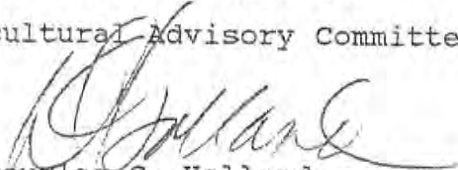

Douglas C. Holland
County Counsel

Exhibit E

News Release dated October 1, 2008

by Assemblywoman Wolk and

AB 2881-Wolk;

Right-to-Farm state law,

effective 2009



LOIS WOLK

ASSEMBLYWOMAN 8TH DISTRICT

News

FOR IMMEDIATE RELEASE
October 1, 2008
PR 08-81

CONTACT:
Melissa Jones
(916) 319-2008

Governor signs legislation to strengthen California's right-to-farm law

SACRAMENTO—Yesterday evening, hours before his midnight deadline to sign bills into law, the Governor signed legislation by Assemblywoman Lois Wolk (D-Davis) to protect farmers from unwarranted nuisance suits.

Assembly Bill 2881, which one top farming advocate called “the most important pro-agriculture bill of the legislative session,” will ensure that anyone purchasing real estate within one mile of farmland is fully aware of the state's right-to-farm laws.

“When housing and other non-agricultural development extends into agricultural areas, there can be a lot of confusion about the actual uses of the surrounding land, and farmers can become the subject of unwarranted lawsuits,” said Wolk. “The purchaser is often unaware that the state of California has laws to protect a farmer’s right to perform customary farming activities, some of which are dirty, noisy, or lead to unpleasant odors. This measure ensures that anyone purchasing land in an agricultural area is made aware of the laws in place to protect farming in California, the most productive agricultural state in the nation.”

“There has been a significant rise in the number of people moving from the city to the country, and many of these new or prospective landowners don’t understand that some aspects of farming operations can extend beyond a farm’s boundaries, through water runoff and irrigation ditches, for example,” said Karen Stone, a rancher, agricultural realtor, and member of the Yolo County Ag Futures Alliance (AFA), which is sponsoring the bill. “This measure will help ensure that potential buyers have the information they need before deciding to purchase land in an agricultural area, thus helping avoid disputes between farmers and their new neighbors.”

AB 2881, which is supported by the Farm Bureau and many counties throughout the state, will take effect January 1, 2009.

###



CAPITOL OFFICE: P.O. Box 942848 • Sacramento, CA 94249-0008 • Phone: (916) 319-2008 • Fax: (916) 319-2108
DISTRICT OFFICE: 555 Mason Street, Suite 275 • Vacaville, CA 95688 • Phone: (707) 455-8025 • Fax: (707) 455-0490
E-MAIL: assemblymember.wolk@asm.ca.gov **WEB SITE:** <http://democrats.assembly.ca.gov/members/208>
ASSEMBLY WEB SITE: www.assembly.ca.gov

Printed on Recycled Paper

Assembly Bill No. 2881

CHAPTER 686

An act to amend Section 11010 of the Business and Professions Code, and to amend Section 1103.4 of, and to amend the heading of Article 1.7 (commencing with Section 1103) of Chapter 2 of Title 4 of Part 4 of Division 2 of, the Civil Code, relating to nuisance.

[Approved by Governor September 30, 2008. Filed with Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2881, Wolk. Nuisance: agricultural activity: recovery of defendant's costs: right to farm.

(1) Existing law requires any person who intends to offer subdivided lands within California for sale or lease to file with the Department of Real Estate an application for a public report, consisting of a completed questionnaire and a notice of intention that includes, among other things, a statement that there is an airport in the vicinity, and that this may affect the use of the property. Existing law makes a violation of these provisions a crime.

This bill would require the notice of intention provided as part of an application for a public report, as described above, to contain a specified notice regarding any property that is presently located within one mile of farm or ranch land designated as specified. By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law limits the liability of a transferor for failing to disclose natural hazards in specified property transactions if the transferor obtains a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise. Existing law conditions this limitation in specified ways, including the requirement that when an expert responds to a request regarding natural hazards, that the expert also determine whether the property is within an airport influence zone and, if so, provide a specified notice with his or her report.

This bill would condition the limitation on liability described above by requiring an expert, when responding to a request regarding natural hazards, to also determine whether the property is presently located within one mile of farm or ranch land designated as specified, and to provide a specified notice in this regard. The bill would also make conforming changes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 11010 of the Business and Professions Code is amended to read:

11010. (a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.

(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

- (1) The name and address of the owner.
- (2) The name and address of the subdivider.
- (3) The legal description and area of lands.
- (4) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.
- (5) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.
- (6) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas, telephone, and sewerage facilities. For subdivided lands that were subject to the imposition of a condition pursuant to subdivision (b) of Section 66473.7 of the Government Code, the true statement of the provisions made for water shall be satisfied by submitting a copy of the written verification of the available water supply obtained pursuant to Section 66473.7 of the Government Code.
- (7) A true statement of the use or uses for which the proposed subdivision will be offered.
- (8) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.
- (9) A true statement of the amount of indebtedness that is a lien upon the subdivision or any part thereof, and that was incurred to pay for the construction of any onsite or offsite improvement, or any community or recreational facility.
- (10) A true statement or reasonable estimate, if applicable, of the amount of any indebtedness which has been or is proposed to be incurred by an existing or proposed special district, entity, taxing area, assessment district, or community facilities district within the boundaries of which, the subdivision, or any part thereof, is located, and that is to pay for the construction or installation of any improvement or to furnish community or recreational facilities to that subdivision, and which amounts are to be

obtained by ad valorem tax or assessment, or by a special assessment or tax upon the subdivision, or any part thereof.

(11) A notice pursuant to Section 1102.6c of the Civil Code.

(12) (A) As to each school district serving the subdivision, a statement from the appropriate district that indicates the location of each high school, junior high school, and elementary school serving the subdivision, or documentation that a statement to that effect has been requested from the appropriate school district.

(B) In the event that, as of the date the notice of intention and application for issuance of a public report are otherwise deemed to be qualitatively and substantially complete pursuant to Section 11010.2, the statement described in subparagraph (A) has not been provided by any school district serving the subdivision, the person who filed the notice of intention and application for issuance of a public report shall immediately provide the department with the name, address, and telephone number of that district.

(13) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

(14) A true statement, if applicable, referencing any soils or geologic report or soils and geologic reports that have been prepared specifically for the subdivision.

(15) A true statement of whether or not fill is used, or is proposed to be used, in the subdivision and a statement giving the name and the location of the public agency where information concerning soil conditions in the subdivision is available.

(16) On or after July 1, 2005, as to property located within the jurisdiction of the San Francisco Bay Conservation and Development Commission, a statement that the property is so located and the following notice:

NOTICE OF SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION JURISDICTION

This property is located within the jurisdiction of the San Francisco Bay Conservation and Development Commission. Use and development of property within the commission's jurisdiction may be subject to special regulations, restrictions, and permit requirements. You may wish to investigate and determine whether they are acceptable to you and your intended use of the property before you complete your transaction.

(17) If the property is presently located within one mile of a parcel of real property designated as "Prime Farmland," "Farmland of Statewide Importance," "Unique Farmland," "Farmland of Local Importance," or "Grazing Land" on the most current "Important Farmland Map" issued by the California Department of Conservation, Division of Land Resource Protection, utilizing solely the county-level GIS map data, if any, available on the Farmland Mapping and Monitoring Program Website. If the residential property is within one mile of a designated farmland area, the report shall contain the following notice:

NOTICE OF RIGHT TO FARM

This property is located within one mile of a farm or ranch land designated on the current county-level GIS "Important Farmland Map," issued by the California Department of Conservation, Division of Land Resource Protection. Accordingly, the property may be subject to inconveniences or discomforts resulting from agricultural operations that are a normal and necessary aspect of living in a community with a strong rural character and a healthy agricultural sector. Customary agricultural practices in farm operations may include, but are not limited to, noise, odors, dust, light, insects, the operation of pumps and machinery, the storage and disposal of manure, bee pollination, and the ground or aerial application of fertilizers, pesticides, and herbicides. These agricultural practices may occur at any time during the 24-hour day. Individual sensitivities to those practices can vary from person to person. You may wish to consider the impacts of such agricultural practices before you complete your purchase. Please be advised that you may be barred from obtaining legal remedies against agricultural practices conducted in a manner consistent with proper and accepted customs and standards pursuant to Section 3482.5 of the Civil Code or any pertinent local ordinance.

(18) Any other information that the owner, his or her agent, or the subdivider may desire to present.

(c) The commissioner may, by regulation, or on the basis of the particular circumstances of a proposed offering, waive the requirement of the submission of a completed questionnaire if the commissioner determines that prospective purchasers or lessees of the subdivision interests to be

offered will be adequately protected through the issuance of a public report based solely upon information contained in the notice of intention.

SEC. 2. The heading of Article 1.7 (commencing with Section 1103) of Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code is amended to read:

Article 1.7. Disclosure of Natural and Environmental Hazards, Right-to-Farm, and Other Disclosures Upon Transfer of Residential Property

SEC. 3. Section 1103.4 of the Civil Code is amended to read:

1103.4. (a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.

(b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.

(c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement.

(1) In responding to the request, the expert shall determine whether the property is within an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that

NOTICE OF AIRPORT IN VICINITY

reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(2) In responding to the request, the expert shall determine whether the property is within the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined in Section 66620 of the Government Code. If the property is within the commission's jurisdiction, the report shall contain the following notice:

NOTICE OF SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION JURISDICTION

This property is located within the jurisdiction of the San Francisco Bay Conservation and Development Commission. Use and development of property within the commission's jurisdiction may be subject to special regulations, restrictions, and permit requirements. You may wish to investigate and determine whether they are acceptable to you and your intended use of the property before you complete your transaction.

(3) In responding to the request, the expert shall determine whether the property is presently located within one mile of a parcel of real property designated as "Prime Farmland," "Farmland of Statewide Importance," "Unique Farmland," "Farmland of Local Importance," or "Grazing Land" on the most current "Important Farmland Map" issued by the California Department of Conservation, Division of Land Resource Protection, utilizing solely the county-level GIS map data, if any, available on the Farmland Mapping and Monitoring Program website. If the residential property is within one mile of a designated farmland area, the report shall contain the following notice:

NOTICE OF RIGHT TO FARM

This property is located within one mile of a farm or ranch land designated on the current county-level GIS "Important Farmland Map," issued by the California Department of Conservation, Division of Land Resource Protection. Accordingly, the property may be subject to inconveniences or discomforts resulting from agricultural operations that are a normal and necessary aspect of living in a community with a strong rural character and a healthy agricultural sector. Customary agricultural practices in farm operations may include, but are not limited to, noise, odors, dust, light,

insects, the operation of pumps and machinery, the storage and disposal of manure, bee pollination, and the ground or aerial application of fertilizers, pesticides, and herbicides. These agricultural practices may occur at any time during the 24-hour day. Individual sensitivities to those practices can vary from person to person. You may wish to consider the impacts of such agricultural practices before you complete your purchase. Please be advised that you may be barred from obtaining legal remedies against agricultural practices conducted in a manner consistent with proper and accepted customs and standards pursuant to Section 3482.5 of the Civil Code or any pertinent local ordinance.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Exhibit F

Research Article

“County Right to Farm Ordinances in
California: An Assessment of Impact and
Effectiveness,”

2001

County Right-to-Farm Ordinances in California: An Assessment of Impact and Effectiveness

Matthew Wacker, Alvin D. Sokolow and Rachel Elkins¹

Page 1 of 8 Pages
Exhibit F

When first adopted by California local governments in the 1980s, right-to-farm ordinances were seen by many farm leaders, real estate people, and public officials as an easy response to the problem of urban growth encroaching on adjacent farm operations. Such measures have little regulatory effect, but seek to reduce the opposition of urban neighbors to commercial agriculture as a nuisance generator. Most ordinances require that homebuyers who move to parcels adjacent to or near working farms and ranches be notified about the possible negative impacts of agricultural activities. In this way, the theory goes, new residents—especially those unfamiliar with rural living—would effectively learn about the realities of modern farming and would be less inclined to complain, or even go to court, about sprays, dust, odors, noise and other aspects of agricultural activities. The normal practices of farmers and ranchers would thus be protected.

The local ordinances are now widespread throughout California's agricultural regions. About 40 counties

and 50 cities currently have these measures. Despite their popularity, questions are frequently raised about the effectiveness of right-to-farm ordinances in protecting agricultural operations and reducing farm-urban edge conflicts. The two principal reasons are: (1) considerable variation in implementation from one jurisdiction to another, and (2) the generally benign and undemanding character of disclosure requirements, as compared to the more stringent regulatory tools of zoning, buffers, and subdivision review.

This assessment is based on a comparative study of county-adopted ordinances and their implementation in 15 agricultural counties² located in Central Valley and coastal regions³. (This study does not cover city ordinances which apply just to areas within incorporated boundaries.) We examined each of the county ordinances and conducted phone interviews with about 40 knowledgeable local persons, including agricultural commissioners, county planners, agricultural (Farm Bureau) leaders, real estate representatives, and UC Cooperative Extension staff.

¹Matthew Wacker is a graduate student in the Department of City and Regional Planning and Department of Environmental Science, Policy, and Management at UC Berkeley; Al Sokolow is a Cooperative Extension Public Policy Specialist in the Department of Human and Community Development at UC Davis; and Rachel Elkins is a Cooperative Extension Farm Advisor in Lake County, California.

²The counties are Butte, Colusa, Fresno, Mendocino, Merced, Monterey, Napa, San Benito, San Joaquin, Solano, Sonoma, Stanislaus, Sutter, Tulare, and Yolo.

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Following a description of ordinances, this Issues Brief summarizes local perceptions about the performance of the ordinances in the 15 sample counties and then examines in greater detail the provisions that deal with grievance procedures and disclosure requirements.

Origins and Content

As a tool to protect farmers from nuisance lawsuits by neighbors, right-to-farm ordinances have existed for almost 40 years in the United States. Local ordinances in California date from the early 1980s. Although they fall within the regular police powers (the ability to regulate) of county and city governments, the local measures were partly stimulated by passage in 1981 of a state statute (Sect. 3482.5 of the California Civil Code) that declares that a farm in operation for more than three years is not to be considered a nuisance due to changed conditions (urbanization) in the area. In 1989 the legislature went further by allowing counties and cities to require realtors to disclose to property buyers particular conditions of the property, including the possible negative impacts of nearby farming (Civil Code Section 1102.6a). The California Farm Bureau prepared a model right-to-farm ordinance at about that time, and most counties and cities have since followed the model language in adopting their own ordinances.

Most county right-to-farm ordinances thus have similar contents. Four major provisions are common: (1) a statement of purpose, (2) definitions of agricultural operations and farmland, (3) limitation on agricultural nuisances, and (4) agricultural disclosure requirements. A few ordinances also provide for a formal grievance procedure. Box 1 describes these ordinance provisions, and Box 2 (page 8) shows a sample disclosure requirement from the Farm Bureau model.

Within this common framework, ordinances differ from county to county in detail and added topics. Disclosure provisions, for example, vary a great deal according to when and how notification about nearby agricultural conditions is supposed to be provided. As adopted and sometimes changed by boards of

Box 1

Common Ordinance Provisions

Statement of Purpose

Generally a policy statement outlining the intent of the ordinance—to preserve agricultural operations, promote a good-neighbor policy between farm and other landowners, or to affirm the county's commitment to agriculture as a component of the local economy.

Definitions

For legal clarity, an agricultural operation is defined according to the state code. Farmland is defined by location in an agricultural zone; a few counties define it more broadly as land that currently or potentially supports active agricultural operations.

Nuisance

Usually a reference to the state code that prohibits a nuisance finding if the agricultural operation is conducted according to established farming practices, has existed at the same location for more than three years, and does not infringe upon a public right-of-way. Some counties reduce the time requirement to one year.

Disclosure

A requirement that a potential purchaser of property near farming or the developer of residential property in such an area be notified of the impacts of the agricultural operation.

Grievance Procedures

Formal procedures in some counties for resolving complaints against agricultural operations, usually involving mediation by a committee whose organization and timing may be specified.

supervisors—county legislative bodies— ordinance language is a product of local priorities and political pressures.

Perceived Impacts

What do county officials and others say about the operations and impacts of the right-to-farm ordinances in their communities? In brief phone interviews, we asked 40 persons in the 15 sample counties about their understanding of the provisions of the local ordinance, their perceptions of the impacts, benefits, and limitations of the ordinance, and their views of how it related to land use issues pertaining to the agricultural-urban edge. Here is a summary of their comments about several key aspects of the ordinances and their implementation.

Right-to-farm ordinances are primarily education tools.

The ordinances mainly serve to inform and educate residents about the local value of agriculture, according to the great majority of persons we interviewed. The major intention is to tell homebuyers about the consequences of locating in agricultural areas, but the audiences of the information also include the community at large and farmers themselves. The ordinances generally seem to accomplish this purpose, although their informational impacts vary by county and depend on specific provisions and implementation. A county agricultural commissioner and a Farm Bureau leader, respectively, described the benefits in these terms:

"(The ordinance) reminds the public and the Board of Supervisors that the county wishes to preserve agriculture. It sets the tone, raises awareness."

"It puts buyers on notice that the county values agriculture and there are certain things they have to be prepared to accept."

Ordinances are a useful tool for county officials who deal with complaints about agricultural practices.

The local public officials we interviewed liked that the ordinances asserted as a policy matter the importance of agriculture in their counties. This gave county officials a firm factual basis on which to respond to complaints from residential neighbors, when combined with the nuisance and disclosure

language. An agricultural commissioner noted:

"It gives me a way to frame the discussion between growers and residents....to try to get people to talk as neighbors."

Often this meant that minor complaints could be prevented from escalating into major issues and even lawsuits.

A right-to-farm ordinance is not a substitute for good land use planning.

Whatever its benefits, none of our respondents believed that a right-to-farm ordinance was a technique for determining land uses or defining urban-agricultural edges. The ordinances are not regulatory tools; they lack the planning and urban development power of agricultural zoning, general plans, and subdivision controls.

Right-to-farm ordinances do not insulate farmers from lawsuits nor do they provide farmers with rights not already codified in state law.

While a right-to-farm ordinance may serve to resolve many small complaints, it will not prevent a farmer from being sued over an agricultural practice, even one that is covered under the ordinance as a normally accepted farming practice. As a Farm Bureau representative indicated, if a neighbor wants to sue a farmer over an agricultural nuisance complaint, there is nothing a right-to-farm ordinance can do to prevent that action. We also heard from local officials who believed the term "right-to-farm" was a misnomer, wrongly implying that farmers have all the rights and homeowners have none in edge conflicts. One Farm Bureau leader suggested "agricultural awareness" as a more appropriate label.

There is no clear evidence that the right-to-farm ordinances have reduced the volume of litigation and complaints.

Our respondents were not able to give us a definitive answer to the question of whether lawsuits or other complaints directed against agricultural practices in their counties have decreased in number since the ordinances were adopted. No one could detect a decrease in litigation, although several respondents

said they thought formal complaints to county bodies had declined, but without providing specific information. In fact, lawsuits on agricultural nuisances in California have been rare, whether before or after the appearance of right-to-farm ordinances. Respondents in only six of our 15 sample counties could recall such cases. According to staff attorneys for the California Farm Bureau Federation, only one farm nuisance suit has been decided by a California appellate court in recent years, and that case involved farm operators as both plaintiff and defendant.

County governments exercise little oversight over the implementation of ordinances.

While boards of supervisors enact and revise right-to-farm ordinances, county governments pay little attention to how their provisions are carried out. Respondents were especially critical of the implementation of disclosure requirements for real estate transactions, which is left largely to realtors and title companies. None of the county agencies in our 15 sample counties regularly monitors this process. When disclosure is applied to development approvals or building permits, however, planning and building departments are usually involved. A more general comment about limited oversight concerns the lack of coordination among different county departments. At one time or another, the various county agencies that may be involved in ordinance creation, revision, and execution include the board of supervisors, agricultural commissioner, planning and building, assessor, county counsel, and sheriff.

Grievance Procedures, Formal and Informal

Formal mediation procedures for handling complaints against farm practices are found in the ordinances of six (Colusa, Monterey, San Benito, Solano, Stanislaus, Yolo) of the 15 counties we surveyed. The grievance-handling bodies outlined in these ordinances are either committees drawn from citizens appointed by the board of supervisors, ex officio bodies (agricultural commissioner, planning director, etc.), or a combination of the two. The exception in one county is the planning commission.

At least one county (San Joaquin) uses its agricultural advisory committee for this purpose, although it is not designated in the right-to-farm ordinance.

The formal mediation bodies in the six counties have had little work. Respondents in only two of the counties could recall instances of committee activity in recent years. Solano's group last handled a complaint in 1994, one involving a noisy diesel pump. The committee in Yolo has had only one case, also a noise issue, since it was established in 1991.

Complaints from residential neighbors about agricultural practices actually are more frequent than these committee records suggest. They are handled and usually resolved in the course of the routine business of county departments. Most come to the agricultural commissioners because of their heavy involvement in the agricultural sector through the regulation of chemical use on farms. In the process of dealing with objections to the pesticide spray practices of particular farmers, the commissioners also pick up complaints about noise, dust, odor, and other nuisances. The standard approach is to resolve these complaints through informal methods. One agricultural commissioner explained:

"A lot of my efforts in these issues go to trying to get people to talk as neighbors and work things out like most civilized people should be able to. Often the urban resident just wants to know what's going on. When they hear a noise at night they will know what's going on, or they will know to close their windows at certain times of the day to avoid sprays and dust."

Variations in Disclosure Requirements

Most discussion about the performance of right-to-farm ordinances in individual counties is focused on the disclosure requirements. How thoroughly affected residents are informed about the consequences of living near agricultural operations depends on the audience and the manner in which notices are distributed. According to the ordinances we reviewed, there are three general approaches to providing disclosure:

- In the annual tax bills sent to all or a portion (typically just in unincorporated areas) of a county's property owners;
- In connection with new development located near agricultural activity, usually when subdivision or parcel maps are approved or building permits are issued by county government;
- As part of a real estate transaction in which residential or other property located near agricultural activity is sold, generally at the time escrow is closed signifying the completion of the purchase.

The notified audience differs—a countywide one composed of all or many property owners in the case of tax bill statements, primarily developers or builders in the instance of development-related notification, and new purchasers of property in the case of real estate transactions. Likewise, the location or degree of responsibility within county government for administering these processes varies. Assessors' offices send out the annual property tax bills and planning and building departments manage development approvals and building permits. For notification through property sales, however, there is no clear county government involvement or oversight. In these cases realtors and title companies handle agricultural disclosures as part of their normal process of working with sellers and buyers to complete transactions.

Ordinances also differ in whether or not they require that the developer/builder or purchaser sign the disclosure notice and it is recorded in the county recorder's office as a designation attached to the property deed. Recordation provides a formal record of the disclosure and ensures that the information will be transmitted to future buyers of the property through the title search process.

As Table 1 (page 7) shows, the 15 county ordinances we reviewed vary greatly in the mix of disclosure methods used. Most employ only one or two of the methods, although recordation is required by 10 of the ordinances. All three approaches are used by three sample counties—Napa, Stanislaus, and Sonoma, with Napa and Sonoma also requiring

recording. Sonoma and Napa counties have had additional, unique components in their disclosure programs. Sheriff's deputies in Sonoma distribute pamphlets about county agriculture to residents, while the Napa Farm Bureau has sent pamphlets to new residents.

Two counties have substantially revised the disclosure requirements in their right-to-farm laws in recent years. In 1994 the Monterey County Board of Supervisors eliminated entirely the disclosure provisions of its ordinance, at the urging of the local real estate industry. On the other hand, the Sonoma County Board of Supervisors in 1999 added disclosure requirements for both development actions and real estate transactions to the original tax bill provision, primarily at the request of the local Farm Bureau.

Illustrated here are the ongoing differences between the views of real estate and farm interests in many agricultural counties over the extent of disclosure requirements. Farmers generally support strong and mandated forms of notification as a way of heading off problems with urban neighbors. Realtors, on the other hand, generally see required notification as discouraging potential home sales and adding to their paperwork burdens, and so prefer minimal or non-mandated disclosure provisions. In at least six of the sample counties, according to respondents, the local real estate industry successfully opposed more detailed or stronger disclosure provisions when the ordinances were first adopted or at later times when changes were proposed. Some title companies also have been reluctant to get involved in the disclosure process because of perceived procedural burdens.

The concerns revolve largely around how disclosures are inserted into real estate transactions. Several of the county officials we interviewed worried about the lack of county government oversight over the private actions of realtors and title companies. A few respondents, however, noted that realtors were obligated under state law and their licenses to disclose such information in the case of other property-related conditions such as potential hazards. They suggested that even in the absence of local ordinance requirements, many realtors would

voluntarily reveal to property buyers the nature of nearby agricultural operations as legal protection against future lawsuits from dissatisfied homebuyers. This seems to be the case in Lake County where most realtors use disclosure statements when selling residential properties in rural areas, although few seem to be aware of a county requirement for agricultural notices.

Timing is also an issue in the adequacy of agricultural disclosures in real estate sales. Disclosures are usually provided at the completion of a transaction, when escrow is closed. Many of our respondents said this was too late in the transaction for new information to have much impact, since it comes some time after the basic decision to buy has been made. The impact of the information is further diluted by the numerous other documents purchasers must read and sign at this stage, making it difficult to highlight the importance of the agricultural disclosure. Noted an agricultural commissioner:

"People when they are buying real estate are really stressed, and they don't pay much attention to the disclosure. They have lots of forms to look at."

As a result, other respondents said, some homeowners who later come before county bodies to complain about nearby agricultural nuisances have to be reminded about the agricultural disclosure forms they signed.

Conclusions

What makes for an effective county right-to-farm ordinance? Judging from the comments of the persons we interviewed in 15 counties, the key lies in specific disclosure requirements and how they are implemented. Formal grievance procedures are far less essential, considering their limited use in the counties that have them and the greater importance of informal methods for resolving farmer-resident conflicts.

An effective ordinance is one that fully informs both directly affected parties and the community at large about the importance of maintaining productive agriculture in the face of urban growth. For homeowners and other residents in edge areas, those considering purchase and those already living there, this means acquiring a full appreciation of the consequences of residing next to commercial farm operations that from time to time generate noise, dust, odor, and other negative effects. Prospective home buyers then can consider the pertinent tradeoffs, weighing the negative impacts against the scenic, cost, and other benefits of living in the rural community.

Right-to-farm ordinances are a limited answer to the problems of conflict and incompatible land uses at the agricultural-urban edge. The solution also depends on other and more active measures, especially the planning and design of urban development that is sensitive to agricultural operations and appropriate modifications in farm practices at the edge. But as an informational technique, the ordinances are an important part of the overall strategy for achieving a more peaceful coexistence of agricultural and urban neighbors.

Table 1. Disclosure Requirements in Right-to-farm Ordinances

County	Property Tax Bill	Development Approval	Real Estate Transaction
San Benito	Mailed annually to all real property owners in unincorporated county.	Not required.	Required for all real property transfers. Disclosure must be signed by buyer and seller and recorded with the County Recorder's office. All leases must also incorporate the disclosure statement.
Solano	Not required.	Not required.	Disclosure statement included with any property deed and recorded with County Recorder. Buyer/seller are not required to physically sign disclosure statement.
Monterey	Not required.	Not required.	Not required.
Merced	Not required.	Notice required on all final parcel maps for all parcels within 1000 feet of an ag zone and dwelling unit over 500 square feet. Acknowledgment required for building permit.	Not required.
Tulare	Not required.	Notice must be recorded for all parcel/subdivision maps; notice provided to all applicants for building permits; County Recorder includes notice with any deed or land sale contract.	Signed disclosure between buyer and seller.
Stanislaus	Mailed annually to all real property owners in unincorporated county.	Notice must be recorded for all parcel/subdivision maps; notice provided to all applicants for building permits; County Recorder includes notice with any deed or land sale contract.	Signed disclosure between buyer and seller.
San Joaquin	Not required.	County provides building permit applicants with copy of disclosure statement. Not a condition of development approval. Builder's responsibility to deliver copy to owner of building.	Not required.
Butte	Not required.	Acknowledgment must be signed and recorded as a condition of obtaining a building permit.	Not required.
Sutter	Not required.	Acknowledgment must be signed and recorded as a condition of obtaining a building permit.	Disclosure required between buyer and seller. No form to sign.
Colusa	Not required.	Disclosure required on all building permits and other development approval documents.	Disclosure must be signed by buyer and seller and recorded with the County Recorder's office.
Mendocino	Not required.	Acknowledgment must be signed and recorded as a condition of obtaining a building permit.	Disclosure required between buyer and seller. No form to sign.
Yolo	One-time mailing.	County-prepared notice included with preliminary title reports.	Not required.
Napa	Mailed annually to all real property owners in unincorporated county.	Signed form filed with Planning Department for all subdivision approvals and development permits.	Disclosure required between buyer and seller. No form to sign.
Sonoma	Mailed annually to all real property owners in unincorporated county.	Disclosure required for all development approvals and recorded with County Recorder.	Signed disclosure between buyer and seller.
Fresno	Not required.	Notice must be filed with County Recorder for subdivision map approvals.	Not required.

Disclosure Notice—Farm Bureau Model Ordinance, Section 4 (b)

The County of _____ permits operation of properly conducted agricultural operations within the County. If the property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector.

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Exhibit G

Research Article

“California communities deal with
conflict and adjustment at the
urban-agricultural edge,”
2010.

California communities deal with conflict and adjustment at the urban-agricultural edge

by Alvin D. Sokolow, Sonja Varea Hammond, Maxwell Norton, and Evan E. Schmidt

About 2.5 million agricultural acres are located adjacent or in close proximity to nonfarm residences in California, leading to widespread farm-residential conflicts. This exploratory study compared high- and low-conflict edges in four crop-growing communities in two counties. (A separate analysis of San Diego County in a sidebar compares two edge situations involving animal and nursery operations.) We present tentative generalizations about conflict variations, sources and solutions. High conflict levels were largely due to residents' unfamiliarity with agricultural activities, although conflict levels were also related to specific farming practices. We also pose questions to guide further and more systematic research on the edge issue in California agriculture.

California agriculture is substantially affected by ongoing urban growth. While sustaining the nation's largest agricultural economy, the state continues to add about 350,000 new residents each year. As well as converting farmland to nonagricultural uses, urbanization creates serious residential-farm conflicts — the so-called “edge” problem (see box). In many agricultural areas, residential populations in close proximity impede the productivity, efficiency and profitability of farm operations.

California newspapers offer numerous accounts of edge issues in particular locales (Levin 2000; Morain 1991; Price 1994; Vellinga 2007; Sokolow 2003). The harm to agriculture includes limitations on routine practices such as chemical applications and cultivation, liability for trespassers, theft,



In California, an estimated 2.5 million agricultural acres are located within one-third mile of an urbanized area. Above, in south Salinas a landscaped driveway faces irrigated fields.

vandalism, imported pests and increased traffic on rural roads. Negative impacts also occur on the other side: Residential neighbors have problems with odors, noise, nighttime operations, dust, pesticide sprays and other nuisances, or even health problems associated with agricultural operations. The edge problem is not unique to California. It appears in many other parts of the nation where urbanization extends into commercial agricultural areas (Jackson-Smith and Sharp 2008; Abdalla and Kelsey 1996; Larson et al. 2001; Van Driesche et al. 1987).

These accounts are usually anecdotal or prescriptive in nature, lacking a systematic examination of the causes and effects of agricultural-residential conflicts, especially one that builds on a comparison of different edge situations. We present a comparative case analysis focusing on two alternative explanations for conflict variations: (1) the nature of specific commodities grown and (2) the characteristics of residential neighbors. This exploratory study was based on edge situations in

Conversions and edges: How much farmland is affected?

Close to 40,000 acres of agricultural land — a little more than one-tenth of 1% of California's total — are converted to urban uses annually (CDC 2006). Far more farm acres, however, are located in close proximity to residential neighbors. An estimated 2.5 million agricultural acres throughout California are within one-third mile of urban edges (Sokolow 2003). In 2004, this estimate was updated based on a calculation in that year of 12,137 edge miles statewide where agricultural land bordered residential and other urban land; cropland edges totaled 7,886 miles. These numbers actually underestimate the true extent of edges, since they are based on the state definition of “urban and built-up” land as six or more structures per 10 acres and do not account for separated, single residences in rural areas.

two localities in each of two California counties with significant crop production.

Research in sample communities

From 2003 to 2005, we conducted open-ended interviews, in person and by phone, with county agricultural commissioners and their staffs, county government officials, agricultural leaders and individual farmers in Merced and Monterey counties, which are located in the Central Valley and Central Coast, respectively. Along with San Diego County on the southern coast (see sidebar, page 127), these farm counties rank among the top 10 in the state in agricultural income, each with more than \$1 billion in commodity sales annually. All have growing urban populations in their agricultural areas that suggest the potential for significant edge conflicts.

The sample counties were selected because they are the field locations of co-authors who are UC Cooperative Extension advisors. Thoroughly familiar with local agricultural conditions, the advisors also chose the persons interviewed, conducted some of the interviews and helped select the specific communities for study. For each of the two sample counties, we selected two communities to compare — one relatively “high” and the other relatively

	Merced County		Monterey County	
	Los Banos	Livingston	Prunedale	Salinas
Relative degree of edge conflict	High conflict	Low conflict	High conflict	Low conflict
Type	City	City	Unincorporated	City
Edge segment studied	N, W, S borders	S border	Entire community	SW border
2000 population	25,869	10,473	16,432	151,060*
Population increase entire community, 1990–2000 (%)	72.8	43.1	122.2	38.8
Agricultural commodities produced	Cattle, dairy, forage crops	Almonds, peaches, sweet potatoes	Strawberries, cut flowers	Vegetables, strawberries, animals

*Entire community.
Sources: US Census 2000; interviews.

“low” in the degree of perceived conflict between farmers and residential neighbors (table 1).

Three of the communities are incorporated cities, governed by municipal governments; the fourth, Prunedale in Monterey County, is unincorporated and most of its local government services and regulations — including land-use planning — are provided by county government. There are notable differences among the four communities in size, recent population growth and principal agricultural commodities. Two San Diego County communities, the unincorporated area of Ramona

and the city of Oceanside, are the subject of a separate analysis (see sidebar, page 127).

Conflict variations and issues

In distinguishing between high- and low-conflict situations among the four sample edges, we looked for evidence of the relative intensity of disagreements between farmers and residential neighbors. The indicators included: (1) the volume, variety and duration of perceived problems about agricultural practices raised in residents’ complaints, as described by county officials and other interviewees and (2)

	Merced County		Monterey County	
	Los Banos	Livingston	Prunedale	Salinas
Relative degree of edge conflict	High conflict	Low conflict	High conflict	Low conflict
Problems perceived by residents, approximate order of severity	Airplane, helicopter noise Defoliant smell Air quality Pests Dust Pesticide drift on vehicles	Night agricultural work Pesticide drift Odor	Drainage Soil erosion Fumigation Pesticide drift Animals and related noise or illegal activity	Odor
Problems perceived by farmers, approximate order of severity	Trash on farms, roads Trespassing Theft Vandalism Operational restrictions	Vandalism Trespassing Theft Operational restrictions Traffic congestion	Theft Drainage Operational restrictions Ranchettes Competition for water Dumping	None or minimal
Persons interviewed	Seven farmers Two agricultural commissioner staff Three aerial pesticide applicators Three city planners Chamber of Commerce official		Four farmers One agricultural commissioner staff Three staff of agricultural organizations Four county government staff One aerial pesticide applicator Two agricultural consultants	

Source: Interviews.

farmers' perceptions about the negative impacts of adjacent residents on their agricultural operations, as expressed in interviews.

Our data generally cover a 5-year period, starting in the late 1990s and concluding in about 2004. Edge-conflict patterns can fluctuate over time as farming practices and/or residential populations change, so the conflicts identified here are not necessarily longterm.

The study identified and compared high- and low-conflict segments within each of the two counties, rather than comparing them overall (table 2).

Merced County. The volume and variety of complaints by residents about nearby farm operations marked the Los Banos edge as much more conflictual than the Livingston edge in the late 1990s and early 2000s, according to two staff members of the Merced agricultural commissioner assigned to the Los Banos and Livingston field offices. They and other interviewees noted that residential complaints had greatly increased in recent years in Los Banos as a result of the city's rapid population growth and expansion into surrounding farmland (fig. 1). While we lack specific numbers, interviewees said that the list of residents' complaints was topped by noise from airplanes and helicopters spraying chemicals, the smell of defoliants and other chemicals applied to cotton fields, and poor air quality. In the late summer, people complained about respiratory problems attributed to the application of cotton defoliants and other farm practices.

In contrast, complaints from residential neighbors of farms around Livingston were relatively few and mild during the same period. Pesticide-related objections were infrequent, according to one agricultural commissioner's staffer, not exceeding five per year. The top issue was noise and dust from the blast sprayers used to spread pesticides on orchard treetops.

On the agricultural side of the edge, problems were generally similar around the two cities, and included trespassing, theft, vandalism and restrictions on farming practices (table 2). Farmers in Los Banos regarded edge issues as more serious than in Livingston. Theft and trash dumped on farmland and local

roads were cited as a bigger problem for agriculture in the Los Banos area than around Livingston.

Monterey County. The consensus among Monterey County interviewees was that edge problems were more pronounced in unincorporated Prunedale in northern Monterey County than on the southern border of the city of Salinas (fig. 2). With single rural home sites interspersed among small strawberry, flower and other farms, there were ample opportunities for edge conflicts in Prunedale. The most serious problems expressed by residents in the early 2000s concerned soil erosion, poor drainage of runoff water, and the smell and health hazards of fumigating strawberry fields with methyl bromide. A small group of residential opponents to agricultural practices in the north county had organized as the "Code Rangers." They monitored local conditions and reported perceived violations of county codes to county officials. One target was erosion created by strawberry fields.

In comparison, the agricultural area on the southern edge of Salinas, a relatively stable locale with little population growth since the 1970s and with more distinct farm-residential borders, was relatively problem free. In fact, interviewees could not recall any substantial complaints from residential neighbors in recent years, with the exception of some protests about odors.

Problems perceived by farmers paralleled the residents' complaint pattern, with no issues recorded for south Salinas. Some of the same problems — drainage, erosion and



Residents living near active farms may complain about drift and noise from spray applications, dust from plowing and odors. Above, a pesticide warning sign is posted near apartments in south Salinas.

fumigation — that were the basis of residents' complaints also bothered farmers, although from a different perspective. Runoff problems were seen by farmers in Prunedale as partially caused by home and road construction, and fumigation restrictions led to increased costs and operational adjustments for strawberry growers. Theft also was a major problem, as one farmer reported: "We had a truck parked on the ranch and they actually stole the radiator and the four-wheel-drive mechanism . . . We had trailers broken into, probably about a thousand dollars of small tools lost. We keep nothing out there anymore, not even a shovel. That's the hardest part about farming in north Monterey County now. I know that everybody who farms in the area has had that problem" (phone interview, Jan. 28, 2005).

Commodity production and practices

What accounts for the variations in edge conflicts from place to place?



Fig. 1. Aerial photo comparisons of (A) Los Banos and (B) Livingston in Merced County in 2009 suggest that urban-agricultural borders were more irregular around Los Banos than around Livingston, possibly helping to generate higher levels of edge conflict in Los Banos.

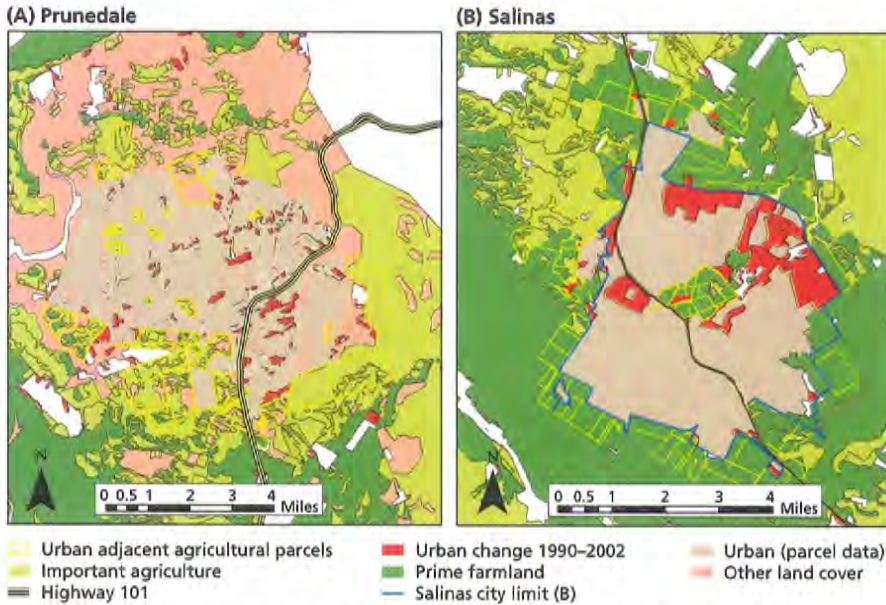


Fig. 2. The GIS-mapped relationship of urban and agricultural parcels in Monterey County in 2002 shows a fragmented pattern in (A) unincorporated Prunedale as compared to the relatively straight line on the southern edge of (B) the city of Salinas. Urban-agricultural conflicts were much more intense in the latter than the former area in the late 1990s and early 2000s. Source: Nathaniel Roth, Information Center for the Environment, UC Davis, based on information from Monterey County and the California Department of Conservation Farmland Mapping and Monitoring Program.

The case studies suggest two contrasting explanations, one concerning the nature of agricultural practices and the other related to the degree that edge residents are newcomers with urban backgrounds. On the one hand, more intense conflicts at the edge can be attributed to specific farming activities that generate extensive negative impacts (Connell 1999; Levin 2000; Vellinga 2007). On the other hand, new residents who are unfamiliar with country life and agriculture may have relatively little tolerance for farm operations (Morain 1991; Leavenworth 2000). These explanations have been separately identified in newspaper accounts and academic research, but without comparing the two factors.

Virtually all agricultural operations have the potential to disturb nearby residents. But the potential may be

Farmers and ranchers have some ability to increase or reduce edge problems, depending on how they operate.

greater for certain kinds of farm commodities — such as crops that require heavy applications of pesticides or other chemicals, or that involve intensive cultivation and harvesting that generate dust, noise and nighttime impacts. Confined-animal facilities such as dairies, poultry ranches and hog farms are especially conducive to negative impacts, largely because of their waste products (Baca 2002; Castle 1998; Henderson 1998; Hirschl and Long 1993; Schwab 1998; Turner 2003) (see sidebar, page 127).

Some of these crop conditions were present in our study's four edge segments, but were more pronounced in the high-conflict than the low-conflict edges, as seen with concern about the smell of defoliants used in cotton production around Los Banos (Merced County) and the use of methyl bromide on strawberry fields in Prunedale (Monterey County).

The issue may not be about the particular commodity grown, as some interviewees suggested, but rather how it is grown — including management practices such as pesticide applications, the timing of noisy harvest activities and equipment maintenance. Farmers

and ranchers have some ability to increase or reduce edge problems, depending on how they operate.

New residents from urban areas

People who occupy homes adjacent to agricultural operations vary in their tolerance of farming practices. The conventional wisdom repeated in newspaper reports is that newly arrived edge residents with urban backgrounds are more likely to be upset by local farm operations than residents with rural backgrounds and longer tenure in a locality. Our research supports this observation. Indeed, differences in background characteristics and the duration of local residence offered the strongest explanation for the conflict variations in the two study counties.

Los Banos-Livingston. The most solid evidence came from the Los Banos-Livingston comparison in Merced County. Both cities have traditional agriculture-dependent economies, and both have experienced substantial population increases since the 1980s. But the extent and character of this growth differed in major ways. The population of Los Banos (the high-conflict community) more than doubled from 1990 through 2004, from 14,519 to 30,650 residents. Growth in Livingston (the low-conflict community) was more modest, with a 59.9% increase, from 7,317 to 11,700 residents, during the same time.

The origins of growth differed significantly. In Los Banos, it stemmed mostly from the more urban Santa Clara County/San Jose area and other parts of the Bay Area. In Livingston, it was mostly from other areas of the relatively rural San Joaquin Valley.



A newspaper article describes the conflicts that can arise when commuters purchase homes in primarily rural communities such as Los Banos, located about 60 miles from employment centers in the South Bay and East Bay.

Los Banos is located on the west side of Merced County near Interstate 5, about 60 miles from major employment centers in the South Bay and East Bay, making it a long but manageable commute for urbanites seeking relatively inexpensive housing and small-town ambience. The result has been the development of a newcomer/old-timer divide in Los Banos. Newer residents have higher incomes, are residentially concentrated in new subdivisions on the edge of town and adjacent to farms, and are more likely to work in occupations not associated with agriculture. Livingston, by contrast, is in the central part of the county, closer to other San Joaquin Valley communities and less accessible to Bay Area commuters. Its newer residents are more similar to their longer-term neighbors, and Livingston seems to lack the social and occupational divisions that have developed in Los Banos.

A staff member of the agricultural commissioner's office said: "New residents in the Los Banos area are not originally from the valley and have a very low tolerance to ag practices and consider them threatening. New residents in the valley communities grew up in the valley and they are accustomed to ag practices . . . Bay Area people are very confrontational compared to those who grew up here. They like to carry complaints on up the chain of command" (phone interview, Sept. 20, 2004).

A comparison of U.S. Census data supports these perceived differences between Los Banos and Livingston (table 3): (1) between 1995 and 2000, proportionately more Los Banos residents had moved there from another county; (2) Los Banos residents had longer commutes to jobs in 2000; (3) there was a sharp decrease in the proportion of Los Banos workers employed in agriculture in 2000; and (4) Los Banos had higher income levels and faster income growth (median household income) in 1990–2000 than Livingston.

Prunedale-Salinas. Similar differences help explain the conflict variations between the two Monterey County edge segments. Prunedale, the high-conflict unincorporated

community, experienced a population increase from 1990 to 2000 of 122%, from 7,393 to 16,432 residents. The southern border of Salinas, the low-conflict edge, has been relatively stable in recent decades, with the last appreciable residential development occurring in the 1970s. In part because of proximity to good agricultural soils south and west of Salinas, city policy has limited further residential expansion in this area in favor of extending urban development to the north and east. All of Salinas had only a 39% population increase in the 1990s, much smaller than Prunedale. Several

interviewees pointed to the role of new residents in escalating the levels of perceived agriculture-related problems in Prunedale. One farmer noted: "The problem we have is that . . . people who move to rural areas but who are basically from the city don't understand that water flows downhill. They also complain about dust. But everybody else is used to living down there, and they don't create problems" (phone interview, Jan. 28, 2005).

In 2000, larger percentages of Prunedale than Salinas residents reported: (1) living in other counties 5 years earlier; (2) workplace locations

TABLE 3. Demographic patterns, Merced County cities, 1990–2000*

	Los Banos (high conflict)		Livingston (low conflict)	
Different residence in 1995, as % of 2000 population:				
Different house	53.1		39.2	
Different county	33.8		7.0	
	1990	2000	1990	2000
Workplace location outside county of residence (% of employed)	12.9	44.5	21.1	27.8
Mean commute time (minutes)	17.4	44.5	16.7	20.7
Increase in commute time (%)	155.7		23.9	
Occupation in agriculture (% of employed)	12.8	8.6	na†	20.7
Median household income (\$)	24,649	43,690	26,707	32,500
Increase in income (%)	77.2		21.6	
Increase in median home value (\$)	140,200		92,700	

* Data for entire cities of Los Banos and Livingston.
† Not available.
Source: US Census 2000.

TABLE 4. Demographic patterns, Monterey County communities, 1990–2000*

	Prunedale (high conflict)		Salinas (low conflict)	
Different residence in 1995, as % of 2000 population:				
Different house	38.2		54.1	
Different county	33.8		13.2	
	1990	2000	1990	2000
Workplace location outside county of residence (% of employed)	20.4	25.6	6.1	11.0
Mean commute time (minutes)	8.6	28.2	18.7	24.2
Increase in commute time (%)	227.9		29.4	
Occupation in agriculture (% of employed)	13.8	4.8	19.1	15.2
Median household income (\$)	44,638	62,963	31,271	43,270
Increase in income (%)	41.0		38.3	
Increase in median home value (\$)	281,400		195,700	

* Data for Prunedale CDP (census-designated place) and entire city of Salinas.
Source: US Census 2000.

in other counties; and (3) employment in nonagricultural industries, with a sharp decrease in farm employment from 1990 to 2000 (table 4). Prunedale residents also had longer commutes to work, with a steep increase in mean commute times within the decade.

Adjustments to avoid conflicts

As others have suggested, the most effective efforts to limit the scope and incidence of conflict with residential neighbors may be farmer adjustments to their normal agricultural practices (Coppock and Kreith 1997).

Regulations. Adjustments in California are largely due to county government regulation on the farm use of pesticides and other health-related chemicals. The restrictions originate in state health protection laws administered by county agricultural commissioners. County environmental health and county or regional air-quality programs also regulate local agricultural practices. As noted by Merced County agricultural commissioner's staff, pesticide use close to residences is more closely monitored than applications elsewhere. Depending on the hazard level of the chemicals employed and particular edge configurations, farmers are sometimes required to use buffers of varying widths between houses and the fields where pesticides are applied.

Voluntary actions. Agricultural operators also engage in voluntary adjustments intended to head off potential problems. Interviewees described such "good neighbor" actions as:

- Notifying nearby residents of upcoming operations with the potential to generate substantial noise, dust or other annoyances.
- Conducting dusty or noisy field operations on days and at times when the fewest number of neighbors are likely to be affected.
- Operating harvest equipment to minimize dust spray.
- Installing decorative fences and landscaping buffers.
- Sharing produce with neighbors.

Aerial applications of pesticides onto fields and orchards are especially



As population expands into agricultural areas, growers may complain about theft, vandalism and restrictions on farming practices. Such concerns were generally less common in Livingston, above.

vulnerable to residential edge problems. The four aerial applicators we interviewed who worked in Merced and/or Monterey counties described modifications to their operations in recent years due to residential development in agricultural areas. While such technological advances as quieter aircraft and GPS (global positioning systems) as a substitute for ground-flagging could be the inevitable progress of an industry seeking more efficiency, they appeared to be hastened by the need to improve the precision of spray applications in problematic areas. The applicators reported that they turned down jobs where edge configurations posed liability concerns; they also noted that about half of the aerial applicators in California had gone out of business or consolidated in recent years. One applicator who works in Merced County said: "Small (agricultural) parcels created by lot splits are more difficult and expensive to treat and also present more opportunities for off-site drift problems . . . Liability insurance costs are skyrocketing. When they hear a plane nearby, people just assume they are being poisoned. We receive lots of noise complaints" (phone interview, October 2004).

Neighbor adjustments. Generally seen as the victims of harmful agricultural practices, residents can also be the perpetrators of problems experienced by some farm operators, such as theft, vandalism and trespassing. However, we found no direct evidence of efforts by edge residents to avoid such impacts

and respect agricultural property, since this was not a focus of the research and no interviews were conducted with residents. It is possible that individual adjustments may occur with, for example, families restraining unruly youngsters and controlling their dogs. Still, the incentives for adjustments by residents are far less obvious and compelling than the economic and regulatory factors that cause farm operators in edge locations to be careful about their production practices and protect their assets.

Public policies and programs

California local governments have considerable regulatory and other powers to limit or even prevent edge conflicts (Sokolow 2003). Perhaps the most effective are planning and zoning actions that determine the location and configuration of new residential developments (Handel 1994). Available policies range from overall strategies, such as county-city agreements to divert new growth away from agricultural areas by concentrating it in cities (see page 129), to more specific requirements such as buffers and large minimum parcel sizes in agricultural zones. Nonregulatory measures, such as right-to-farm ordinances and educational programs, are generally regarded as less effective because of their voluntary and general nature (Wacker et al. 2001).

We have no evidence that such policy measures helped to control or

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Confined facilities create conflicts in San Diego County communities

by Alvin D. Sokolow, Ramiro E. Lobo and
Kristen Hukari

Edge conflicts often concern agricultural production methods that are different than the typical open field-crop operations found, for example, in Merced and Monterey counties. In particular, confined-animal production facilities can adversely affect residential neighbors, as recent events in the San Diego County communities of Ramona and Oceanside illustrate. The conflict associated with two poultry ranches in Ramona was relatively severe, as marked by its longevity, persistence of formal neighbor opposition and local government regulatory activity. Issues concerning a plant nursery in Oceanside were mild by comparison.

Ramona poultry farms. Twenty-five miles northeast of San Diego, Ramona is an unincorporated community that has lived with the odors and other impacts of major turkey and chicken facilities for most of a century. But residents' complaints starting in 2000 about two particular egg ranches, introduced a new level of agricultural-residential conflict. Criticism focused on health and air-quality problems, and odors and flies emanating from the two egg ranches, part of 10 such facilities in San Diego County owned by a family that had been in the poultry business for three generations. The two ranches were relatively older facilities, and some interviewees attributed the problems to a lapse in ranch management related to the recent death of the father of the family and a shift in control to two young brothers.

Nearby residents protested to the county supervisor, who became personally involved in the issue, as well as to the San Diego County Department of Environmental Health (DEH) and other agencies. Residential neighbors filed numerous complaints between 2000 and 2002, including four during a 3-day period in May 2002. At the same time, the two ranches came under increasing scrutiny from DEH staff, who reported excessive fly populations resulting from accumulated manure piles during regular inspections, and who issued

violation notices in 2000 and 2001. In May 2001, the ranch owners and managers were ordered to appear before the county's Fly Abatement Appeals Board (FAAB) for failure to correct the problem. Twenty-five residents attended the hearing, which produced an order to abate the fly-breeding hazard and required manure-management procedures. After a second FAAB hearing in August 2001, the county filed a civil action in Superior Court against the owners, seeking penalties and injunctive relief for violations of county codes and the creation of a public nuisance.

A settlement agreement in November 2001 called for certain manure disposal and sanitary measures and a \$25,000 civil penalty. However, the neighbors' complaints continued, and the supervisor met several times with area constituents. In June and July 2002, the two parcels were sold to non-farmers and ranch operations ceased.

Oceanside nursery. In this coastal city 30 miles north of San Diego, the involvement of residential neighbors in edge issues was relatively subdued and limited. Shortly after a large flower nursery was established in the Morro Hills area in 1998, neighbors began to complain to the greenhouse operator about noise, truck traffic, late hours, outdoor lights, litter and other problems.

The conflict eventually led to the revision of Oceanside's zoning ordinance in summer 2000, which (1) distinguished between open ground agriculture and operations in structures, (2) specified where nursery activities could be located on a farm site and (3) established new development standards. Fearing more burdensome restrictions than had been proposed, growers joined in the negotiations with homeowners and city planning staff that led to the new policy.

The conflict was constrained by city and county procedures. Oceanside deliberately supports commercial farming, particularly in designating an agricultural district — which includes South Morro Hills — where large-scale

agriculture is encouraged and only low-density housing is permitted. San Diego County also has a mechanism intended to moderate edge problems, the Agricultural Interface Board. In early 2000, some of the parties involved requested that the agricultural commissioner convene the board, which is composed of technical experts, to mediate the greenhouse conflict. This effort was not successful.

Urbanization conflicts. How do these events compare with edge conflicts in the four Central Valley communities (see page 121)? Unlike Merced and Monterey counties, the urban orientations of new residents were not noticeable factors in the development of conflicts. Newcomers were not prominent among the residential neighbors who complained about the egg ranches and nursery operation. The edge conflicts in Ramona and Oceanside resulted from commodity production and facility management issues.

The second important difference is that the two San Diego County com-

The edge conflicts in Ramona and Oceanside resulted entirely from commodity production and facility management issues.

munities made substantial use of local government policies and mechanisms that were largely absent in Merced and Monterey counties. County government regulatory agencies were actively involved in both the Ramona and Oceanside situations, and Oceanside's agriculture-friendly policies that seek to protect farming as a desirable long-term land use helped to limit the conflict. Indeed, San Diego County and the city of Oceanside are exceptional in this regard, because few other California local governments have comparable programs for dealing with agricultural-residential conflicts.

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limit edge conflicts in the four sample communities. While some complaints from residential neighbors were submitted to county agencies, there is no indication from interviewees or other sources that they led to specific regulatory or other governmental actions. However, county governments were prominent in edge conflicts in two

What dollar amounts can be assigned to the costs of farming in edge locations?

San Diego County communities (see sidebar, page 127), showing how public policies and their implementation can influence the incidence and intensity of edge conflicts.

Further questions

Several conclusions about the patterns of edge conflict in six communities in three counties (Merced, Monterey and San Diego) emerge from this exploratory study. Conflicts varied considerably by community or edge segment. Two factors explain conflict variations in particular cases: (1) the

perceptions and backgrounds of residential neighbors and (2) farming practices. The most frequent and effective efforts to limit the scope and incidence of edge problems in the sample communities were farmers' adjustments — either mandated or voluntary — in their agricultural practices, at some cost to their bottom lines.

Considering the small sample size and the exploratory nature of this study, these are tentative conclusions or informed hypotheses. They lead us to the following list of questions for more systematic research that would require larger samples of communities and interviewees, including residential neighbors:

- (1) What do residential neighbors in edge locations say about the impacts of nearby agricultural operations, and how do these perceptions compare to those of neighboring farmers?
- (2) When, how and to whom do residential neighbors express their complaints about agricultural operations? Do organized and individual forms of opposition achieve different results?

(3) What dollar amounts can be assigned to the costs of farming in edge locations, in lessened efficiency, productivity and profitability?

(4) Do conflicts at particular edges lessen over time, as these areas become more stable and former newcomers become settled old-timers?

(5) How do spatial patterns — residential locations in relation to agricultural activity as revealed by geographic information system (GIS) mapping — affect the extent of edge conflicts?

(6) Finally, what is the relative effectiveness of various public policy measures — such as grievance procedures, right-to-farm ordinances, required buffers for new development and zoning — in avoiding or reducing edge conflicts?

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