

Chapter 17.13

RIGHT TO FARM

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17.13.010 Purpose. It is the declared policy of the county to conserve and protect agricultural land and to encourage agricultural operations within the county. Where nonagricultural land uses, including but not limited to residential development, extend into or adjoin areas of agricultural land, agricultural operations have become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to curtail or cease operations, and operators are discouraged from making investments in farm improvements to the detriment of the economic viability of the county's agricultural industry as a whole. It is the purpose and intent of this chapter to reduce the loss to the county of its agricultural resources by limiting circumstances under which agricultural operations may be considered a nuisance. This chapter is not to be construed as in any way modifying or abridging state law relative to nuisances, but is to be utilized in the interpretation and enforcement of the provisions of this code and other applicable county regulations. (Ord. 3990 §1(part), 1988)

17.13.020 Definitions. When used in this chapter:

- A. "Agricultural land" means those lands of the county which are zoned as A (agriculture), AE (exclusive agriculture), AP (agricultural preserve), PA (planned agriculture), SA (select agriculture), RA-20, RA-40, RA-60, RA-80, RA-160 (residential agriculture), and TPZ (timberland preservation zone).
- B. "Agricultural operations" means activities relating to agricultural use including, but not limited to, the cultivation and tillage of the soil, the burning of agricultural waste products or other agricultural burning, protection of crops and livestock from insects, pests, diseases, birds, predators or other pests damaging or could potentially damage crops, the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides and fertilizers, or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. (Ord. 4663 §1 (part), 2005; Ord. 4636 §2, 2003; Ord. 3990 §1(part), 1988)

17.13.030 Nuisance. No present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land in or about the locality thereof; provided, that the provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation and its appurtenances or if the agricultural activity or appurtenances obstruct the free passage or use in the customary manner of any navigable lake, stream, river, canal or basin or any public park, square, street or highway. (Ord. 3990 §1(part), 1988)

17.13.040 Role of agricultural commission. An interested party may submit a written request to the agricultural commission for an opinion as to whether a particular agricultural operation constitutes a nuisance. In the event a dispute arises between an owner of an agricultural operation and a resident (or residents) in or about the locality thereof as to whether a particular agricultural operation constitutes a nuisance, an interested party may submit a written request to issue an advisory opinion or mediate a dispute. The agricultural commissioner may promulgate such regulations as are necessary for the implementation of this section. The farm advisor from the University of California Cooperative Extension Service, El Dorado County, may serve as technical advisor to the agricultural commission. (Ord. 3990 §1(part), 1988)

17.13.050 Disclosure Notice. Every seller of any real property in the unincorporated areas of the County of El Dorado, either directly or through his/her authorized agent, shall provide to any prospective buyer a written disclosure statement advising the buyer of the existence of a Right to Farm Ordinance enacted by the County of El Dorado. Such disclosure statement shall contain or be accompanied by a copy of the county's Right to Farm Ordinance, El Dorado County Ordinance Code Chapter 17.13 or successor, and the brochure provided by the county entitled "Agricultural Land Use in El Dorado County. The disclosure statement shall be substantially in the form promulgated by the county's Agricultural Commissioner, or his designee. The written disclosure statement shall include any agricultural setback requirements applicable to the property. The written disclosure statement also shall include a statement that intensive agricultural activities may be conducted on agricultural land within the county. The buyer shall sign a copy of the written disclosure statement acknowledging receipt of the disclosure and accompanying documents and deliver the signed copy to the seller or his/her authorized agent. The seller or his/her authorized agent shall retain the copy of the disclosure statement executed by buyer in the escrow process. (Ord. 4663 §1 (part), 2005)