

CHAPTER 11. RIGHT TO FARM

Sec. 10-11.01. Definitions.

- (a) "Agricultural land" shall mean all that real property within the boundaries of the 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 irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity including viticulture, horticulture, timber or apiculture, the raising of livestock, furbearing animals, fish or poultry, and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

(§ I, Ord. 90-28, eff. October 25, 1990)

Sec. 10-11.02. Findings and policy.

- (a) It is the declared policy of the County to enhance and encourage agricultural operations within the County. It is the further intent of the County to provide to the residents of the County proper notification of the County's recognition and support through this chapter of those persons' and/or entities right to farm.
- (b) Where nonagricultural land uses extend into agricultural areas or exist side-by-side, agricultural operations are frequently the subjects of nuisance complaints and are forced to cease or curtail operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the County's agricultural industry as a whole. It is the purpose and intent of this section to reduce the loss to the County of its agricultural resources by limiting the 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 as set out in the Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code of the State, or any other applicable provision of State law relative to nuisances; rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.
- (c) An additional purpose of this chapter is to promote a good neighbor policy between agricultural and nonagricultural property owners by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence, including, but not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. It is intended that through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas.

(§ I, Ord. 90-28, eff. October 25, 1990)

Sec. 10-11.03. Nuisance.

No agricultural activity, operation or facility or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards and with all chapters of this code, as established and followed by similar agricultural operations, shall be or become a nuisance,

public or private, pursuant to this code after the same has been in operation for more than three (3) years, if it was not a nuisance when it began.

(§ I, Ord. 90-28, eff. October 25, 1990)

Sec. 10-11.04. Disclosure.

- (a) "If your real property is adjacent to property used for agricultural operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomforts arising from such operation, including but not limited to noise, odors, fumes, dust, the operation of machinery of any kind during any 24 hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Siskiyou County has determined that the use of real property for agricultural operations is a high priority and favored use to the County and will not consider to be a nuisance those inconveniences or discomforts arising from agricultural operations, if such operations are consistent with accepted customs and standards."
- (b) The statement set forth in subsection (a) of this section shall be used under the following circumstances and in the following manner:
 - (1) Upon any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with dwelling units, the transferor shall require that a statement containing the language set forth in subsection (a) of this section shall be signed by the purchaser and recorded in the County Recorder's office in conjunction with the deed conveying the real property.
 - (2) Upon the issuance of a discretionary permit including, but not limited to, subdivision permits and use permits, for use on or adjacent to lands zoned for agricultural operations. The discretionary development permit shall include a condition that the owners of the property shall be required to sign a statement of acknowledgment containing the disclosure on forms provided by the Planning Department, which form shall then be recorded in the County recorder's office.

(§ I, Ord. 90-28, eff. October 25, 1990)

Sec. 10-11.05. Resolution of disputes.

- (a) Should any controversy arise regarding any inconveniences or discomforts occasioned by agricultural operations including, but not limited to, noises, odors, fumes, dust, the operation of machinery of any kind during any twenty-four (24) hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, the parties must submit the controversy to arbitration as set forth below in an attempt to resolve the matter prior to the filing of any court action.
- (b) Arbitration.
 - (1) Any controversy between the parties shall be submitted to arbitration upon the written request of one party after the service of that request on the other party.
 - (2) The parties shall each appoint one person to hear and determine the dispute. If these two (2) arbitrators cannot agree, then the two (2) arbitrators shall choose a third impartial arbitrator who shall make the decision. The cost of the arbitration shall be borne by the losing party or in such proportions as the arbitrators shall decide.
 - (3) The parties may elect at the time the arbitrators are chosen to make the arbitration decisions final and conclusive on both parties. If the election is not made, then the decision shall be advisory only.
