

# CITY OF CALISTOGA

## STAFF REPORT

**TO: CHAIRMAN MANFREDI AND MEMBERS OF THE  
PLANNING COMMISSION**

**FROM: KEN MACNAB, PLANNING AND BUILDING MANAGER**

**MEETING DATE: AUGUST 10, 2011**

**SUBJECT: "RIGHT-TO-FARM" ORDINANCE**

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1 **BACKGROUND**

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3 At the July 13, 2011, Planning Commission meeting, Commissioner Moye  
4 expressed an interest in recommending to the City Council that the City adopt a  
5 "right to farm" ordinance. This report provides a brief summary on the purpose  
6 and key provisions of a right-to-farm ordinance.

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8 **DISCUSSION**

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10 Right-to-farm ordinances in California were first developed in the early 1980's in  
11 response to problems created by the encroachment of urban growth into  
12 agricultural areas. They were developed as a tool to protect farmers who use  
13 accepted and standard farming practices against nuisance suits, even if the  
14 farming practices harm or bother adjacent property owners or the general public.

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16 There are two key provisions in a right-to-farm ordinance. The first is a  
17 notification requirement that requires buyers/developers of property located  
18 adjacent to or near a working farm be notified about the possible negative  
19 impacts of agricultural activities (e.g., dust, odors, spray, noise, etc.). Such  
20 notification can happen when there is a transfer in ownership of real property or  
21 as part of the land use entitlement process.

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23 The second key provision is the inclusion of language in local regulating codes  
24 that would prohibit the jurisdiction from making a nuisance finding on agricultural  
25 activities if the agricultural activity in question is being conducted in conformance  
26 with established farming practices.

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28 While right-to-farm ordinances serve a number of important purposes (disclosure,  
29 education, articulation of community values) and can be effective in resolving

30 small complaints, they do not fully protect a farmer from being sued. It is also  
31 important to note that right-to-farm ordinances are not a substitute for good land  
32 use planning. The development review and land use planning processes remain  
33 necessary tools for the community to address the relationship and impact of uses  
34 in urban-agricultural interface areas.

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36 **RECOMMENDATION**

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38 Should the Planning Commission support a right-to-farm ordinance, staff  
39 recommends that the Commission pass a motion recommending that the City  
40 Council consider preparation of a right-to-farm ordinance.

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43 **ATTACHMENT**

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45 1. Napa County Right-to-Farm Ordinance.

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