

CHAPTER 2.2
AGRICULTURAL LANDS AND OPERATIONS

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Sec. 2.2-10. Definitions

Unless the context otherwise requires, the following definitions in this section govern the construction of this chapter in order for more effective interpretation and enforcement.

Agricultural lands. Agricultural lands are those land areas of the county specifically classed and zoned as exclusive agricultural (A) districts, limited agricultural (A-L) districts, park (P) districts, watershed and conservation (W) districts, and marsh preservation (MP) districts, as those districts are defined in Chapter 28 of this Code and such other land actually used for agricultural operations.

Agricultural operations. Agricultural operations means and includes, but is not limited to, cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry; and commercial practices performed as incident to or in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers or transportation to market.

(Ord. No. 1270 §1; Ord. No. 1378, §1)

Sec. 2.2-20. Findings and policy

It is the declared policy of this county to conserve and protect both intensive and extensive agricultural land, and encourage agricultural operations within the county, and to specifically protect those lands for exclusive agriculture use or uses which do not interfere with agricultural operations. Where nonagricultural uses, especially residential development, extends into agricultural areas or exist side by side, agricultural operations have often become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to cease or curtail operations and many others are discouraged from making investments in farm improvements, to the detriment of adjacent agricultural uses and 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 section is not to be construed as in any way modifying or abridging state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 of the Water Code relative to nuisances; but, rather, is only to be utilized in the interpretation and enforcement of the provisions of this Code and county regulations.

The further purpose of this Code is to promote a good neighbor policy between agriculturalists and residents by advising purchasers and residents 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 sounds, odors, dust, and chemicals that may accompany agricultural operations so that such purchasers and residents will understand the inconveniences that accompany living side by side to agriculture, and be prepared to accept such problems as the natural result of living in or near rural areas.

(Ord. No. 1270, §1; Ord. No. 1378, §1)

Sec. 2.20-30. Nuisance

No preexisting 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 on agricultural land shall become or be a nuisance, private or public, due to any changed condition of adjacent land uses 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 or its appurtenances, or if the agricultural activity or appurtenance obstructs the free passage or use in the customary manner of any navigable lake, river, stream, canal or basin, or any public park, square, street or highway.

(Ord. No. 1270, §1; Ord. No. 1378, §1)

Sec. 2.2-40. Notice to purchasers of real property

Notice concerning this chapter may be given to purchasers of real property in the County of Solano by including the following notice with any preliminary title report and any grant deed, quitclaim deed, or land sale contract returned to the grantee by the Recorder after recording:

Notice to Purchaser of Real Property

Solano County is an agricultural county with many areas zoned for agricultural operations. The presence of farms and ranches yields significant aesthetic and economic benefits to the residents of

the County. Thus, the County's agriculture must be protected, including in areas where it is near residential development. To do this, Solano County has enacted Chapter 2.2 of its County Code, which provides that properly conducted agricultural operations will not be deemed a nuisance.

The ordinance further requires the County to give notice of the Ordinance and its provisions to buyers of real property located in Solano County. Accordingly, you are hereby notified that if the property you are purchasing is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting, and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry, and commercial practices performed as incident to or in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers or transportation to market. These operations may generate dust, smoke, noise and odor.

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 a healthy agriculture sector.

To assist in resolving problems between residential and agricultural land use, an Agricultural Grievance Committee has been created in Solano County to arbitrate and mediate disputes concerning agricultural operations. For information concerning where agricultural operations are located in relation to your property, you may contact the Solano County Department of Environmental Management, 675 Texas Street, Suite 5500, Fairfield. For questions concerning the specific kinds of agricultural operations in your area, including their use of fertilizers and pesticides, and information on the

Agricultural Grievance Committee, you should contact the Solano County Agricultural Commissioner, 501 Texas Street, Fairfield.

This notice is given for informational purposes only and nothing in the Ordinance or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available remedy concerning any unlawful or improper agricultural practice.

(Ord. No. 1270, §1; Ord. No. 1378, §1; Ord. No. 1630, §1)

Sec. 2.2-50. Installation of signs

The county may install or permit the installation of signs at the entry of or within established farming areas zoned as "agricultural land" to notify and explain to purchasers that some of the land in this area is being used for agricultural purposes and that the producers' interests are protected by law. The prospective purchaser of such land or a residence is advised to check local agencies as to any regulation or requirements which may affect agricultural property and of inherent potential problems associated with a purchase of such property or a residence in areas zoned as an "agricultural land" and of the likely effects of such agricultural operations.

(Ord. No. 1270, §1; Ord. No. 1378, §1)

Sec. 2.2-60. Agricultural grievance committee

There is hereby established the Solano County Agricultural Grievance Committee which shall arbitrate and mediate disputes involving agricultural land and issue opinions on whether agricultural operations constitute nuisance. The committee shall have five regular and five alternate members serving three-year terms appointed by a majority vote of the board of supervisors. Two regular and two alternate members familiar with agricultural practices shall be appointed from persons recommended by the board of directors of the Solano County Farm Bureau, who shall be persons receiving not less than a majority of their income from farming. One regular and one alternate member familiar with rural residential living, and one regular and one alternate member familiar with urban living shall be appointed, who shall be county residents. One regular and one alternate public member recommended by the other four members of the committee shall be appointed to represent the general public. Four members shall constitute a quorum. Alternates shall replace only their associate regular member when absent. The members shall draw lots to determine the expiration date of the term of each member so that three terms of regular and associate alternate members expire on December 31, 1987, and two terms of regular and associate alternate members shall expire on December 31, 1986. The committee shall select a chairman who shall preside over meetings. The

agricultural commissioner shall be the secretary, who shall call meetings when the need arises or as determined by the chairman, and shall maintain minutes of each meeting. A farm advisor from the University of California Cooperative Extension Service, Solano County, may serve as technical advisor to the committee. Any interested party may apply to the committee for mediation and arbitration involving disputes over agricultural operations or for an opinion whether agricultural operations constitute a nuisance by contacting the agricultural commissioner.

(Ord. No. 1270, §1; Ord. No. 1378, §1)

Sec. 2.2-70. Severability

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of the chapter.

(Ord. No. 1270, §1; Ord. 1378, §1)