

SAN LUIS OBISPO COUNTY

RIGHT TO FARM

INFORMATION

San Luis Obispo County is filled with lush rolling hills, fertile valleys, oak woodlands, and plenty of open space. Much of the County's open space consists of working agricultural lands. These lands are maintained through the practice of the agricultural arts by land owners and a large agricultural workforce. Private lands that do not currently have an agricultural operation may be used for agriculture purposes in the future.

San Luis Obispo County supports, encourages, and protects agricultural operations and agricultural processing within the county and gives recognition to an operation's right to farm within the limits of the law. Agricultural practices can sometimes cause some discomfort and inconveniences for neighbors. This can lead to disagreements and conflict. Many practices are a necessary function of certain agricultural operations and may be protected when these practices are in accordance with the law. This handout will help to inform you of the kinds of legal agricultural practices that are considered acceptable. You are encouraged to call your local County Department of Agriculture with any questions or concerns.

State and County Policy Encourages Agriculture

State law and County policy encourages, promotes, and protects many agricultural activities. Agricultural operators are protected from certain nuisance lawsuits relating to agricultural activities. In order to be protected, all seven of these criteria must be met:

- 1) The alleged nuisance is caused by an agricultural activity.
- 2) The agricultural activity is conducted or maintained for commercial purposes.
- 3) The agricultural activity is conducted in a manner consistent with proper and accepted customs and standards.
- 4) These customs and standards are utilized by other agricultural operations in the same locality.
- 5) The alleged nuisance is caused by some changed conditions in or about the locality.
- 6) The agricultural activity has been in operation for more than three years.
- 7) The agricultural activity was not a nuisance at the time it began.

Frequently Asked Questions

Q. Where can agriculture occur?

A. Crop production is allowed anywhere within the unincorporated boundaries of the County. **Grazing** is an allowed use everywhere except within urban and village reserve areas. Certain types of **animal keeping** requires permits, while the keeping of **bees** must meet the County apiary ordinance and state law.

Nursery operations are allowed on in certain land use categories such as *Agriculture* and *Rural Lands*, while **greenhouses** require land use permits based upon their size. **Agricultural processing** requires a permit and may be limited to appropriate locations. Cities may have their own rules and regulations.

Q. Does an agricultural operator need a land use permit to begin farming or ranching on land that was previously used for non-agricultural purposes?

A. In most cases the answer is no. No permit is necessary to plant a crop or, in most instances, to graze livestock in the unincorporated parts of the County. Land use can always change, including in areas primarily zoned for residential uses. If the agricultural activity requires native vegetation removal, grading or the construction of buildings,

certain standards or permits may be required. Check with the County Planning and Building Department at 781-5600. What is an open field today may be planted with vines in the future. Today's eucalyptus grove may be tomorrow's strawberry field.

Q. What kind of practices can be expected on agricultural lands?

A. Cultivation and tillage of the soil; the planting, growing, harvesting and storage of agricultural commodities including associated pest prevention (including pesticide use) and crop nutrition (fertilizer, manure and compost use); the storage and disposal of manure; composting; the keeping and pollination services of bees; any practices performed by a farmer or on a farm as incidental to those farming operations, including preparation for market, delivery to storage or market, or delivery to carriers for transportation to market.

Q. If I live near an agricultural operation, what agricultural activities may I expect?

A. Noise, dust, light, odors, fumes, and insects; operation of machinery, pumps and fans; night time lighting and harvesting operations; farm personnel, truck traffic, and slow-moving equipment; the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with agricultural activities at any point day or night, any day of the week, 365 days a year.

For additional information about the county's right to farm ordinance, please phone 781-5910.

To obtain a copy of the right to farm ordinance, visit the right to farm section of our website:

www.slocounty.ca.gov/agcomm/AgRe/RTF

Q. What are pesticides?

A. Any chemical that is used to control or prevent pests. Pests can include fungi, weeds and unwanted plants, insects and rodents.

Q. Are there laws about pesticide use?

A. Yes, pesticides are not allowed to drift, runoff, or move off target onto neighboring properties. The County Agriculture Department regulates pesticide use in accordance with all required laws. The Department monitors the use of pesticides in both agricultural and non-agricultural settings for compliance with mandated requirements. These requirements are intended to ensure the protection of workers, the public and the environment and to ensure the safety of food.

Q. How do I find out more about pesticide use in my areas?

A. All agricultural pesticide use must be reported to the County Agriculture Department. You may ask to review a specific pesticide use report or other information if it is considered a public record. In most cases advance neighbor notification about pesticide use is not required.

Q. What should I do if I have a complaint about pesticide use?

A. The Department responds to all complaints and questions about the use of pesticides. The law requires that all pesticides be handled and used in accordance with their registered label as well as all federal, state and local requirements. If you suspect a pesticide is being used incorrectly, please notify us as soon as possible so county staff can investigate.

Q. Whom should I contact if I have a question or complaint about pesticide use.

A. Please contact your nearest Agriculture Department office or call the pesticide complaint hotline.

Arroyo Grande: 805-473-7090 San Luis Obispo: 805-781-5910

Templeton: 805-434-5950

Pesticide complain hotline (English and Spanish):

805-781-1551

800-528-933

San Luis Obispo County Agriculture Department / Weights and Measure

2156 Sierra Way, Suite A, San Luis Obispo, CA 93401

www.slocounty.ca.gov/agcomm