



Alameda County RIGHT TO FARM

In Alameda County we are fortunate to have rolling hills, stream and alkali habitats, oak woodlands, and plenty of open space. Much of the open space is in dedicated parkland or agriculture. Land that does not currently have an agricultural operation may be used for agriculture in the future. It may also change the kind of agriculture practiced, or it may add an agricultural processing or agricultural tourism-related function, all within the parameters of agricultural zoning.

Alameda County supports, encourages, and protects agricultural operations and agricultural processing within the county and gives recognition to those operation's right to farm. Agricultural practices can sometimes cause some discomfort and inconveniences for neighboring residents. Many practices are a necessary function of certain agricultural operations and are protected when they are in accordance with the law. This pamphlet will help to inform you of the kinds of legal agricultural practices that are considered acceptable.

“Right to Farm” in Alameda County

The Right to Farm ordinance alerts prospective property owners that lands within 2,000 feet include agricultural properties. The ordinance informs them that lawful and properly conducted agriculture and agriculture-related activities (some examples described within) are permitted. It describes examples of typical agricultural activities and conditions in areas abutting agricultural properties. Property transfers require new owners be aware that legal agriculture activities are expected and acceptable within 2,000 feet of their property. Every transfer of property subject to the requirements of Section 6.28.070 of the County General Code shall provide the right to farm restriction in all deeds and leases. These property transferors shall also provide to any transferee the notice of right to farm as recited in the pamphlet. The purpose of this ordinance is to promote public health, safety and welfare, and to support and encourage continued agricultural operations in the county. This ordinance is not intended to modify or abridge state law regarding nuisances.

Frequently Asked Questions

Q. Where can agriculture occur?

A. Agriculture may occur anywhere within the unincorporated boundaries of Alameda County that is zoned Large Parcel Agriculture, Resource Management, Resource Management/Special Agriculture, and Water Management. Different intensities of allowed uses vary with the particular designation, with the aim of enhancing agricultural production, while protecting the County's natural resources. Generally, processing facilities and visitor-serving uses have specific restrictions.

Incorporated cities in the county 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. The answer is generally no if the land is zoned for agriculture, and meets the intensity constraints of the particular district. Currently, no permit is necessary for crop production and



State and County Policy to encourage and enhance agriculture...

State law and County policy encourages, promotes, and protects agriculture. Agricultural Operations are protected from nuisance lawsuits as long as:

- The agricultural operation is conducted in zoning that allow such uses.
- The agricultural operation is conducted or maintained in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality, and in a lawful manner.
- The agricultural operation predates the affected use(s) on the neighbor's property.



grazing on land in Large Parcel Agriculture and Resource Management, Resource Management/Special Agriculture, and Water Management districts, however, there will be more constraints (on farming intensity) if new water sources are added for irrigation, in order to protect natural resources to the extent possible. On the other hand agricultural processing uses, such as wineries, need a land use permit.



Notice Of Right To Farm

Alameda County permits operation of properly conducted agricultural operations within the County.

You are hereby notified that the property you are acquiring an interest in is located within 2,000 feet of agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facilities operations. Discomfort and inconvenience may include, but is not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24-hour period. Should any dispute arise regarding any inconvenience or discomforts from an agricultural operations the parties may submit the dispute, within 30 days of the date of the occurrence, to the Alameda County Agricultural Advisory Committee created by the Board of Supervisors. This committee will provide mediation assistance for the parties involved.

One or more of the inconveniences described above may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. 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 an area with a strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides (including herbicides, fungicides, rodenticides) and fertilizers occurs in farming operations. Should you be concerned about spraying, you may contact the Alameda County Agricultural Commissioner.

Alameda County Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate state, federal or local laws, legal recourse may be possible by, among other ways, contacting the appropriate agency.

This notification is given in compliance with the Alameda County Code Section 6.28.080 By initialing below, you are acknowledging receipt of this notification.

Transferor's Initials

Transferee's Initials

The failure to give the notice required by this section shall not invalidate any transfer. (Ord. 2000-61 § 1 (part))

Frequently Asked Questions (continued)

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

A. Cultivation and tillage of the soil, the planting, growing, cultivation, spraying of pesticides and/or fertilizers, and harvesting of any agricultural commodity such as wine grapes, vegetables, fruit and nut crops, nurseries, or animal products, and 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, delivery to carriers for transportation to market. Horse boarding, training, or breeding may also occur.

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

A. Agricultural activities you may experience can include, but are not limited to the following: noise, odors, fumes, dust, fertilizers, smoke, pesticides, insects, farm personnel and truck traffic, visual impacts, night time lighting, operation of machinery, and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations 24 hours a day.

These pages were created for informational purposes only and nothing in the Right to Farm Ordinance shall prevent anyone from complaining to any appropriate agency, or taking any other available remedy, concerning any unlawful or improper agricultural practice.

**For additional information concerning the
Right to Farm Ordinance
please contact the
Alameda County
Planning Department**

at 510.670.5400

**or visit the Alameda County web site to
view Chapter 6.28 Farming Rights
in the County General Code at**

<http://www.acgov.org/admin/admincode/index.htm>



**Alameda County
Community Development Agency**

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