

The Conflict at the Edge

By Laura Thompson

To a homeowner in a new subdivision on the edge of town, it's a shock. To a farmer, it's a way of life. Spreading manure on a field can generate two *very* different responses. Conflict between farmers and their urban neighbors is a serious problem that is increasing as cities expand into agricultural areas.

Urban residents living near agricultural areas have many complaints about farmers. They object to the noise of tractors and irrigation pumps, odors from livestock and other farming practices, dust created by plowing the fields, chemical drift from pesticide use, and slow farm machinery on the roads.

Perhaps less recognized are the complaints from farmers. They include vandalism to farm machinery, restraints on routine farming operations such as pesticide use, liability for trespassers, garbage disposal on property, and damage from urban neighbors' dogs.

The conflict on the agricultural-urban edge creates a losing situation for both farmers and nonfarmers. New urban residents on the edge, expecting peace and tranquility in the country, fight to prevent farmers from engaging in their livelihood. It becomes difficult for farmers to continue profitable agricultural operations when a great deal of time and money is spent responding to their neighbors' complaints.

The challenge for local and county officials is to find ways to reduce these conflicts while attempting to protect farmland and accommodate growth. The incompatibility between agricultural and urban land uses can be decreased by comprehensive planning and land-use tools that lead to improved development patterns at the urban edge. This issue of *Zoning News* examines the tools used by planners to resolve the conflicts between commercial agriculture and urban development.

A Closer Look

In October 1995, the Agricultural Issues Center at the University of California in Davis held a conference to address the conflicts in areas of California where commercial agriculture and urban development rub elbows. The conference, "Farmers and Neighbors: Land Use, Pesticides and Other Issues," provided an interactive forum where California state and local government officials, farmers, and community activists described their views of the problem and proposed solutions. A video, *Farmers and Neighbors at the Edge*, was prepared for the conference as an overview of the problem. The video identifies three areas where conflicts between farmers and urban neighbors are most likely to occur:

- at the edge of a city, where the boundary is not permanent and continues to expand;
- in expanding unincorporated rural neighborhoods where people move to escape the city;
- in agricultural areas where different land uses, such as recreational developments, have been introduced.

The American Farmland Trust has identified specific areas in the United States with the greatest potential for conflict in its 1994 study, *Farming on the Edge: A New Look at the Importance and Vulnerability of Agriculture Near American Cities*. The report looks at the geographic relationship between population growth and agricultural production in the U.S., identifying those areas most vulnerable to farmland conversion and conflict between urban and agricultural land uses. The study determines that more than half of the value of U.S. farm production is grown in "urban-influenced" counties. These counties are located within and adjacent to Metropolitan Statistical Areas (MSAs) and have a population of at least 25 persons per square mile. The map on page 2 identifies the urban-influenced counties with farm production levels and increasing population rates above the national mean and above statewide means.



Courtesy of American Farmland Trust

Odors from livestock are among the many complaints of urban residents living near agricultural areas.

Land-use Tools

Buffers. Agricultural buffers are well-defined strips of land located between farmland and nonfarm development. By establishing distance between agriculture and urban development, these buffers are used to reduce the conflict between these sometimes incompatible uses. "Recently, there is a greater interest in buffers since we are losing more agricultural land, and more people are moving to the agricultural-urban fringe," says Mary Handel, a land-use consultant in Napa,

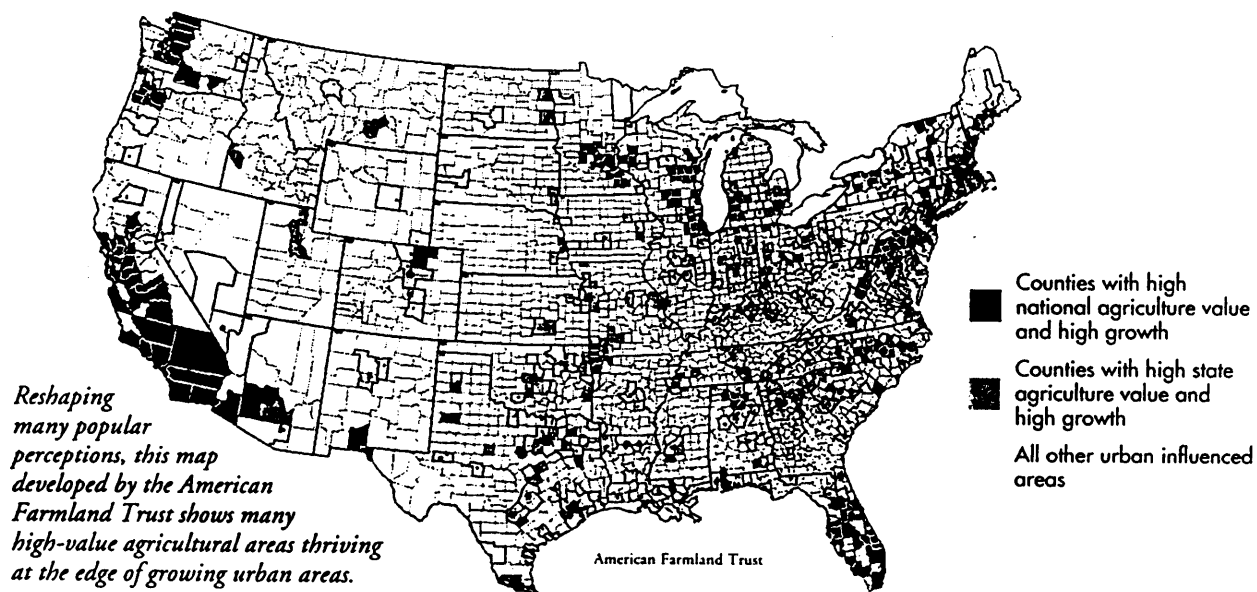
California. She compares agricultural buffers to buffers used between industrial and residential areas.

The city of Napa, California, has an agricultural buffer plan requirement for all residentially zoned lots along the agricultural-urban fringe that are adjacent to properties designated in the Napa County general plan as a preserved agricultural resource. The agricultural buffer plan may also be applied to farmland that is not designated an agricultural resource. The buffer plan requires a setback of not less than 80 feet from the property line for dwellings. Within the setback, a landscape buffer is required with a minimum width of 15 feet consisting of trees, shrubs, berms, fences, or other visual screening. Noise-reducing design and building construction techniques are also required under the plan. This includes such design techniques as window-door orientation and the use of double-pane windows.

agricultural use. The ordinance specifies that the buffer area may not be used for structures for human occupancy.

Nuisance disclaimers. A nuisance disclaimer notifies potential owners of nonfarm property in agricultural areas of possible adverse impacts associated with normal agricultural practices. While written disclosure does not eliminate the complaints from nonfarm residents, it does notify a homeowner that charges against standard farming operations may not stand in court.

Several townships in Lancaster County, Pennsylvania, have adopted such disclaimers as part of their zoning ordinances. Nuisance disclaimers have proven to be a very successful technique for controlling right-to-farm suits, according to Tom Daniels, director of the county's Agricultural Preserve Board. "It is important to educate the new rural resident that the scenery is not cost-free," says Daniels.



Handel has studied the use of buffers in Napa and has determined that there are fewer complaints to the county agricultural commissioner from the city's northern edge than from other areas. The northern edge consists primarily of agricultural lands designated as a protected resource, an area where buffers are required, while other agricultural-urban edge areas of the city do not have the buffer requirement.

In San Luis Obispo County, California, the agricultural buffer policy designates buffer width requirements according to the type of crop production. Buffer requirements are made on a case-by-case basis, considering the extent and type of agricultural use, zoning, the nature of the specific site such as topography and the prevailing wind direction, and other significant factors. For example, buffer distance requirements range from 400 to 800 feet for vineyards, 300 to 800 feet for irrigated orchards, and 100 to 400 feet for field crops.

The zoning ordinance in Citrus County, Florida, requires the owner of property adjacent to or abutting an existing agricultural use to provide a buffer of not less than 100 feet between the proposed nonagricultural use and the existing

The Napa, California, agricultural buffer plan requires a recorded notice for all properties designated in the buffer plan. The notice indicates that "the property may be subjected to noise, odors, pests, spraying, and other potential nuisance problems associated with normal agricultural practices." It also informs potential property owners that, under state and local law, the farmer has the right to farm and the owner of adjoining property may not sue to prevent normal agricultural activities.

A technique similar to the nuisance disclaimer has been adopted in Fremont County, Idaho. Known as a resource easement, it runs with the land and requires that landowners of nonfarm properties located in agricultural zones record an easement restriction that identifies possible adverse impacts on the property associated with nearby farming activities. A building permit will not be issued for a home in a farming area until the easement has been recorded. Rodney Eastvold, the Fremont County planning and zoning administrator, says that since the adoption of the resource easement requirement in 1992, the county has not had problems with conflicts between agricultural and residential uses.

Urban growth boundaries. Urban growth boundaries, or urban limit lines, are long-term boundaries that define growth in an area. This technique has been used as a tool to reduce conflict between agricultural and urban land uses by establishing a comprehensive, long-term plan for development to discourage sprawl into agricultural areas.

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In 1979, the city of Woodland, California, adopted a comprehensive urban development policy with Yolo County. Under the plan, the city is to provide urban services, and the county is to protect agricultural land. The plan established an urban limit line that defined the boundary for growth for the next 20 years. Today, the city is updating the plan with a proposal to establish a permanent urban limit line in some areas to protect prime farmland from development. According to community development director Janet Ruggiero, the urban limit line has been an effective tool for separating urban development from agriculture by establishing a clear boundary between the city and the unincorporated areas. Townships in Lancaster County, Pennsylvania, also use urban limit lines to encourage compact development and reduce conflicts between farmers and their nonfarm neighbors.

Agricultural zoning. Agricultural zoning is used to separate farms from conflicting land uses such as commercial and residential development. In areas with intense development pressures, agricultural zoning can be effective in protecting farmland and reducing conflicts between agricultural and urban land uses. Ideally, such zoning should be in place before nonfarm development has moved into the area. The idea behind agricultural zoning is to limit the number of nonfarm-related buildings and uses in areas zoned for agriculture.

More than 450,000 people live in Lancaster County, where agricultural production is the leading industry. In most townships within the county, the current agricultural zoning requirement is one building lot per 25 acres, with the building lot area not to exceed two acres. Tom Daniels says this zoning requirement has been successful in protecting farmland while allowing some residential development in areas where conflict is kept to a minimum. (For more information on Lancaster County's zoning requirements, see "Agricultural Zoning: Managing Growth, Protecting Farms," August 1993.)

Right-to-farm ordinances. In an effort to protect farmers from restrictions to standard agricultural operations and legal responsibility in nuisance suits, right-to-farm laws have been adopted by all 50 states as well as many county and local governments. Such legislation attempts to tip the scale in favor of farming by defining standard farming practices as acceptable land uses, despite the negative impacts such practices may have on neighboring property. These laws make it difficult for nearby residents to terminate certain farming activities by filing nuisance suits. Without such laws, neighbors can claim that impacts such as noise, odor, and pesticide drift are nuisances.

Right-to-farm legislation does not eliminate complaints about agricultural operations, but governments hope it will limit charges from urban residents in agricultural areas. The Michigan Department of Agriculture's Right-to-Farm Office received 418 complaints against agricultural operations from 1991 to 1993. Over 99 percent were resolved. Right-to-farm legislation can help nonfarm residents gain an understanding of the activities necessary in commercial farming practices.

Communication

Dave Whitmer, the Napa County agricultural commissioner, says that while many of these tools are helpful in reducing conflicts at the agricultural-urban edge, the most important way of reducing the tension is communication between farmer and neighbor. "It is important to get both sides to recognize that each has a right to be there, then they can work towards a cooperative solution," says Whitmer.

For example, sulfur is commonly used in its dust form to combat a disease of grapevines in California's Central Valley. "If nearby residents know ahead of time when a farmer will be dusting, they can plan ahead and, for example, reschedule the backyard cookout," he says. "The urban community is interested in having knowledge about what is going on."

The county agricultural commissioner's office receives many of the complaints from residents and farmers, and he is able to put them in touch with each other in hopes of resolving the conflict. These issues also come up at local watershed stewardship group meetings attended by people representing both the agricultural and urban communities.

Communication between farmers and nearby urban residents in San Diego County is handled through a voluntary consumer disclosure program. Farmers enroll in the program to receive information about land uses within a mile of their property that may affect their farming operations. New county residents can also get information about the types of farming activities that exist within a mile of their home.

In order to reduce and control conflicts between farmers and urban residents, a combination of techniques is necessary. If buffers or right-to-farm laws are the only regulations in place, it is unlikely that the conflict between agricultural and urban uses will be reduced.

At the 1995 conference held in Davis, California, Janet Ruggiero pointed out, "None of this is going to work unless you have a comprehensive approach, a reference for what you want your community to be. This defines who you are as a community, and if you can't do that, I think you've got some real difficulties ahead in trying to deal with the agricultural-urban edge."

Nudist Camps Spread Their Wings

APA's Planning Advisory Service (PAS) receives an average of 20 to 30 inquiries per day from subscribers. At that pace, one might assume that every possible land-use and zoning issue has received some research attention. Recently, however, PAS received several inquiries on regulating nudist camps. What information existed? Not much. However, it appears that nudist camps not only occupied a land-use niche in the past but remain popular in certain communities today.

Nudist camps were introduced to this country around the turn of the century, originating along the coast of California. The nudist lifestyle became popular during the industrial era for men and women seeking to remove themselves from the confines of the industrial city to a natural environment free from the constraints of clothing. Similar to other resorts, nudist camps offer a wide variety of recreational activities that include volleyball, tennis, swimming, and dining. Their uniqueness derives from practice of the naturalist lifestyle. Because most of the country does not practice public nudism, the camps are perceived as eccentric, which forces them to locate in remote areas with natural surroundings. It is not necessarily true, however, that local regulations have contributed to such siting decisions.

Despite the longevity of the tradition, few regulations exist to control such uses. In 1938, Los Angeles County passed an ordinance banning nudism, which stood until 1968, when a judge ruled it unconstitutional. In the meantime, nudists won a