

Right to Farm Ordinance Disclosure

PJR-015

PURPOSE:

This form provides instructions for applicants to complete and record Declarations Acknowledging Right to Farm as required for certain development approvals and building permits.

BACKGROUND:

In 1999, the Board of Supervisors approved Ordinance No. 5203 (the Right to Farm ordinance). The ordinance requires recordation of a Declaration Acknowledging Right to Farm in connection with certain development approvals and building permits on, or within 300 feet of, any lands zoned LIA, LEA or DA. The development approvals include all discretionary permits (use permits, subdivisions, design review, etc.), and the building permits include new single family dwellings or additions more than 640 square feet to existing dwellings. The declaration must be recorded upon approval of a discretionary permit or prior to issuance of a building permit.

PROCEDURE:

The following steps must be completed to meet these ordinance requirements.

1. Complete the attached Declaration, as follows, prior to recording:
 - a. All owners of the subject property must sign and date the declaration. All signatures must be notarized and notary acknowledgments must be attached for all signatories.
 - b. A deed reference for the subject property must be attached as "Exhibit A". An example form is attached. To complete this form, fill in the blanks as follows:

"...the Lands of (Name of the owner as shown on the deed by which property was transferred)"

"...Assessor's Parcel Number (Generally shown at the end of the description of the property, or available from the County Assessor's Office)

"...Document Number (if transferred prior to 1980, number is in the upper right corner of above deed)"

"...Book & Page of Official Records (If transferred prior to 1980, the book & page is generally in the upper right corner of the above deed)
2. Take the original copy of the completed declaration to the County Recorder's Office (585 Fiscal Drive, Room 103F) for recordation. A fee is required. Ask for a copy of the recorded document with the Recorder's Document Number stamped on it.
3. Bring the stamped copy of the declaration to PRMD when you come in to pick up your building permit.

NOTE: Your building permit cannot be issued unless all of these steps are completed.

When recorded return to:

Permit & Resource Management Dept.
2550 Ventura Avenue
Santa Rosa, CA 95403

DECLARATION ACKNOWLEDGING RIGHT TO FARM

The undersigned do hereby certify to be the owner(s) of certain real property located in Sonoma County, California, and more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference ("the subject property").

The undersigned do hereby acknowledge that the subject property is located on or adjacent to agricultural land, as defined in the Sonoma County Right to Farm Ordinance (Sonoma County Code, Chapter 30, Article II). The undersigned do hereby further acknowledge that the County of Sonoma permits the operation of properly conducted agricultural operations on agricultural land within the unincorporated area of Sonoma County, and has declared it County policy in the Sonoma County Right to Farm Ordinance to conserve, protect, enhance, and encourage such operations. The undersigned do hereby further acknowledge that if the subject property is located near an agricultural operation on agricultural land, residents or users of the subject property may at times be subject to inconvenience or discomfort arising from that operation, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds, and pesticides. The undersigned do hereby further acknowledge that one or more of these inconveniences or discomforts may occur as a result of any properly conducted agricultural operation on agricultural land. The undersigned do hereby further acknowledge that the County of Sonoma has determined in the Sonoma County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of the Sonoma County Code or County regulations, and that residents or users of nearby property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector.

This Declaration shall run with the subject property in perpetuity and shall be binding upon the undersigned and the undersigned's heirs, personal representatives, lessees, executors, successors, and assigns. This Declaration and the acknowledgments contained herein shall be disclosed to prospective transferees of any interest in the subject property, including, without limitation, a leasehold interest, prior to any such transfer.

IN WITNESS WHEREOF, the undersigned has/have executed this Declaration this _____ day of _____, 20_____.

DECLARANT(S)

Dated: _____

Dated: _____

NOTE: ACKNOWLEDGMENTS MUST BE ATTACHED FOR ALL SIGNATORIES.

EXHIBIT A

All that Real Property situated in the unincorporated area of the County of Sonoma, and being more particularly described as follows:

All the Lands of

Site Address

Mailing Address

City/Town

City/Town

State/Zip

Assessor's Parcel Number(s)

File Number

and as described in

Document Number _____, Sonoma County Records.

- or -

Book _____ of Official Records, Page _____, Sonoma County Records.

Date _____ / _____ / _____