



Howard County

Internal Memorandum

SUBJECT: Right to Farm Bill No. 15-2017

TO: Lonnie R. Robinson
Chief Administrative Officer

FROM: James Zoller, Agricultural Coordinator
Office of Community Sustainability

DATE: February 9, 2017

We just have to look at Howard County's seal to see the important role agriculture has had in the formation of Howard County. Agriculture continues to play a vital role in Howard County, both environmentally and economically. One fourth of our county's land remains in farmland, and agriculture is the fifth largest economic driver in Howard County with more than \$200 million in sales annually.

The Right to Farm bill was created in 1989 to protect our farms against nuisance lawsuits and allow them to conduct their agricultural practices with added confidence. The bill was last amended in 2013 and limitations of actions were added as well as a technical definition of agriculture. The loss of farm land in recent years to development has increased the proximity of our residential communities to our farms and subsequently increased the amount of conflicts between our farms and residential communities. This increased proximity and rise in conflicts has made it necessary to strengthen our Right to Farm bill so this vital resource of our county can continue to flourish and play an important role in our community and county.

In order to protect our agriculture, we are recommending amending the Right to Farm bill in two areas. Our first amendment would better define the purpose of the statute to include common characteristics of farming and its role in the community. This amendment emphasizes the importance of communication, respect, and the nature of agriculture as an industry (noise, dust, odor, etc.). We also highlight the responsibility agriculture has to be a good neighbor and provide safe farm products to the public while preserving the environment. By better defining agriculture and its role, we are hoping to educate the community on the nature of agriculture and lessen conflicts between our farms and residential communities through understanding. The second amendment states that if any lawsuit is brought up against a farm in bad faith or without substantial justification, the court should require the plaintiff to pay the cost of the legal fees associated with the lawsuit to the farmer. This amendment would discourage frivolous lawsuits against our farms and give them the confidence to conduct their business without fear of litigation.

The number of farms in our county are have decreased over the years but the great value they bring to our community has remained the same. We ask that you approve these amendments and reaffirm our commitment to our local farms.