

MANAGING URBAN SPRAWL AND RIGHT-TO-FARM CONFLICTS

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As Tennessee continues to be labeled as a top state for business development (Tennessee Department of Economic and Community Development, 2023), the population spikes accompanying industrial often create conflict between agricultural operations (producers) and residential sub-divisions (residents). Often these conflicts are between generational farms and transplanted citizens from other regions. Typically, the conflict arises over livestock smells and noises, crop dusting/spraying, slow-moving farm equipment on the roads, and dust generated by disking.

CREATION OF SUBURBS

Shaffer et al. (2004) posited using land for nonagricultural purposes is the driver of suburban land use. Research argues that citizens who can afford to leave the city center and move to the more affluent suburbs do so for a variety of reasons (Raymond & Menifield, 2011). Historically, as families moved to the outskirts of major metropolitan areas from inner cities it created suburbs. This decentralization of residential activity was followed by employment decentralization, as businesses followed the population to the suburbs, both to provide services to suburban residents and to take advantage of lower suburban wages and land costs (Mieszkowski & Mills, 1993). As time passed the suburb areas expanded into adjacent rural counties.

URBAN SPRAWL

Shaffer, Deller, and Marcouiller (2004) referred to sprawl as the distance between the old city edge and the new city edge. According to Hasse and Lathrop (2003), sprawl has been loosely defined as dispersed and inefficient urban growth, indicated by: (1) density of new urbanization; (2) loss of prime farmland; (3) loss of natural wetlands; (4) loss of core forest habitat; and (5) increase of impervious surface. Typically, it's the product of municipalities expanding via annexation of unincorporated county territory (usually consisting of vast acres of rural land). Sprawling urban growth has significant social and environmental costs and represents a major challenge to land use planning and management in the coming century (Hasse & Lathrop, 2003). According to American Farmland Trust (2023), from 2001-2016, 659,000 acres of agricultural land were developed or compromised in Tennessee, ranking the state fourth in the country regarding farmland loss to development.

RIGHT-TO-FARM

All property rights are not created equal, nor are they practiced equally (Ashwood, Diamond, & Walker, 2019). According to Phillips (2015), "agricultural land" is a category that encompasses enormous variance such as row crops, forested lands, vineyards, livestock operations, nurseries, and horticultural crops. Right to farm laws are intended to protect qualifying agricultural operations from nuisance lawsuits brought by neighbors for noise, dust, odor, or other actions that interfere with the neighbors' use and enjoyment of their property (Rumley, 2023). Below is a synopsis of Tennessee law regarding right-to-farm:

Tennessee Right to Farm Act. TCA § 43-26-101

TCA § 43-26-102. Chapter definitions

(1) “Farm” means the land, buildings, and machinery used in the commercial production of farm products and nursery stock as defined in § 70-8-303;

(2) “Farm operation” means a condition or activity that occurs on a farm in connection with the commercial production of farm products or nursery stock as defined in § 70-8-303, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; the employment and use of labor; marketing of farm products in conjunction with the production of farm products thereof; and any other form of agriculture as defined in § 43-1-113;

(3) “Farm product” means those plants and animals useful to man and includes, but is not limited to, forages and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; hemp, as defined in § 43-27-101; trees; fish; apiaries; equine and other similar products; or any other product that incorporates the use of food, feed, fiber or fur.

TCA §43-26-103. Farms presumed not nuisances

(a) It is a rebuttable presumption that a farm or farm operation is not a public or private nuisance. The presumption created by this subsection (a) may be overcome only if the person claiming a public or private nuisance establishes by a preponderance of the evidence that either: (1) The farm operation, based on expert testimony, does not conform to generally accepted agricultural practices; or (2) The farm or farm operation alleged to cause the nuisance does not comply with any applicable statute or rule, including without limitation statutes and rules administered by the department of agriculture or the department of environment and conservation.

Adapted from: The National Agricultural Law Center (2023)

Often right-to-farm statutes are challenged when a new subdivision is developed adjacent to a long-time (multiple generational) farming operation. For example, a subdivision consisting of 50 homes and 100+ residents demand something be done to mitigate or eliminate a farming practice they deem a nuisance. The farming practice is recognized as a “Best Management Practice” required to produce a profitable crop. Politically, there are 100+ (subdivision residents) potential voters complaining about one operation representing approximately 3-10 votes (the owners and workers of the farm). Due to its strength in voting numbers, the subdivision will usually beat the farming operation.

SUGGESTIONS TO MITIGATE RIGHT-TO-FARM AND PROPERTY OWNER CONFLICTS

- City and county legislative bodies must develop and enforce land-use guides to guide development.
- Agriculture producers must do all they can to build relationships with the first wave of homeowners in a new subdivision adjacent to the farm. If possible offer a tour of the operation so they’ll know what you do and why it must be done.
- As non-farming residents move into agricultural regions, realtors and chambers of commerce could assist with familiarizing them to local cultural traditions and farming practices.
- City, county, and chamber of commerce website should indicate agriculture: type(s) (row crop, livestock, horticultural, etc.) located in the region; economic value to the community; and historical relevance.

CONCLUSION

A “Green Acres” phenomena is occurring in Tennessee rural counties. As non-farm residents continue to move into these communities as they escape perceived negative urban issues for “dreamy” suburbia, or for jobs at manufacturing firms locating in rural regions. This “Green Acres” phenomena is fine until dust from a field blows

onto cars, the beautiful herd of cattle begin to smell, or trailing a slow tractor causes one to be late to work. At this point the right-to-farm statutes get challenged. Rumley (2010) posited right-to-farm laws will no doubt continue to influence the growth of urban and suburban areas while also impacting the property rights and values of both agricultural operators and local residents far into the future.

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