

BENEDETTI Forced farming mandate needs to be put out to pasture

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LAUDED FOR THEIR TASTE and quality, Willie Bird Turkeys are sold by the tens of thousands each Thanksgiving in grocery stores and Williams-Sonoma catalogs. Willie has spent five and a half decades building his brand by combining traditional, free-range farming with sophisticated monitoring technology, and now he'd like to spend some time relaxing with his grandkids on his beloved Marin County property.

But a new law adopted by Marin County is putting that dream in jeopardy. The new law conditions all new dwellings in the agricultural zone on a promise that the landowner will remain "actively and directly engaged in agricultural use of the property." If Willie builds a home for his son and grandkids, he will trigger the active farming requirement, and Willie will

be forced to give up ownership of his property if he wishes to retire.

PLF has stepped in to challenge the provision as an unconstitutional condition, alleging that it coerces Marin County farmers into giving up the constitutionally protected right to their liberty to choose if, when, and how they work.

The U.S. Supreme Court has also held that any time government demands a property right in exchange for granting a permit, the demand must be closely related and proportional to some impact of the permitted action. Since the Marin County law asks landowners to convey an easement—a valuable property right—it is subject to those requirements. We have alleged that requiring landowners to engage in farming forever is unrelated and disproportionate to the

small impact of using a few thousand square feet of land to build a home—especially in the agricultural zone, where most legal lots are hundreds or thousands of acres in size.

"I want to be able to build a house for my son, and spend time with my grandkids, but the county is making me choose between those two options," Willie said. "I don't see why the county thinks they can tell me I have to keep working just because I want to do something farming families have done for as long as there has been farming: build a home for the next generation."

PLF is representing Willie free of charge in his case against Marin County. In July, we filed our petition asking the Marin County Superior Court to invalidate this forced farming provision. ♦