

Dealing with Changing Development Patterns

By Christine Hughes for ELCR

The Impact of the COVID Pandemic

The Covid-19 pandemic brought about many changes to all aspects of our lives and communities, including a mass exodus from offices while employees worked from home. As the uncertainty of the early months of the pandemic eased and vaccines emerged, some workers began to return to their offices in city centers. Others, however, are still working remotely today. While the impacts of remote work, initiated by the pandemic, are still yet to be understood as the situation is still unfolding, it is clear that there may be conflicts between remote workers and their neighbors, particularly when their neighbors are farms.

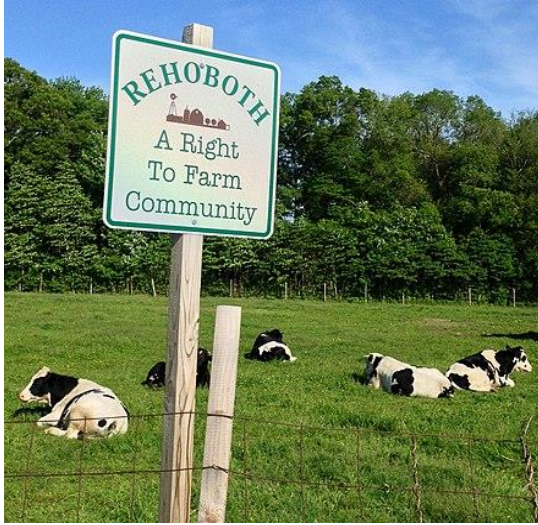
During the height of the pandemic in 2020, cities like New York and San Francisco, which had become unaffordable for average households, saw a mass exodus of residents. Many of these households left urban centers altogether for suburbs or even rural areas. While population in New York has started to rebound, data released by the US Census Bureau in 2021 shows that our patterns of moving and living have shifted. Urban areas and cities have seen a loss of population, while areas with lower costs of living, warmer weather, and available housing have seen an uptick in population growth, most especially the South and West.

This shift in population from more urban to more suburban and rural areas can bring challenges as remote workers learn how to live and work among their new neighbors. Anytime population increases, be it due to a pandemic or any other reason, there is potential for conflict between newcomers and “old timers.” This can be more difficult and pointed when conflicts develop between farm and non-farm residents. As new residential development emerges in rural areas, and more and more of the residents in these new developments are working from home, farm operators may find themselves faced with neighbors who, though perhaps brought to the area by the idea of quiet, pastoral landscapes and a less busy pace of life, have never been exposed to the sights, sounds, and smells of a horse farm.

Sometimes, farmers benefit from the population shift: perhaps high-speed internet access improves or access to goods and services increases. But what happens when a 9-to-5er moves to town to work from home and finds the charming horse farm next door to be a perceived nuisance? This is a question that we will continue to ask as our patterns of land use and population growth continue to shift and change.

Mitigating Conflicts

There are certain things that can be done by government agencies and officials to help mitigate conflicts between neighbors. All 50 states have right to farm legislation, which can help protect farms from nuisance litigation. In 2021, with Covid-driven population changes at peak, Florida legislators, recognizing that urban residents moving into rural communities may not be accustomed to farm operations, amended the state’s right to farm legislation to help mitigate the pressure from development and risk of nuisance lawsuits on farming operations.



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Senator Jason Brodeur, who sponsored the revisions in the Florida senate, noted how critical it is for the state to balance population growth and farming, saying, “As more and more people leave densely populated areas of the country and relocate to rural areas of our state, residential development encroaches on our rural areas. Friction between these competing land uses can lead to litigation that threatens the survival of legacy farming communities. While we are always happy to welcome more Floridians, we also have to preserve existing farms.” The 2021 changes modernize Florida’s legislation, which was first adopted in 1979. Today, Florida’s Right to Farm Act now limits complaints to only those from within a half-mile of the activity in question, increases the “evidence standard” those bringing

complaints against farmers have to prove their complaints, prevents a plaintiff from modifying a lawsuit as a negligence suit as a way to get around legal protections for farms, and limits any damages awarded to the market value of a property harmed by the nuisance. The bill also adds “agritourism” to the definition of farm operation. With these changes, Florida now has one of the strongest right to farm laws in the country.

Many local governments have agricultural or farming zoning districts, which are designed to require large lots, allow farming uses, specifically including keeping horses, and limit building restrictions. Most of us, however, would probably rather prevent conflict and litigation altogether before it starts.

Zoning has long been a way to separate incompatible land uses, for example, keeping factories away from apartment buildings, for the benefit of public health. When people live, work, shop, and attend school from home, zoning and separation of uses becomes a blur. This author works from home in North Carolina, for a company based in Missouri. Now that I work from, shop from, and live at home, my home has become a residential-commercial-office use instead of solely a residential use. But farm operators have known this for a long time, living and working on their property to meet the demands of raising, breeding, boarding, and training horses.

In many ways, the zoning best practices that have evolved over the past 100 years no longer match how many Americans are living and working today. The more time people spend at home, the more they may expect to have a range of activities within easy walking or cycling distance from home. This is a reasonable expectation when living in a city or even a close-in suburb. This is less reasonable in rural areas, where uses are typically spatially separated and transportation by private vehicles is the most common mode of transit.

What You Can Do

Getting involved with local government is critical for building good relationships with local officials. It is critical to understand how friendly your local government is to farming. It is also important to understand how changes, including map amendments and by-right developments, are approved. Will you be notified if a new development is proposed, or will you be left to figure it out for yourself when the trees start coming down? In many jurisdictions, the development of a neighborhood full of single-

family homes may not require notice. Make your concerns about any land use and zoning changes clear to your decision makers. It is also critical to pay attention to planned transportation projects (these are often carried out by the state government, rather than a local government agency, but not always).

Find out what your land is zoned and what the land around you is zoned. Ask your local government staff to explain not only the current zoning, but also any adopted plans and policies that address the future zoning or land use that have been identified around your property. Ask about any planned or proposed transportation projects. Sometimes major transportation projects are identified as being funded or unfunded. Unfunded projects are typically projects that have been identified by a transportation planning organization for which there is no current source of funding to implement the projects. They are identified and written into adopted plans so that when federal transportation dollars become available, these projects can immediately move up in priority. If you build (the roads), they will come (to your community via those roads). A new or widened roadway will make it easier, cheaper, and more appealing to develop land for homes, shops, and other businesses, so do not let planned transportation projects slip off the radar when considering how or if your local population may grow.



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If a rezoning or redevelopment is proposed, you will be a step ahead of the game if you have taken the time, before things reach crisis mode, to learn how to work within the system to impact or influence land use changes, code enforcement (dealing with complaints), variances and special exceptions to the rules, and other local government issues. Not only should you get to know the processes, but you should also get to know your local elected officials. Make sure they are aware of your concerns (and make sure they know you vote!) and learn what their concerns may be. Remember that local officials, especially elected officials, want to be treated professionally and respectfully (who doesn't?), so anything you can address in an informal manner, rather than potentially embarrassing them in a public format, could help your cause.

Making these connections before there are major issues on the horizon can pave the way for better, more effective communications in the future or when there are concerns that need to be addressed. Local officials will appreciate it when you work with them proactively, particularly if there is something going on that may upset or concern neighbors. Learning where and how you can be flexible within the rules and where and how the county can be flexible within their own rules can lead to winning outcomes for everyone involved. If your town officials know who you are and that you are running a trusted operation, they may be able to diffuse complaints that come in by talking through things with neighbors to explain issues to the complaining party (and to you), which could potentially avoid tense or adversarial situations.

If you live and operate in a community where you can contribute to local government in creative ways, consider giving it a try. Maybe you can donate your time and expertise when new ordinances are being written. Or maybe your horses can walk in a local parade. Integrating your operation into the needs of the town builds goodwill with local officials and neighbors alike.

As the most local level, protection from nuisance issues between neighbors really comes down to good relationships. While many of us think horses make great neighbors, not everyone agrees.

Horses seem to know what we are thinking, even when we never say a word. In the saddle, we communicate with them through our body position, our heels, our hands, even with our emotions. While I definitely do *not* recommend tapping your neighbor with a crop, I do recommend getting to know your neighbors through a friendly chat. If your neighbor knows how to reach you while they are working from home, they are likely to reach out directly if they hear something that does not sound right or notice something seems off. And they are more likely to bring problems or concerns directly to you rather than calling code enforcement and making a formal complaint. Keeping lines of communication open is the best first step to maintaining a great neighborly relationship. If you can go to your neighbors when there are no problems on the table and ask them to come to you directly if problems arise, you will save everyone a lot of heartache. Realizing that you are both working from home may go a long way in building a congenial relationship.



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Like any good horseperson knows, treating your horse with respect is key to a successful relationship. A horse who fears his rider is an unsafe horse. This is true with our neighbors, too. While there may be natural conflicts between someone who has to spend hours on Zoom calls all day and someone who needs to run a tractor during those same hours, being proactive with your closest neighbors can go a long way in mitigating or minimizing these conflicts. If your neighbor knows they are going to have a service out to cut down trees adjacent to your pasture, you would probably appreciate advanced notice so that you can move your most skittish mare into her stall that day. Remember that your neighbors, especially those who

are working from home, would appreciate knowing that your hay delivery comes the first Monday of each month, so they can adjust around your needs. Give a little where you can, and your neighbors are likely to do the same. Look at things from literally the other side of the fence and everyone can find ways to help minimize conflicts. Most people are willing to accommodate and be flexible when there is open communication and clear expectations. If you are able to be mindful of loud noises at certain times of the day or week, and your neighbor knows this about you, it is likely they are going to be willing to not let off Fourth of July fireworks next to your horse pastures.



The owner of the barn where I ride teaches a lot of little kids. It is not unusual to see her running beside a tiny girl on a big horse, lead rope in hand, as the girl learns to ask for and keep the trot. She also teaches them the less “fun” lessons, like value of a well-mucked stall and how to clean and condition the lesson tack before putting it away. She is giving the youngest riders a life-long learning experience that many people never get. Your new neighbors may not have grown up around farming operations and do not have a realistic expectation of what it really means to live in a

rural context. This lack of understanding is frequently the root of many conflicts.

If you have the opportunity to teach your neighbors about your farm, your horses, and agriculture in general, you may be able to head off future conflicts. I have heard a lot of non-horse people describe horses as big dogs. While the thought behind the notion may be well-intentioned, when I explain that they are flight animals who run when scared, they begin to understand why I hate fireworks. If you have the opportunity to educate your neighbors on what life with horses is like and what they may expect living near a horse farm, many conflicts can be avoided before they start. Take the time to explain when deliveries come, why you have to run your tractor in certain places, what your manure management plan is, and how to know what is normal for your operation. Once they understand *why* you are doing something and have an educated expectation of how long to expect something to go on, they are less likely to complain or feel imposed upon. While you may never get them to muck your stalls, making sure they understand that you have a plan for managing that pile that results from mucking stalls can help build better relationships. If your community is seeing a large influx of school children associated with population shifts, you may also find a way to bring kids into the fold, teach them about horses, and expose them to what you are doing in a positive and fun way. An open house for kids (and their parents) is a great way to build positive connections with your neighbors.



Speaking of manure management, we all have a responsibility to maintain our property, whether we are running a horse farm, living next door to one, or working in a traditional office environment. No one wants to live next door to a messy, ramshackle, or smelly neighbor. This does not mean that you must have the shiniest, newest equipment, or new fencing every year, but it does mean that taking small steps to maintain and keep up what your neighbors see can help prevent complaints. Keeping the fences

mended, the weeds down around the fencing, the lights in working order (and probably not aimed directly at your neighbors), and generally maintaining what your neighbors see will help them feel less concerned about their neighborhood and their property values (which is a major pain point when it comes to conflicts between neighbors).

Just like any relationship, horse or human, good communication is the key to managing the ever-evolving land use patterns and changes. Some changes will be good. Some changes will be very challenging. Learning how to navigate the local government system, understanding local land use regulations, and maintaining good relationships with your neighbors and your local government officials will be critical as populations shift and grow.

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