

Chapter 18I.35

RIGHT TO FARM

Sections:

- 18I.35.010 Purpose.**
- 18I.35.020 Definitions.**
- 18I.35.030 Nuisance.**
- 18I.35.040 Disclosure.**
- 18I.35.050 Grievances.**
- 18I.35.060 Penalties.**

18I.35.010 Purpose.

The Pierce County Council finds that: (1) commercially viable agricultural land exists within the County, and (2) it is in the public interest to enhance and encourage agricultural operations within the County. The Council also finds that residential and commercial development adjacent to agricultural lands and agricultural operations may lead to restrictions on agriculture and agricultural operations to the detriment of the other agricultural uses and cause diminished economic viability of agricultural industry in the County as a whole.

The purpose of this chapter is to promote public health, safety and welfare, and to support and encourage continued agricultural operations in the County. This ordinance is not intended to modify or abridge state law nuisances, but is to be used in the interpretation and enforcement of the provisions of this code and County regulations.

18I.35.020 Definitions.

For the purpose of this Title, the following definitions shall apply:

- A. “Agricultural ~~Land~~ **Property**” means all real property in Pierce County where agricultural operations are or may in the future be conducted.
- B. "Farm" shall be defined as all operations raising plants and/or animals for profit with a gross income of greater than \$1,000 (one-thousand dollars) per year. Agricultural education and research facilities shall be included in this definition.
- C. “Agricultural Operations” means, but is not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture; the raising of livestock, fur bearing animals, fish or poultry excluding boarding kennels; and any commercial agricultural practices and processes performed as incident to or in conjunction with such operations, including recycling of agricultural waste, preparation for market, delivery to storage or to market or to carriers for transportation to market.

18I.35.030 Nuisance.

No agricultural activity, operation, or related facility, conducted or maintained for commercial purposes, and in a manner consistent with customary standards and practices and the

Pierce County Code, as established and followed by similar agricultural operations, is or will become a nuisance, public or private, pursuant to the Pierce County Code, if it was not a nuisance when such activity, operation, or related facility began. A substantial change or expansion of operations shall not be protected by this ordinance.

The party bringing the suit forward will be subject to legal costs if verdict is in favor of the defendant.

18I.35.040 Disclosure.

- A. The disclosure statement required by this chapter will be used as follows:
1. The County will mail a copy of the disclosure set out in subpart (b) to all owners of real property in Pierce County with the annual real property tax statement.
 2. Upon the transfer of an interest in real property where completion of a real estate excise tax affidavit is required under state law, the transferor must require that a statement containing the language set forth in subpart (b) be signed by the transferee and recorded with the Pierce County Auditor.
 3. Every discretionary development permit, including but not limited to subdivision permits and use permits, for use on or adjacent to lands zoned for agricultural operations must include a condition requiring the permittee and the owners of the property to sign a statement acknowledging the language in subpart (b) on forms provided by the Planning Department, which form must be recorded with the County Auditor.
- B. The disclosure required by Section 4 (a) is set forth below:

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

This disclosure statement concerns real property in Pierce County, Washington, commonly known as

This statement discloses the policy of the County on agricultural uses and the right to farm that may affect the condition of the subject property as provided by Ordinance No. _____ of the Pierce County Code. This disclosure statement is not a warranty of any kind by the seller(s) or any agent(s) representing any principal(s) in this transaction, and is not a substitute for any inspections or warranties the principal(s) may wish to obtain.

Seller's Information

The seller discloses the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes and directs any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to each person or entity that may acquire an interest in the property in connection with any actual or anticipated sale, lease or transfer of the property. The following are representations made by the seller(s) and not the representations of the agent(s), if any. This information is a disclosure but not part of any contract between the buyer and seller.

1. Pierce County encourages agricultural operations on property located within the County. If the property you are purchasing is near agricultural **lands properties** or agricultural operations or included within an area zoned for agricultural purposes,

you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odor, fumes, dust, smoke, inspections, operation of machinery (including aircraft) at any time and throughout any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more inconveniences may occur as a result of agricultural operation that conforms to existing laws and regulations and with accepted customs and standards. If you determine to live or work near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. Pierce County has established a grievance committee to assist in the resolution of any disputes that might arise regarding agricultural operations and the right to farm.

2. (Additional County requirements, if any.)

18I.35.050 Grievances.

The Pierce County Farm Advisory Commission will hear grievances to assist with the resolution of any disputes that might arise regarding agricultural operations and the "right to farm."

18I.35.060 Penalties.

- A. Penalties for unlawful interference will be as follows:
 1. Any person or legal entity who by theft, trespass or vandalism knowingly interferes with agricultural operations shall be punishable by a fine or by imprisonment not exceeding one year or both.
 2. In addition, the owner of the farm so injured shall be entitled to recover from the individual or individuals unlawfully interfering with agricultural operations civil damages for actual damages as well as loss of revenue, interest from the date of loss, attorney's fees in addition to the statutory costs allowed.