

RIGHT TO FARM IN FERRY COUNTY
ORDINANCE #2009-07

WHEREAS, farming is an historic industry in Ferry County and the State of Washington; and

WHEREAS, a need exists to continue farming and agricultural activities in accordance with generally accepted management practices; and

WHEREAS, agricultural activities in Ferry County on land used for agriculture needs to be protected.

NOW, THEREFORE,

BE IT HEREBY ORDAINED that the Board of Ferry County Commissioners adopts the following "Right to Farm in Ferry County" Ordinance.

Section I. Definitions:

1. "Farm" means land, buildings, livestock, and machinery devoted primarily to the production of agricultural commodities on lands used for agriculture.
2. "Supporting facilities" include, but are not limited to, roads and waterways, storage, processing, conditioning and sale facilities on lands used for agriculture.
3. "Agricultural activity" includes, but is not limited to, the growing or raising, harvesting, storage, disposal, transporting, conditioning, processing, sale, and research and development of, but not limited to, the following: horticultural crops, poultry, livestock, grain, mint, hay, forages and feed crops, apiaries, equine activities, leather, fur, wool, dairy products and seed crops. Agricultural activity may involve, but is not limited to, the following operations and conditions: on-farm and roadside marketing, dust, fumes, vapors, gases, smoke odors, and noise from the farm or farm activities, open burning; operation of machinery; movement (including use of current county road ditches, streams, rivers, canals, and drains, etc.) and use of water for agricultural activities; ground and aerial seeding and spraying; application of fertilizers, conditioners, pesticides and associated drift of such materials; employment and use of labor, roadway movement of equipment and livestock, protection from damage by wildlife and wildfire; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, etc. and maintenance of stream banks and watercourses; and conversion from one agricultural activity to another, including a change in the type of plant-related farm product being produced. The term includes use of new practices and equipment consistent with technological development within the agricultural industry.
4. "Generally accepted agricultural and management practices" means historic practices, and those practices as defined or recommended by the United States or Washington State Department of Agriculture, Farm Services Agency, Soil Conservation Service, Washington State University Cooperative Extension, Ferry Conservation District and other professional and agricultural organizations. These practices may be modified to

reflect varying conditions which include, but are not limited to, geographical location, weather, soil types and conditions, type of crop or livestock and management system.

5. "Agriculture" is the grazing, feeding, and watering of livestock, plowing, seeding, cultivation and harvesting for the production of crops and pasture; soil and water conservation practices; the creation and maintenance of farm or stock ponds, irrigation ditches, drainage ditches, underground drainage systems, fences and farm roads, the control of noxious weeds, and includes any associated structures, appurtenances, equipment or activities.
6. "Lands used for agriculture" means lands where agriculture is allowed either as a permitted use or a conditional use or not prohibited. If ongoing and existing agricultural activities occur inside urban growth areas, these shall be considered as "lands used for agriculture".

Section II. Agriculture and its attendant activities shall not be found to be a public or private nuisance if the farm or agricultural activity conforms to generally accepted agricultural and management practices.

Section III. A farm or supporting facilities shall not be found to be a public or private nuisance if the farm or supporting facilities, on lands used for agriculture, existed before a change in the land use or occupancy of adjacent land or other land in the general area.

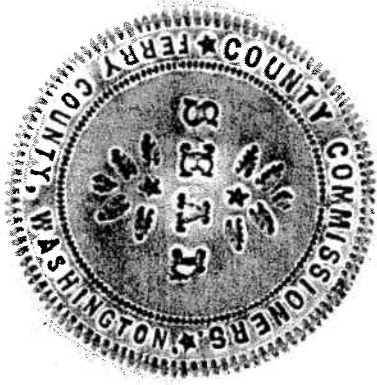
Section IV. Agricultural activities shall not be restricted to time of day or day or days of the week, but shall be conducted according to general accepted agricultural and management practices.

Section V. An agricultural activity shall not be found to be a public or private nuisance when conducted according to generally accepted management practices when in turn these practices may be subject to varying conditions which include, but are not limited to: geographical location, weather, soil types and conditions, type of crop or livestock and management system.

Section VI. This ordinance should not be construed to compromise existing County, State or Federal Laws.

ADOPTED this ^{30th} 8th day of ~~September~~ November, 2009.

BOARD OF COUNTY COMMISSIONERS
OF FERRY COUNTY, WASHINGTON



Brad L. Miller

Brad L. Miller, Chairman

Ronald J. Bond

Ronald J. Bond, Member

Robert L. Heath

Robert L. "Bob" Heath, Member

ATTEST:

Debbie Bechtol
607
Debbie Bechtol, Clerk of the Board

APPROVED AS TO FORM:

Michael Sandona
Michael Sandona, Prosecuting Attorney