

## Woodland Municipal Code

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**9.52.010 Title.**

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This chapter shall be known and may be cited as the “City of Woodland right to farm ordinance” or the “right to farm ordinance.” (Prior code § 14D-01-10)

**9.52.020 Policy.**

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It is the policy of the City of Woodland to promote the general health, safety and welfare of the City; preserve, protect, enhance and encourage agricultural operations on agricultural land; to support and encourage continued agricultural operations outside the urban limit line of the City; to encourage and support continued agricultural use of land within the urban limit line of the City until the need for urban development of the land is demonstrated and/or a substantial community benefit is provided; and to forewarn prospective purchasers and users of property near or adjacent to agricultural operations of the sounds, odors, dust and chemicals that may accompany agricultural operations. Further, it is the intent of the City to provide its residents proper notification of the City’s recognition and support of properly conducted agricultural operations, through this chapter. The ordinance codified in this chapter has been established to carry out and advance the goals, objectives, policies, and implementation programs related to agricultural resources in the General Plan. (Prior code § 14D-02-10)

**9.52.030 Intent.**

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Where non-agricultural land uses, particularly residential and commercial development, extend onto agricultural land or exist side by side, agricultural operations are frequently the subject of nuisance complaints. As a result, some agricultural operations are forced to cease or curtail their operations and many others are discouraged from making investments in improvements to their operations, all to the detriment of adjacent agricultural uses and the economic viability of the City’s agricultural industries a whole. The purpose and intent of this chapter is to reduce the loss to the City of its agricultural resources by limiting the circumstances under which properly conducted agricultural operations on agricultural land may be considered a nuisance. (Prior code § 14D-02-20)

**9.52.040 Good neighbor policy.**

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In addition, the further purpose and intent of this chapter is to promote a good-neighbor policy by requiring notification of owners, purchasers, residents and users of property adjacent to or near agricultural operations on agricultural land of the inherent potential problems associated with being located near such operations, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds, herbicides and pesticides. The City intends that, through mandatory disclosures, owners, purchasers, residents and users will better understand the impact of living or working near agricultural operations and be prepared to accept attendant conditions from properly conducted agricultural operations as a normal and necessary aspect of living in a community with a strong rural character and an active agricultural sector. (Prior code § 14D-02-30)

**9.52.050 Definitions.**

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“Adjacent to agriculture” means within 500 feet of agricultural land actively engaged in properly conducted agricultural operations.

“Agricultural land” means those land areas of Yolo County specifically zoned as agricultural preserve (A-P), agricultural exclusive (A-E), and agricultural general (A-I), as those zones are defined in the Yolo County zoning

ordinances, and those land areas of the City specifically zoned as agricultural (A-1), planned development or any other zoned land as defined by the this code where the land use on the land within the City limits is agricultural.

“Agricultural operations” means any agricultural activity, operation or facility including, but not limited to, the cultivation and tillage of the soil, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any commercial agricultural commodity, and any practices performed by a farmer or on a farm as incidental to or in conjunction with such operations, including the legal application of pesticides and fertilizers, use of farm equipment, storage or preparation for market, delivery to storage or to market, or to carriers for transportation to market.

Agricultural operations shall include agricultural processing facilities and operations which are defined as agricultural processing activities, operations, facilities or appurtenances thereof including, but not limited to, the canning or freezing of agricultural products, the processing of dairy products, the production and bottling of beer and wine, the processing of meat and egg products, the drying of fruits and grains, the packing and cooling of fruits and vegetables, and the storage or warehousing of any agricultural products, and includes processing for wholesale or retail markets of agricultural products.

“Properly conducted agricultural operations” means agricultural operations on agricultural land that are in conformance with existing laws and regulations and proper and accepted customs and standards.

“Property” means any real property located within the City limits.

“Transfer” means the sale, lease, trade, exchange, rental agreement or gift.

“Transferee” means any buyer or tenant of property. (Prior code §§ 14D-03-10—14D-03-70)

### 9.52.060 Deed restriction.

A. Condition of Approval. As a condition of approval of a discretionary development approval, including, but not limited to, tentative subdivision and parcel maps, use permits and rezoning, pre-zoning, and planned developments, relating to property located within 500 feet of agricultural land or agricultural operations, every transferor of such property shall insert the deed restriction recited below in the deed transferring any right, title or interest in the property to the transferee:

#### **RIGHT TO FARM DEED RESTRICTION**

The City of Woodland and Yolo County allow operation of properly conducted agricultural operations within the City and the County. You are hereby notified that the property you are purchasing is located within 500 feet of agricultural land or agricultural operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facilities operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24-hour period. Agricultural operations shall not be considered a nuisance unless such operations are deemed to be a nuisance under California [Civil Code](#) Sections 3482.5 and 3482.6. Agricultural operations shall comply with all applicable local, State and Federal laws and regulations.

One or more of the inconveniences described may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact the Yolo County Agricultural Commissioner.

The City of Woodland Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate state, Federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency.

If you allege that an agricultural operation has interfered with your private property or personal well being or is otherwise considered a nuisance, you must notify the property owner and offer to resolve the dispute through the City’s grievance procedure, other mediation, and/or arbitration prior to the filing of any court action.

The City has established a grievance procedure to assist in the resolution of disputes which may arise involving residents of the City regarding agricultural operations.

This Right to Farm Deed Restriction shall be included in all subsequent deeds and leases for this property until such time as the property is not located within 500 feet of agricultural land or agricultural operations as defined by this ordinance.

B. Applicability. This section shall not apply to the approval of discretionary development approvals within the Spring Lake specific plan area, as a separate deed restriction negotiated in an executed settlement agreement, applies within that area. (Prior code §§ 14D-04-10, 14D-4-20)

#### **9.52.070 Properly conducted agricultural operations not a nuisance.**

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A. Application. Agricultural operations conducted or maintained on agricultural land in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the area, shall not be or become a nuisance for purposes of this code or City regulations if it was not a nuisance when it began, provided that such operation complies with the requirements of all applicable Federal, State and County statutes, ordinances, rules, regulations, approvals and permits. The provisions of this section shall not apply where a nuisance results from the negligent or improper management or operation of an agricultural operation.

B. Dispute Resolution. Notwithstanding any other provision of this chapter, no action shall be maintained under this chapter alleging that an agricultural or agricultural processing operation has interfered with private property or personal well-being or is otherwise considered a nuisance unless the plaintiff has sought to obtain a decision pursuant to the agricultural grievance procedure provided in Section [9.52.080](#), Resolution of disputes, or a decision has been sought but no decision is rendered within the time limits provided in said section. This subsection shall not prevent any party or person from proceeding or bringing a legal action under the provisions of other applicable laws without first resorting to this grievance procedure. (Prior code §§ 14D-05-10, 14D-05-20)

#### **9.52.080 Resolution of disputes.**

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A. Procedure. The City hereby establishes the following grievance procedure to settle disputes or controversy that should arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation of the parties involved. Either party shall submit the controversy to the Planning Commission as set forth below or to community mediation services or other arbitration, if agreed to by the parties, in an attempt to resolve the matter prior to the filing of any court action.

B. Planning Commission. Any controversy between the parties involving farmland within the City limits shall be submitted to the Community Development Department for hearing by the Planning Commission within 90 days of the later of the date of the occurrence of the particular activity giving rise to the controversy or the date a party became aware of the occurrence. Controversies involving farmland outside of the City limits, within the unincorporated area of the County shall be addressed through the County's right to farm ordinance and grievance procedures.

C. Effectiveness. The effectiveness of the Planning Commission for resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy and are encouraged to seek a written statement from the Yolo County Agricultural Commissioner as to whether the activity under dispute is consistent with adopted laws and regulations and accepted customs and standards in the area.

D. Hearing. The controversy shall be heard by the Planning Commission within 35 days of receipt of the written request of one of the parties. At the time of the hearing both parties shall have an opportunity to present what each considers to be pertinent facts. The item shall be decided upon by the Planning Commission in a timely manner. Decisions of the Planning Commission may be appealed to the Council pursuant to Section [17.132.060](#) of this code.

E. Costs. Actual costs associated with this grievance process shall be borne by the participants. The City Council may, by resolution, prescribe fees to recover those costs. (Prior code §§ 14D-06-10—14D-06-50)

**9.52.090 Violation.**

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Any person or entity that violates any provision of this chapter shall be deemed guilty of an infraction and, upon conviction thereof, shall be punished by a fine not exceeding the sum prescribed by law. In addition, any person or entity that violates Section [9.52.060](#), Deed restriction, of this chapter shall be liable to the transferee of the property for actual damages. In an action to enforce such liability or fine, the prevailing party shall be awarded reasonable attorneys' fees. (Prior code § 14D-07-10)

**9.52.100 Precedence.**

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This chapter shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith. (Prior code § 14D-08-10)

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