



ORDINANCE NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER XIV OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE PERTAINING TO AGRICULTURAL LANDS AND OPERATIONS RIGHT TO FARM SECTIONS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

1. The County of Nevada recognizes the statewide policy to protect and encourage Agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Chapter XIV of the Nevada County Land Use and Development Code protect certain, pre-existing agricultural production and processing operations (“agricultural operation”) from nuisance claims.
2. It is the declared policy of this County to enhance and encourage agricultural operations within the County. It is also the intent of this County to provide to the residents of this County proper notification of the County's recognition and support through this Article of those persons' and/or entities' right to farm.
3. Where non-agricultural land uses, especially residential development, extend into agricultural areas or exist side by side, agricultural operations have often become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to cease or curtail operations and many others are discouraged from making investments in farm improvements to the detriment of adjacent agricultural uses and economic viability of the County's agricultural industry as a whole.
4. It is the purpose and intent of this Article to reduce the loss to the County of its agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance.
5. This Article is not to be construed as in any way modifying or abridging State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code or any other applicable provision of State law relative to nuisances, but rather is only to be utilized in the interpretation and enforcement of the provisions of this Code and of County regulations.
6. The further purpose of this Article is to promote a good neighbor policy by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas. At the same time, recognizing that agriculture and its neighbors must operate in mutual respect and cooperation, the purpose of this Article is to

ensure respect by agricultural operations, by requiring them to be conducted in accordance with proper and accepted agricultural customs and standards.

SECTION II:

Article 1 of Chapter XIV of the Nevada County Land Use and Development Code is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

SECTION III:

This Article is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations.

SECTION IV:

If any provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION V:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the _____ day of _____, 2021, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union and the Sierra Sun, newspapers of general circulation printed and published in the County of Nevada.