

EXHIBIT K

CHAPTER XIV: AGRICULTURAL LANDS AND OPERATIONS

SECTION 1 AGRICULTURAL LANDS AND OPERATIONS

SECTION 2 BEEKEEPING

SECTION 1 AGRICULTURAL LANDS AND OPERATIONS

Sec. L-XIV 1.1 Definitions

Sec. L-XIV 1.2 Nuisance

Sec. L-XIV 1.3 Disclosure

Sec. L-XIV 1.4 Resolution of Disputes

Sec. L-XIV 1.5 Noncompliance with this Section

SECTION 2 BEEKEEPING

Sec. L-XIV 2.1 Findings and Purpose

Sec. L-XIV 2.2 Definitions

Sec. L-XIV 2.3 Apiary Locations—Encroachment, Stocking Limit & Nuisance

Sec. L-XIV 2.4 Enforcement

SECTION 1 AGRICULTURAL LANDS AND OPERATIONS

Sec. L-XIV 1.1 Definitions

A. **AGRICULTURAL LAND** shall mean and include all those land areas of the County of Nevada now used for agricultural operations or upon which agricultural operations may be established in the future in conformity with applicable zoning regulations.

B. **AGRICULTURAL OPERATION** shall mean and include, but not be limited to, cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including production of timber, trees, shrubs, flowers, herbs and all other plants, viticulture, horticulture, apiculture, the raising of livestock and horses, fur-bearing animals and all other kinds of animal husbandry, the culture of breeding of

poultry, fish, marine life, mollusca, all other types of animal or plant life, and commercial practices performed as incident to or in conjunction with such agricultural operations, including agritourism, selling, processing, packing, preparation for market, delivery to storage or market or to carriers for transportation to market. (Ord. 1627. (03/20/1990); Ord. 2225. (12/12/2006); Ord. 2499. (11/16/2021))

Sec. L-XIV 1.2 Nuisance

No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, public or private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance when it began. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021))

Sec. L-XIV 1.3 Disclosure

Upon any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative improved with dwelling units, the transferor shall require that a disclosure statement containing substantially the following language is provided to, and a written acknowledgement thereof is signed by, the prospective buyer by inclusion in the disclosure form required by Article 1.5 of Chapter 2 of Title 4 of the California Civil Code, commencing with Section 1102:

NEVADA COUNTY RIGHT TO FARM NOTICE

Nevada County permits operation of properly conducted agricultural operations within the County. If the property you are purchasing is located near agricultural lands or 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, odors, fumes, dust, smoke, insects, agritourism, traffic, operation of machinery during any time of the day or night, storage and disposal of manure, and the ground or aerial application of spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and

regulations and accepted customs and standards. Nevada County has determined in the Nevada County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of the Nevada County Code and that residents or users nearby property 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. For more information about the Nevada County Right to Farm Ordinance see Agriculture in the Nevada County Code or contact the Nevada County Agricultural Commissioner's Office.

The County elects to require this additional disclosure under the authority of Cal. Civ. Code § § 1102.6 - 1102.15, and failure to comply therewith is subject to the same remedies as other violations of the State disclosure statutes. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021))

Sec. L-XIV 1.4 Resolution of Disputes

- A. A party who believes in good faith that an agricultural operation (described in Section 1.1 above) is causing inconvenience or discomfort to them shall notify the operator in writing of such concerns. The submission of said notification should be accompanied by personal discussions, if possible, to enable the claimant and the operator to attempt to reach a mutually agreeable reconciliation.
- B. If both parties are unable to reach a mutually agreeable reconciliation as set forth above, then the parties may notify the county agricultural commissioner as set forth below in an attempt to resolve the matter:
 1. The aggrieved party shall notify the agricultural party and the county agricultural commissioner within thirty (30) days of the occurrence of the agricultural operation giving rise to the controversy.
 2. Within fifteen days after receiving the complaint, the county agricultural commissioner shall set a meeting with the affected parties and shall attempt to mediate the dispute.
 3. If the dispute cannot be successfully mediated by the county agricultural commissioner, then both parties may agree to enter into an arbitration agreement providing for an arbitration proceeding in accordance with Title 9 (commencing with Section 1280) of Part III of the Code of Civil Procedure. The expense of such

arbitration shall be the responsibility of the affected parties. (Ord. 2499. (11/16/2021))

Sec. L-XIV 1.5 Noncompliance with this Section

No transfer subject to this article shall be invalidated solely because of the failure of any person to comply with the provisions of this Section- see Cal. Civ. Code § 1102.13. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021))

SECTION 2 BEEKEEPING

Sec. L-XIV 2.1 Findings and Purpose

The Board of Supervisors hereby finds and determines as follows:

A. The health of local bee populations as related to the sustainability of our local environment and ecosystems is vitally important.

B. Many beekeepers find the County of Nevada to be an ideal summer holding ground for apiaries due to potential foraging opportunities for bees and minimal pesticide use within the County.

C. Due to the demand for apiary sites in the County of Nevada as summer holding grounds for hives destined for pollination in other counties, both commercial and recreational beekeepers in the County of Nevada are facing an imminent threat of deleterious overstock of the local landscape.

D. The oversubscription of food sources may result in a significant reduction in honey production and pollination, as well as an increase in the prevalence of bee pests and diseases.

E. The Nevada County Board of Supervisors desires to protect the sustainability of foraging opportunities for both commercial and recreational beekeeping and beekeeping industry and the public health, safety and welfare from public nuisances, by ensuring there will be ample space between colonies of beehives.

F. This Section is intended to supplement and harmonize with the Apiary Protection Act, Cal. Food & Agric. Code § § 29000 -29812, and related regulations.

G. Based on the findings set forth in this Section XIV 2.1, this Ordinance is declared to be an urgency ordinance necessary for the immediate preservation of the public health, safety and welfare and shall be effective immediately upon adoption by the Board of Supervisors. (Ord. 2466. (05/14/2019))

20

Sec. L-XIV 2.2 Definitions

As used in this Article, the following definitions shall apply:

A. AFRICANIZED HONEY BEE means a bee population that is a hybrid of *Apis mellifera* and *Apis mellifera scutellata*.

B. BEEKEEPER means the owner, operator and/or person in control of any Apiary.

C. COMMERCIAL APIARY is any Apiary containing ten (10) or more hives or nucleus colonies of bees but does not include a Hobbyist Apiary or a Pollination Apiary.

D. COMMISSIONER means the Nevada County Agricultural Commissioner or their designee.

E. HOBBYIST APIARY means an apiary containing nine (9) or fewer colonies.

F. MATING NUCLEUS APIARY means a Commercial Apiary containing nucleus colonies primarily used for queen bee rearing and mating and is registered with the Commissioner for that purpose.

G. POLLINATION APIARY means an apiary of any size established for the pollination of commercial seed, fruit, nuts, or other commercial crops dependent upon bee pollination.

Any word or phrase used in this Section and not herein defined shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the California Food and Agriculture Code (Cal. Food & Agric. § § 29190-29195). (Ord. 2466. (05/14/2019))

Sec. L-XIV 2.3 Apiary Locations–Encroachment, Stocking Limit & Nuisance

A. Locational Requirements.

1. **Protection from Encroachment.** No person shall establish, place, keep, cause or allow a Commercial Apiary closer than two (2) miles (by GPS coordinates) from any other registered Commercial Apiary location, except if:

a. All Commercial Apiary locations within a two-mile radius are being kept or maintained by the same Beekeeper; or

b. The proposed location of the encroaching Commercial Apiary was listed on the beekeepers 2018 Apiary Registration, and the Commercial Apiary location has been registered by the same Beekeeper, or registered transferee, every subsequent year; or

c. Written permission is provided to the Commissioner from the owner of the existing Commercial Apiary being encroached upon; or

d. The encroaching Commercial Apiary is a Pollination Apiary.

2. **Availability of Water.** No person shall place, keep, cause or allow any Apiary to remain in any location unless one of the following conditions exists:

a. There is a natural water supply in existence within a distance of one-half mile from the Apiary; or

b. An artificial water supply for the Apiary is maintained within one hundred fifty (150) feet from any such Apiary. If the artificial water supply is not owned or controlled by the Beekeeper, the Beekeeper shall have written consent to use the artificial water supply and such written consent shall be provided to the Commissioner upon request.

B. Transfer of Encroachment Protection to New Owner. A Commercial Apiary location that has been registered with and approved by the Commissioner may be transferred by a Beekeeper to another party only if:

1. The selling party has an active Commercial Apiary at the approved location at the time of transfer;
2. The Commercial Apiary is in compliance with the registration and permit requirements of Cal. Food & Agric. Code § 29040; and
3. The active Commercial Apiary is sold or transferred to the transferee.

A Beekeeper proposing to transfer an approved location must present written documentation of the sale or transfer to the Commissioner within thirty (30) days after the date of sale or transfer. The transferee must register the transferred Apiary and pay the appropriate registration fee for the current calendar year within thirty (30) days after the date of sale or transfer.

C. Expiration of Protection from Encroachment. Every Commercial Apiary Location must be occupied and re-registered on an annual basis. After a lapse of registration of one year, or if colonies are not placed on a site within the annual registration period, then previous registration rights to a location as well as protection from encroachment will expire.

D. Seasonal Hive Limit. Except for Mating Nucleus Apiaries and Pollination Apiaries, no parcel may contain more than 48 live colonies of bees between May 15 and October 15. Commercial Apiaries that are part of a research or educational project are exempt from the colony limit herein described.

E. Permission of Property Owner. No person shall place, keep, cause or allow any Apiary to remain on land not owned or possessed by such person unless the person has the permission of the owner or person lawfully in possession of such land, or an authorized agent thereof, and can establish proof of such approval upon demand of the Commissioner. The approval shall include the name and phone number of the person granting approval.

F. Overly Defensive and Africanized Honey Bees. No person shall keep an Apiary of overly-defensive or Africanized honey bees. (Ord. 2466. (05/14/2019))

Sec. L-XIV 2.4 Enforcement

Any act in violation of any provision of this Section is hereby declared to constitute a public nuisance, the maintenance or continuance of which may be abated, removed and/or enjoined by any appropriate proceeding in the manner prescribed by law.
(Ord. 2466. (05/14/2019))