



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY

Agricultural Commissioner/Sealer of Weights & Measures
950 MAIDU AVENUE, SUITE 170, PO BOX 599002, NEVADA CITY, CA 95959-7902
(530) 470-2690 FAX (530) 470-2939 <http://mynevadacounty.com>

Chris de Nijs – Agricultural Commissioner

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: November 16, 2021
Introduced on November 9, 2021

TO: Board of Supervisors

FROM: **Chris de Nijs, Agricultural Commissioner**

SUBJECT: (Introduce/Waive further reading) 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.

RECOMMENDATION:

waive further reading and adopt an Ordinance amending Article I of Chapter XIV of the Nevada County Land Use and Development Code regarding Agricultural Lands and Operations Right Farm sections.

FUNDING: N/A

BACKGROUND:

The County of Nevada supports agriculture both through the County's General Plan (Chapter 16) and through various land use and development code sections. When nonagricultural land uses, especially residential development extend into agricultural areas or exist side by side, agricultural operations have often become the subject of nuisance complaints. The County has attempted to reduce these nuisance complaints and raise awareness of agricultural operations through the County's Agricultural Lands and Operations (AKA- Right to Farm) Code Section found in Chapter XIV of the Nevada County Land Use and Development Code. As state laws have changed over the years the need to review and amend the County's code sections became necessary.

In late 2020, a subcommittee of the Nevada County Farm Bureau along with counsel from the California Farm Bureau, reviewed Nevada County's "Right to Farm" code sections. From those meetings the Nevada County Farm Bureau drafted a proposed ordinance.

Highlights of the proposed Ordinance includes:

- Addition of Agritourism as an activity in the definition of an Agricultural Operation
- Further clarifying and aligning with state law that no agricultural activity, operation, etc. following proper and accepted customs and standards shall be or become a nuisance.



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- Requires upon any transfer of real property, that a statement of disclosure be signed by the buyer.
- Revises the resolution of disputes to allow the County Agricultural Commission to mediate the complaint. If no mediation agreement is reached, then the matter may be sent to an arbitration.

On November 18, 2020, at a regularly scheduled meeting of the Nevada County Agricultural Advisory Commission (AAC) the draft ordinance was presented by the Nevada County Farm Bureau to the AAC for their input. At that time, it was suggested that an ad-hoc committee reach out to the Nevada County Realtors Association for input. (minutes attached, item 7B)

On March 17, 2021, after seeking input from the Nevada County Realtors Association, the AAC met again and heard and discussed the draft ordinance. **The AAC unanimously approved the draft ordinance and recommends to the BOS that they approve the ordinance.** (minutes attached, item 8A) After the approval and recommendation by the AAC, minor edits and amendments were necessary which resulted in the delay of bringing this item to the Board of Supervisors until now.

Item Initiated and Approved by: Chris de Nijs, Agricultural Commissioner

Submittal Date: September 20, 2021
Revision Date: