

Nevada County Right to Farm

Redline

Sec. L-XIV 1.1 Definitions

A. AGRICULTURAL LAND shall mean and include all those land areas of Nevada County 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.

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.

Sec. L-XIV 1.3 Disclosure

Upon any transfer or 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 acknowledgment 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 Division Second 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 Article 1 of Chapter XIV of the Nevada County Land Use and Development Code or contact the Nevada County Agricultural Commissioner's Office.

The County elects to require this additional disclosure under the authority of California Civil Code section 1102.6 et. seq., and failure to comply therewith is subject to the same remedies as other violations of the State disclosure statutes.

Sec. L-XIV 1.4 Resolution of Disputes

- A. A party who believes in good faith that an agricultural operation (described in Section L-XIV 1.1) is causing inconvenience or discomfort to him or her 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 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.

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.

Sec. L-XIV 1.5 Noncompliance with this article.

No transfer subject to this article shall be invalidated solely because of the failure of any person to comply with the provisions of this article- see Civil Code 1102.13