LYON COUNTY RIGHT TO FARM DISCLOSURE

(required on every property sold within Lyon County)

Lyon County has determined that the highest and best use for agricultural land as defined below is to develop or preserve said lands for the purposes of agricultural operations and it will not consider the inconveniences or discomforts arising from or related to agricultural operations to be a perceived nuisance if such operations are legal, consistent with accepted customs and standards and operated in a non-negligent manner.

If the property is located adjacent, near, or close to agricultural lands or within agricultural lands, including agriculture land easements, irrigation ditch easements, drain ditch easements, or agricultural products processing facilities, Buyer may be subject to inconveniences or discomfort arising from agricultural operations. These may include but are not limited to the spraying, cleaning, and maintenance of irrigation water delivery systems as well as traffic, noise, odors, dust, chemicals, smoke, insects, operation of machinery (during any 24-hour period), aircraft operation, and storage and disposal of agriculture by-products, including manure. One or more of the inconveniences described above may occur even in the case of an agricultural operation, which is in conformance with existing laws and regulations and locally accepted customs and standards. If Seller lives near an agricultural production area and/or agriculture products facility, Buyer 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 a healthy agricultural sector. Buyer is prohibited from interfering with or in any way obstructing operations, including, for example, tampering with irrigation delivery facilities, obstructing irrigation ditches, and obstructing agricultural land easements.

For purposes of this notification:
While not presently zoned or designated on the General Plan for primary or substantial agricultural use, the land contains an existing agricultural operation of a type that would be obvious to an uninformed observer after a physical inspection of the property, and that operation began at a time when such use was permissible.

"Agricultural Operation" means all operations necessary to conduct agriculture as defined in Section 10.15.02 of the Lyon County Code, as such maybe amended from time to time and will include, but not be limited to, the cultivation and tillage of the soil, lawful use of appropriated water rights for agricultural irrigation purposes as well as any agriculture irrigation water delivery system maintenance and improvements, the burning of agricultural waste, weeds and other debris or other agricultural burning, including ditches and fields, lawful use of housing and transportation of labor for the purpose of crop production, protection of crops and livestock from pests (i.e., insects, diseases, weeds, predators) damaging or which could potentially damage crops or livestock, the proper and lawful use of agricultural chemicals, including but not limited to the ground and aerial (i.e., via aircraft) application of crop protection products and fertilizers, fumigation, or the raising, production, irrigation, pruning, harvesting, or processing of any living organism having value as an agricultural commodity or product, and any commercial practices performed incident to or in conjunction with such operations where the agricultural product is being produced, including preparation for market, delivery to storage, processing and packaging, and distribution to market, or to carriers for transportation to market or processing of an agricultural commodity, and those buildings or related facilities (no matter their zoning) that process, store, package and distribute agriculture products.

BUYER(s) acknowledge receipt of a copy of the Lyon County Right to Farm Disclosure and the related Lyon County Ordinance.

BUYER: _____ Date: _____ Time: _____

BUYER: _____ Date: _____ Time: _____

BUYER: _____ Date: _____ Time: _____

BUYER: _____ Date: _____ Time: _____

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Ordinance No. 514 - RIGHT TO FARM

10.15.01: RIGHT RECOGNIZED The right to farm all land is recognized to exist as a natural right and is also ordained to exist as a permitted use everywhere in the County except where prohibited under this Title, subject only to State health and sanitary codes.

It is the declared policy of Lyon County to conserve and protect agricultural land and associated agricultural irrigation water rights and to encourage sustainable agricultural operations within the County. Where nonagricultural land uses, including but not limited to residential development and the reallocation and appointment of agricultural irrigation water rights for nonagricultural purposes, extend into, or adjoin areas of agricultural land, agricultural operations have become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to curtail or cease operations, and operators are discouraged from making investments in farm improvements to the detriment of the economic viability of the County's agricultural industry, the overall social welfare of the County, and aesthetic value of the County's landscape as a whole. It is the purpose and intent of this chapter to reduce the loss to the County of its agricultural land and water resources and corresponding economic and social benefits by limiting circumstances under which agricultural operations may be considered a nuisance.
The Right to Farm Ordinance for Lyon County defines and limits cases in which agricultural operations may be perceived a nuisance. It includes a disclosure notice to prospective property buyers, that notifies them that if the property they are purchasing is adjacent, near or close to agricultural land, they may be subjected to certain inconveniences associated with normal agricultural operations and that special agricultural setbacks may be required on the property.

10.15.02: DEFINITION The "right to farm" as it is used in this Chapter, includes, but is not limited to, the use of [large irrigation pumps and equipment, aerial and ground seeding and spraying, burning of fields, burning of ditches and smoke related to agriculture burning, large tractors, numerous farm laborers and the application of chemical fertilizers, insecticides and herbicides, all for the purpose of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds. This right to farm shall also include the right to use land for grazing by animals] all of the agricultural operations as defined in this Chapter. This right to farm shall also include the right to use land for agricultural production and grazing by animals, in addition to agricultural products processing and distribution. The foregoing uses and activities included in the right to farm, when reasonable and necessary for the particular farming, livestock or fowl production, and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Saturdays, Sundays and weekdays, twenty four (24) hours a day, and the traffic, noise, odors, dust and fumes that are caused by such activities are also specifically permitted as part of the exercise of this right .
When used in this chapter, "agricultural operations" means activities relating to agricultural use including, but not limited to, the cultivation and tillage of the soil, lawful use of appropriated water rights for agricultural irrigation purposes as well as any agriculture irrigation water delivery system maintenance and improvements, the burning of agricultural waste, weeds and other debris or other agricultural burning, including ditches and fields, lawful use of housing and transportation of labor for the purpose of crop production, protection of crops and livestock from pests (i.e., insects, diseases, weeds, predators) damaging or which could potentially damage crops or livestock, the proper and lawful use of agricultural chemicals, including but not limited to the ground and aerial (i.e., via aircraft) application of crop protection products and fertilizers, fumigation, or the raising, production, irrigation, pruning, harvesting, or processing of any living organism having value as an agricultural commodity or product, and any commercial practices performed incident to or in conjunction with such operations where the agricultural product is being produced, including preparation for market, delivery to storage, processing and packaging, and distribution to market, or to carriers for transportation to market or processing of an agricultural commodity, and those buildings or related facilities (no matter their zoning) that process, store, package and distribute agriculture products.

10.15.03: NUISANCE No present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land or commercial land used for the processing, packaging and distribution of agriculture products, shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land and water rights appropriated for that land in or about the locality thereof; provided, that the provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation and its appurtenances or if the agricultural activity or appurtenances obstruct the free passage or use in the customary manner of any navigable lake, stream, river, canal or basin or any public park, square, street or highway .

10.15.04: NUISANCE OFFSET BY BENEFITS It is expressly found that whatever nuisance may be caused to others by such uses and activities so conducted is more than offset by the economic and social benefits from farming to the local and State economy, community aesthetics , and to society in general, by the preservation of open space, the beauty of the countryside and clean air, the provision for continual local economic growth and by the preservation and continuance of farming operations in this County and the State as a source of agricultural products for this and future generations.

10.15.05: CONDITION OF APPROVAL As a condition of approval of any subdivision or parcel map of any land in Lyon County, the owner or developer of such land and their heirs, assigns and successors, shall agree to provide notice to any and all subsequent purchasers of the provisions of NRS 40.140 and this Chapter. Such notice shall include a signed acknowledgment on all land development maps. No public official, board, commission, or agency of the County shall issue a permit, lease, license, certificate, or other entitlement for use of a parcel which is adjacent to or near agricultural land and other land until the owner(s) of the property have signed a written disclosure statement acknowledging that they are aware of the "right to farm" policy of the County and have been provided with a copy of a statement containing substantially the disclosure set forth in Lyon County Ordinance Code Chapter 10.15 or successor.

10.15.06: PROCEDURE FOR GRIEVANCE If a landowner or resident believes that an agricultural operation is not being conducted or maintained in a manner consistent with proper or accepted customs and standards of the agricultural industry, the landowner or resident may submit a written request to the Lyon County Board of Commissioners for an opinion as to whether the particular agricultural operation complies with this Ordinance. In such case the owner of the agricultural operation may submit a written response to complaining party's request and the Lyon County Board of Commissioners shall issue an opinion as to whether the agricultural operation is being conducted or maintained in a manner consistent with proper or accepted customs and standards of the agricultural industry and/or mediate the dispute between the parties. The Lyon County Board of Commissioners may promulgate such regulations as are necessary for the implementation of this grievance procedure, consulting with recognized agriculture technical experts as necessary.

10.15.07: DISCLOSURE NOTICE PRIOR TO TRANSFER OF REAL PROPERTY Every seller of any real property in Lyon County, either directly or through his/her authorized Licensee shall provide to any prospective buyer a written disclosure statement advising the buyer of the existence of a Right to Farm Ordinance enacted by Lyon County. Such disclosure statement shall contain or be accompanied by a copy of the Lyon County Right to Farm Ordinance, Chapter 10.15 or successor, and statement that intensive agricultural operations may be conducted on agricultural and other land within the County. The disclosure statement shall be substantially in the form promulgated by the Lyon County Board of Commissioners, or their designee. The written disclosure statement shall include any agricultural setback requirements and water rights use restrictions applicable to the property. The buyer shall sign a copy of the written disclosure statement acknowledging receipt of the disclosure and accompanying documents and deliver the signed copy to the seller or his/her authorized Licensee. The seller or his/her authorized Licensee shall retain the copy of the disclosure statement executed by buyer in the escrow process.

Section 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

Section 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Lyon County Code in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

BUYER(s) [_____/_____/_____/_____] acknowledge receipt.

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