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RESOLUTION NUMBER 33, SERIES OF 1998
ESTABLISHING A RIGHT TO FARM AND RANCH POLICY

WHEREAS, the Board of County Commissioners of Fremont County (Board) recognizes the importance of ranching, farming, and other agricultural activities and operations on Fremont County, including the protection of the visibility of such activities; and

WHEREAS, the changing nature of land use and demography in particular parts of and throughout Fremont County has increased the potential of conflicts between agricultural operators, county visitors and residents of rural Fremont County, which may threaten the continued economic viability of agricultural operations in the county; and

WHEREAS, examples of such conflicts include but are not limited to: harassment of livestock and livestock losses due to free roaming dogs; trespass by livestock; livestock on highways and county roads; gates left open; fence construction and maintenance; chemical application; maintenance of ditches across private property and burning ditches; complaints about noise, dust and odor; disposal of dead animals; weeds and pest control; trespass; and movement of machinery on highways and county roads; and

WHEREAS, it is desirable to protect agricultural operators from complaints about legal and non-negligent agricultural operations and activities; and

WHEREAS, it is desirable to educate the public and non-agricultural residents and visitors to Fremont County about the existence, value and importance of the county's agricultural operations and activities; and

WHEREAS, the Board shall attempt and aspire to:

- A. Conserve, enhance, and encourage ranching, farming, and all manner of agricultural activities and operations within and throughout Fremont County;
- B. Minimize potential conflicts between agricultural and non-agricultural users of land in the county,
- C. Educate new rural residents and long-time agricultural operators alike to their rights and obligations relating to agricultural activities; and
- D. Integrate planning efforts to provide for the retention of traditional and prime agricultural lands in agricultural production, as well as the opportunity for reasonable residential and other development; and

WHEREAS, the Board of County Commissioners pursuant to Colorado statute has the power to provide for the preservation of cultural, historic and architectural history in the county and to regulate the use of land therein; and

WHEREAS, the Board pursuant to C.R. S. §29-20-104 has the authority to plan for and regulate the use of land by regulating the use of land on the basis of its impact on the community or surrounding areas and otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights; and

WHEREAS, pursuant to Article 3.5, Title 35, C.R. S., it is the declared policy of the state of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products; and further, that the general assembly recognizes that when non-agricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits; and further, that a number of agricultural operations are forced to cease operations and many agricultural operations are discouraged from making investments in farm improvements; and finally, that it is the purpose of the article to reduce the loss to the state of Colorado of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance; and

WHEREAS, pursuant to C. R. S. §35 -3.5 -102(1), and agricultural operation is not, nor shall it become, a public or private nuisance by any changed conditions in or about the locality to such operation after it has been in operation for more than one year, provided that it was not a nuisance at the time the operation began and also provided that it is not a negligent operation and that a change in operation or substantial increase in size of operation does not result in a private or public nuisance; and

WHEREAS, the Board has determined that it is desirable and beneficial to the citizens of Fremont County to establish and adopt by resolution a Right to Farm and Ranch Policy involving the elements of protection of agricultural operations, education of property owners and the public, and resolution of disputes; and

WHEREAS, the establishment and adoption of such a Right to Farm and Ranch Policy would serve and promote the public health, safety, welfare, and morals of the citizens of Fremont County.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Fremont County that:

1. Policy Statement: It is the policy of the Board of County Commissioners of Fremont County that ranching, farming, and all manner of agricultural activities and operations within and throughout Fremont County are integral elements of and necessary for the continued vitality of the county's history, economy, landscape, lifestyle, and culture. Given their importance to Fremont County and Colorado, agricultural lands and operations are worthy of recognition and protection.

Colorado is a "Right to Farm State" pursuant to C.R.S. §35-3.5-101, et seq. landowners, residents, and visitors must be prepared to accept the activities, sights, sounds, and smells of Fremont County's agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and a healthy ranching sector. Those with an urban sensitivity may perceive such activities, sights, sounds, and smells as inconveniences, eyesores, noises, and odors. However, state law and county policy provide that ranching or other agricultural activities and operations within Fremont County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner. Therefore, all must be prepared to encounter noises, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of legal and non-negligent agricultural operations. In addition, all owners of land, whether ranch or residence, have obligations under state law and county regulation with regard to the maintaining of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the county.

2. Public Education and Information Campaign. The Board, with the assistance of the CSU Extension office and through the use of county staff as needed, shall support efforts to educate and inform the public of the Right to Farm and Ranch Policy. Such efforts shall include dissemination of written information and verbal presentations to community associations and organizations and schools, provision of information at the Fremont County Fair, and preparation and distribution of press releases relating to the Right to Farm and Ranch Policy.

3. Property Owner Notification. The Board may elect to notify the owners of land concerning the Right to Farm and Ranch Policy within the county by the following means:

a. A one-time mailing to the record owners of land within Fremont County of the above policy statement in conjunction with the tax notices mailed to the record owners of all real property in Fremont County for the tax year.

b. Whenever a building permit is issued for new construction in the unincorporated area of Fremont County, the Building Department shall provide in the building permit application packet a copy of the policy statement and other appropriate literature.

c. In addition, the Board shall encourage real estate brokers, county-wide, to voluntarily disclose the policy to purchasers of real property in the county.

Commissioner McNew moved adoption of the foregoing Resolution, seconded by Commissioner Rall and approved by roll call vote as follows:

Joseph F. Rall	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent
James R. Schauer	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent
Keith L. McNew	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent

Date: July 14, 1998

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: James R. Schauer
Chairman

By: Neirna Hatfield
Clerk