

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY, COLORADO, ESTABLISHING A "RIGHT TO FARM AND RANCH" POLICY

WHEREAS, the changing nature of land use and demography in particular parts of, and throughout, Pueblo County has increased the incidence of conflicts between agricultural operators and visitors to and residents of rural Pueblo County, and have begun to threaten the economic viability of agricultural operations; 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 applications; maintenance of ditches across private property, storm water management; burning of ditches; complaints about noise, dust, and odor; disposal of dead animals; weed and pest control; and trespass; 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 Pueblo County about the existence, validity, and importance of the County's agricultural operations and activities; and

WHEREAS, it is desirable that the Board of County Commissioners provide a forum for the informal and non-binding resolution of disputes between agricultural operators and non-agricultural residents and visitors to Pueblo County; and

WHEREAS, the Board shall attempt and aspire to:

- a. Conserve, enhance and encourage farming, ranching and all manner of agricultural activities and operations within and throughout Pueblo County where appropriate;
- 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 about their rights, responsibilities, and obligations relating to agricultural activities;

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- d. Integrate planning efforts to provide for the retention of traditional and important agricultural lands in agricultural production as well as the opportunity for reasonable residential and other development; and

WHEREAS, the Board of County Commissioners (“the Board”), pursuant to C.R.S. § 30-11-107(1)(bb), has the power to provide for the preservation of cultural, historic, and architectural history within the county; and

WHEREAS, the Board, pursuant to C.R.S. § 29-20-104(1)(c), (g) & (h), has the authority to plan for and regulate the use of land by preserving areas of historical importance, 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, Colorado Revised Statutes, 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 Colorado General Assembly recognizes that when non-agricultural land uses extend into agricultural areas, agricultural operations are forced to cease operations and many others are discouraged from making investments in farm improvements; and 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 is conforming with existing state regulations; and

WHEREAS, the Board has determined that it is desirable and beneficial to the citizens of Pueblo 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, and welfare of the citizens of Pueblo County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that:

1. **Policy Statement.** It is the policy of the Board of County Commissioners of Pueblo County, as set forth herein that: Ranching, farming, and all other manner of

agricultural activities and operations within and throughout Pueblo County are integral elements of and necessary for the continued vitality of the County's history, economy, culture, landscape, open space, and lifestyle. Given their importance to Pueblo County and the State, agricultural lands and operations are worthy of recognition and protection.

- a. 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 Pueblo County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy agricultural sector. Those with an urban sensitivity may perceive such activities, sights, sounds, and smells only as inconvenience, eyesore, noise, and odor. However, State law and County policy provide that ranching, farming, or other agricultural activities and operations within Pueblo 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, and one or more of which may naturally occur as a part of legal and non-negligent agricultural operations.
- b. In addition, all owners of land, whether Agricultural Business, Farm, Ranch or Residence, have obligations under State law and County regulation with regard to the maintenance of fences, livestock must be fenced out (open range). Irrigators have the right to maintain irrigation ditches through established easements that transports water for their use and said irrigation ditches are not to be used for the dumping of refuse. Landowners are responsible for controlling weeds, keeping pets under control, using property in accordance with zoning, and maintaining the resources of the property (water, soil, animals, plants, air, and human resources). Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County.

- c. Conflicts include, but are not limited to: trespass; harassment of livestock and livestock losses due to free roaming dogs; trespass by livestock, livestock on highways, county and private roads; leaving gates open; fence maintenance; harvest and transportation of agricultural and silvicultural crops; agricultural and prescribed burning; complaints of noise, dust, aesthetics, and odor resulting from production and processing operations; disposal of dead animals; weed, pest and predator control.
  - d. The Board of County Commissioners, with the primary assistance of the Colorado State University Cooperative Extension, Pueblo County Office, shall establish a dispute resolution procedure with mediators to informally resolve conflicts that may arise between landowners or residents relating to agricultural operations or activities.
  - e. When rural residents cannot come to an agreement or understanding about fences, ditches, livestock, or other agricultural issues, this may be the forum used to resolve disputes. Mediators must be knowledgeable, solution oriented, and at least one such mediator in each dispute must be directly involved in agriculture or an agricultural producer must serve in an advisory role to the trained mediator.
2. Public Education and Information Campaign. The Board, with the primary assistance of the Colorado State University Cooperative Extension Pueblo County Office and through the use of County Staff as needed, shall support efforts to educate and inform the public of the Right to Farm Policy.
3. People need to be aware that children and adults are exposed to different hazards in the country than in an urban or suburban setting. Farm equipment, ponds and irrigation ditches, electrical power for pumps, center pivot operations and electrical fences, traffic, use of agricultural chemicals, weeds such as sand burs, puncture vines that cause mechanical injury, territorial farm dogs, and livestock present real threats to children and adults. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood. Open irrigation waters are essential to agriculture and have legal right of ways that must not be obstructed. Open ditch operations often result in seepage and spills of storm waters in unpredictable locations and times.

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4. Property Owner Notification. The Board shall notify owners of land within the County by the following means:
  - a. This document will be distributed in all possible manners that the budget allows.
  - b. Whenever a subdivision, subdivision exemption, variance, or other official action of the Board of County Commissioners or the Pueblo County Planning Commission, will result in additional residential lots being created, the applicant shall be encouraged to provide any purchasers of such lots a copy of the above policy.
  - c. Whenever a building permit is issued for new construction in the unincorporated area of Pueblo County, the Pueblo Regional Building Department shall provide a copy of the policy to the applicant and a note to that effect shall appear on any Plat outside municipalities growth areas so approved.
  - d. The Board shall encourage title companies and real estate brokers county-wide to voluntarily disclose the Policy to purchasers of real property in the county.
5. Pueblo County should utilize existing and develop needed intergovernmental agreements with the cities, towns and other governmental agencies to ensure that this resolution is effective in those agricultural areas that are within the limits of Pueblo County.
6. The intent of this Resolution is not to modify or restrict the requirements of the Pueblo County Zoning Resolution. In the event of a conflict between this Resolution and the Pueblo County Zoning Resolution, the terms of the Zoning Resolution shall control.

By the following vote on roll-call: