BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2000-G-010

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

Commissioner Allen moved for the adoption of the following resolution. Commissioner Bobicki seconded the motion.

WHEREAS, the Board of County Commissioners of Alamosa County ("Board") has adopted this Resolution establishing a policy regarding the importance of ranching, farming, and other agricultural activities and operations in Alamosa County; and

WHEREAS, the changing nature of land use and demography in particular parts of, and throughout, Alamosa County have increased the incidence of conflicts between agricultural operators and visitors to and residents of rural Alamosa 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; leaving gates open; fence construction and maintenance; chemical applications; maintenance of ditches across private property and burning ditches; complaints about noise, dust and odor; disposal of dead animals; weeds 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 Alamosa County about the existence, validity, and importance of the County's agricultural operations and activities; and

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

WHEREAS, pursuant to this Resolution, the Board shall attempt to aspire to:

a. conserve, enhance, and encourage ranching, farming, and all manner of agricultural activities and operations within and throughout Alamosa County;

b. minimize potential conflicts between agricultural and nonagricultural 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;

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) & (b), 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, 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 nonagricultural 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 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

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

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

1. Policy Statement. It is the policy of the Board of County Commissioners of Alamosa County, as set forth herein, that:

> Ranching, farming, and all manner of agricultural activities and operations within and throughout Alamosa 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 Alamosa County, the San Luis Valley and the State, agricultural lands and operations are worthy of recognition and protection.
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> 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 Alamosa 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 only as inconvenience, eyesore, noise, and odor. However, State law and County policy provide that ranching, farming, or other agricultural activities and operations within Alamosa

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 maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, 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. The Colorado State University Cooperative Extension Office in Alamosa County has many good materials on this subject matter.

Public services in a rural agricultural area are not provided at the same level as in an urban or suburban setting. In addition to the sheer magnitude of the area to be served, which stresses available resources, there must be priorities established in order to provide appropriate service. Road maintenance may be at a lower level; mail delivery may not be as frequent; utility services may be nonexistent or subject to interruption; law enforcement, fire protection and ambulance service may have considerably longer response times and snow may not be removed from the County roads for several days after a major snowstorm. First priority for snow removal is that school bus routes are normally cleared first.

The Board of County Commissioners has also established a dispute resolution procedure designed to informally resolve conflicts that may arise between landowners relating to agricultural operations or activities. When you and your neighbor cannot come to an agreement or understanding about fences, ditches, livestock, or other agricultural issues, this may be the forum you need knowledgeable mediators, solution-oriented, informal, voluntary, confidential, and without direct lawyer involvement. For further information regarding your obligations and rights under this policy you are invited to contact the Board of County Commissioners of Alamosa County.

2. Public Education and Information Campaign. The Board, with the primary 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 oral presentations to community associations and organizations and schools; creation of signs for roadways in Alamosa County; preparation and distribution of press releases relating to the Right to Farm and Ranch Policy; sponsoring tours and other events, and other similar activities.

3. Property Owner Notification. The Board shall notify the owners of land within the County by the following means:

a. A one-time mailing to the record owners of land within Alamosa County of the above Policy Statement. A copy of the Policy Statement shall accompany the tax notices mailed to the record owners of all real property in Alamosa County for the 2000 tax year.
b. The Board shall initiate amendments to the County subdivision regulations to provide that notification of the Policy and the Policy Statement shall be made at the time of any subdivision or related land use approval and a note to that effect shall appear on any Plat so approved.
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. To that effect, the Board shall schedule presentations to the Board of Realtors and other professional organizations to explain the Policy and distribute copies of the Policy.

4. Agricultural Conflict Resolution Program. There is hereby created an Agricultural Conflict Resolution Program for the purpose of providing a forum for the resolution of conflicts between or among landowners and/or residents regarding agricultural activities, operations, or practices occurring within Alamosa County.

a. Mediation Panel. A mediation panel shall be appointed for the purpose of hearing grievances regarding agricultural conflicts between Alamosa County landowners or residents, and making recommendations for the resolution of such conflicts. The panel shall be made up of three residents of Alamosa County, appointed by the Board of County Commissioners. Each member shall serve a term of two years, except that one member of the initial panel shall be appointed for a one year term only so as to stagger the terms of the panel. Priority in appointment shall be given to individuals with mediation, arbitration, and other dispute resolution skills, however, experience in ranching or farming shall be mandatory for at least one member of the panel. Members of the panel shall receive no compensation, but may receive reasonable expenses incurred in the carrying out of their duties, and the County shall make reasonable staff time and other in kind resources available to the panel, as needed.

b. Procedure and Rules. The initial mediation panel shall draft and recommend rules or procedures for the hearing of grievances by the panel. Once drafted, such rules or procedures shall be presented to the Board for its approval and adoption. Any amendments to such rules and procedures shall be made in the same manner. The rules or procedure recommended by the panel and adopted by the Board shall conform in the minimum to the following:

i. Hearing of grievances shall be informal and appearances before the panel shall be by the parties themselves without representation by an attorney; a party may be represented by counsel to receive general advice on how to proceed or whether to accept a resolution recommended by the panel, but such counsel may not make an appearance, in person, in writing, or otherwise, before the panel;
ii. hearing of grievances and acceptance of any recommendation of the panel shall be voluntary; the procedure is not mandatory and the results are not binding on either party, unless the parties by mutual written agreement agree that they shall be bound by the decision of the mediation panel;
iii. all proceedings shall be confidential and no panel member or other county staff shall dispute any information discovered or made known in the course of any grievance proceeding, absent consent by the parties.

Roll call vote resulting in approval: 3 in favor, none against.

DATED: May 17, 2000

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(SEAL)

By _____
Robert Zimmerman, Chairman

ATTEST:

_____
Holly Z. Lowder, Clerk of the Board

ALAMOSA COUNTY

LAND USE DEPARTMENT

Certification of Resolution No: 2000-G-010
RIGHT TO FARM AND RANCH POLICY

Agriculture, as a way of life, benefits all residents of Alamosa County. It is an important part of the economy and adds intrinsic value to life in Alamosa County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences, such as weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, Alamosa County intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance so long as it occurs as a part of non-negligent and legal agricultural practice, as stated in C.R.S. 35-3.5-101, 102 and 103.

By signing below you are acknowledging that you have received a copy of Resolution No: 2000-G-010 Right to Farm and Ranch Policy

(Signature)	**(Date)**
(Signature)	**(Date)**
(Signature)	**(Date)**
(Signature)	**(Date)**

This form must be completed and returned to the Land Use Department in order to continue with your Land Use Application.