

STATE OF COLORADO)

) ss

RESOLUTION NO. 95-033

COUNTY OF ROUTT)

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
ROUTT COUNTY, COLORADO, ESTABLISHING AND MAKING A STATEMENT OF
POLICY REGARDING THE IMPORTANCE OF AGRICULTURE TO THE CITIZENS
OF ROUNT COUNTY**

WHEREAS, Routt County has a rich history of ranching, farming, and other agricultural activities and operations, which history continues to the present; and

WHEREAS, ranching, farming, and other agricultural activities and operations provide a broad, diverse, and valuable economic base to Routt County, demonstrated not only in the total revenues generated from the sale of agricultural products, but also in the numbers of, and sales generated by, related businesses; and

WHEREAS, ranching, farming, and other agricultural activities and operations in Routt County have long been the landscape maintenance system which defines the rural character of Routt County, creating and maintaining a working, productive landscape which can be operated in a low-impact and sustainable fashion; and

WHEREAS, ranching, farming, and other agricultural activities and operations in Routt County sustain and protect the important wildlife, natural, scenic, and open space qualities of Routt County; and

WHEREAS, ranching, farming, and other agricultural activities and operations in Routt County, by protecting open space and natural qualities and through embodying the Western character and spirit of the County, add to the tourism experience of our visitors as well as the quality of life of our residents, urban and rural alike; and

WHEREAS, the Routt County Master Plan, in its "Philosophy of Planning," discourages new development that would adversely affect agriculture and provides that "Agriculture provides food, represents a stabilizing economic base for all of Routt County, allows most natural ecological processes to continue and provides the predominant manmade character of Routt County. Therefore, Routt County encourages development that would not disrupt agricultural production and when necessary encourages marginal, less productive land to be developed, rather than Routt County prime agricultural land."; and

WHEREAS, various community studies, surveys, reports, and plans undertaken during recent years have indicated nearly unanimous public, community, and county-wide opinion and support on the importance of agricultural lands and operations in Routt County; 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, 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, pursuant to C.R.S. § 35-3.5-102(1), an agricultural operation is not, nor shall it become, a public or private nuisance by any changed conditions in or about the locality of 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 Routt County to establish a policy statement reflecting the importance of ranching, farming, and other agricultural activities and operations to the County, which policy may be used to guide the decision making of the Board and other County officials and staff; and

WHEREAS, such policy statement reflecting the importance of ranching, farming, and other agricultural activities and operations would serve and promote the public health, safety, welfare, and morals of the citizens of Routt County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Routt County, Colorado, that it shall be the policy of the Board that:

1. Ranching, farming, and all manner of agricultural activities and operations within and throughout Routt County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, lifestyle, and culture.

2. Ranching, farming, and all manner of agricultural activities and operations within and throughout Routt County shall not be considered by the Board to be nuisances so long as operated in conformance with the law and in a non-negligent manner.

3. Through present and future study, consideration, and adoption of land use, cultural preservation, "right-to-farm," or other County resolutions, ordinances, regulations, plans, reports, or policies, 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 Routt 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.

ADOPTED this 5th day of June, 1995.

BY THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY,
COLORADO.

Nancy J. Stahoviak
Nancy J. Stahoviak, Chairman

Vote: Ben S. Beall (Aye) (Nay)
Nancy Stahoviak (Aye) (Nay)
Dan Ellison (Aye) (Nay)

ATTEST:

Kay Weinland
Kay Weinland, Routt County Clerk and Recorder