

MESA COUNTY. COLORADO
RESOLUTION NO. 2021-11

A RESOLUTION TO AMEND RESOLUTION MCM 97-132
“RIGHT TO FARM AND RANCH” POLICY

WHEREAS, the Board of Mesa County Commissioners (hereinafter “the Board”) adopted Resolution MCM 97-132, A Resolution of the Board of County Commissioners of Mesa County, Colorado Establishing a “Right to Farm and Ranch” Policy.

WHEREAS, the Board wishes to amend this Resolution as defined more specifically in paragraph 5, new paragraph 6, and renumbered paragraph 7:

- 1 Any agricultural operation and/or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.
- 2 Agriculture, as a way of life, benefits all residents of Mesa County. It is an important part of the economy and adds intrinsic value to life in Mesa County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences. Some inconveniences are, but not limited to, weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of day and night, and on-farm processing and marketing of crops and livestock. To maintain the way of life, we must protect the business from unnecessary intrusive litigation. Therefore, none of these inconveniences shall be considered a nuisance as long as they occur as a part of legitimate, non-negligent and legal agricultural practice, as stated in Colorado State Statute 35-3.5-101, 102, 103 as amended.
- 3 In addition, all owners of land, whether farm, ranch, residential or commercial, have obligations under Colorado State Statute and Mesa County Regulations. A partial list of these obligations includes:
 - a. Using property according to zoning.
 - b. Maintaining fences.
 - c. Maintaining irrigation and drainage systems.
 - d. Leaving gates as they were found.
 - e. Managing and controlling weeds and insect pests.
 - f. Controlling livestock.
 - g. Respecting legal historical easements and rights-of-way used for livestock trails, maintenance of fences, and maintenance of irrigation and drainage systems.
- 4 Residents and visitors also have obligations under Colorado State Statute and Mesa County regulations. A partial list of these obligations includes:
 - a. Avoiding any trespasses upon agricultural operations, irrigation and drainage systems and other private property.
 - b. Controlling pets.
 - c. Not harassing livestock.
 - d. Not pilfering crops and equipment.

5. In spite of our efforts to be good neighbors, conflicts will arise. To help resolve these conflicts, the Board shall form an agricultural advisory panel. The panel shall be used to determine whether an agricultural practice is historical, traditional, legitimate and reasonable, and mediate conflict when able.
6. At the request of the Board of County Commissioners, the panel can serve as advisor on agricultural related issues.
7. The panel shall be selected by and shall operate under the following guidelines:
 - a. The panel shall have seven members appointed by the Board to serve two-year staggered terms, and shall serve at the pleasure of the Board. The panelists shall serve as volunteers without compensation except for reasonable expenses.
 - b. Seven panelists shall represent a diverse cross section of production agriculture.
 - c. All panelists shall reside in Mesa County.
 - d. Any recommendations shall be made by a panel majority.
 - e. When called upon by the Board, the panel shall have 15 days to investigate the complaint. Cooperation is expected from the complainant, the defendant and the County staff. The parties involved shall appear at the investigation in person at the panel's request. Legal counsel shall not be present during the investigation. The panel shall have the opportunity to confer with any party that may have legitimate input into the resolution of the conflict.
 - f. During the investigation, the panel shall encourage mediation between the conflicting parties. The panel may offer suggestions to either party that may help resolve the conflict.
 - g. The panel shall have 15 days after the investigation to make a recommendation to the Board.

NOW, THEREFORE, BE IT RESOLVED that the Right to Farm and Ranch Policy is amended as referenced above. DULY MOVED, SECONDED and PASSED this 1st day of March, 2021.

MESA COUNTY
BOARD OF COMMISSIONERS

BY: Janet Rowland
Janet Rowland, Chair

ATTEST:

Tina Peters

Tina Peters
Mesa County Clerk and Recorder

