



Colorado State University Extension
Golden Plains Area Extension

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Kit Carson County Right to Farm and Ranch Policy

(Burlington, Colo.)

Kit Carson County is a productive agricultural county in Colorado. Ranching, farming, animal feeding, and all other manner of agricultural activities and operations in Kit Carson County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape and lifestyle. Kit Carson County specifically recognizes the importance of agricultural operations as necessary and worthy of recognition and protection. As a result, the County government has established the following policy.

Landowners, residents and visitors must be prepared to accept as normal the effects of agriculture and rural living. These may include noise from tractors, equipment, and aerial spraying, sometimes at night or in the early morning; dust from animal pens, field work, harvesting and gravel roads; odor from animal confinement operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers, including aerial spraying; and movement of livestock or machinery on public roads.

Under the provisions of the State of Colorado's "Right to Farm" law (35-3.5-101 et seq.), an agricultural operation that employs methods or practices (BEST MANAGEMENT PRACTICES) that are commonly or reasonably associated with agricultural production shall not be found to be a public or private nuisance. Further, an agricultural operation that employs these methods or practices shall not be found to be a public or private nuisance as a result of change in ownership; nonpermanent cessation or interruption of farming; participation in any government sponsored agricultural program; employment of new technology; or a change in the type of agricultural product produced. An agricultural operation shall not be found to be a public or private nuisance if such operation was established prior to the commencement of the use of the area surrounding such agricultural operation for nonagricultural activities; employs methods or practices that are commonly or reasonably associated with agricultural production (BEST MANAGEMENT PRACTICES), and is not operated negligently.

Also, public services in a rural area are not at the same level as in an urban or suburban setting. Road maintenance may be at a lower level; county graveled roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road; roads within subdivisions may be the private responsibility of the homeowners to maintain; mail delivery may be interrupted or not be as frequent; utility services may be nonexistent or subject to interruption; law enforcement, fire protection and ambulance service will have considerably longer response times due to the distance that must be traveled; fire protection and ambulance services is provided by volunteers who must leave their jobs and families to respond to emergencies; snow may not be removed from county roads for several days after a major snow storm; and snow removal from roads in subdivisions are of the lowest priority or may be the private responsibility of the homeowners. First priority for snow removal is school bus routes and mail routes.

All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Kit Carson County. All owners of land, whether ranch or residential, have obligations and limitations under state law and county regulations with respect to maintenance of fences and

irrigation ditches, use and access to irrigation water, controlling weeds, keeping livestock and pets under control, and using property in accordance with building, health, zoning, and land use regulations.

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