

17.09.090: AGRICULTURAL RESTRICTIVE COVENANT:

Within the area zoned agricultural in Cache County, it is expected that there will be a broad range of agricultural uses. Any use of land other than a use denominated as an agricultural use in this zone shall be subject to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural uses. Any person who chooses to site a use other than an agricultural use in this zone will be required to record a signed declaration against their property making it subject to a restrictive covenant in favor of all agricultural uses; specifically that their property is subject to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., then existing or which may exist in the future in an agricultural zone. Further, that they waive any claim for nuisance or otherwise against adjacent property for agricultural operations. Agricultural operations that are consistent with sound agricultural practices are declared reasonable and shall not constitute a nuisance. Agricultural operations that are in conformity with federal, state and local laws and regulations are presumed to be operating within sound agricultural practices. The form of the declaration shall be substantially as follows and it may be incorporated verbatim or by reference:

AGRICULTURAL DECLARATION

The property described herein is subject to all adjacent Agricultural Uses allowed within this zone, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural uses now existing or which may exist in the future in an Agricultural zone. By this Declaration, the undersigned, and their successors in interest, hereby waive any claim for nuisance or otherwise arising from regular and customary agricultural operations. Agricultural operations that are consistent with sound agricultural practices are declared reasonable and shall not constitute a nuisance. Agricultural operations that are in conformity with federal, state and local laws and regulations are presumed to be operating within sound agricultural practices.

(Ord. 2006-10, 11-14-2006)