

Getting it right! La Plata Liberty Coalition takes on the land-use code

The *Herald* has published several columns recently regarding the proposed land-use code and property rights.

One, by the executive director of the San Juan Citizens Alliance (*Herald*, Jan. 21), states: "The gist of the public debate about the land use code is whether it limits what people can do with their property." Well, it certainly does. Everyone favors streamlining of the permitting process, increasing its predictability and more consistency. I hope the commissioners would also favor keeping fees reasonable, not look at them as a new revenue source for the county.

When it comes to property rights, opinions tend to diverge and passions seem to increase.

The 5th Amendment to the U.S. Constitution, passed in 1791, states: "nor shall private property be taken for public use, without just compensation."

Common sense says that protecting "open vistas" and preserving "scenic corridors" and "aesthetics" is a public use and therefore requires "just compensation."

The San Juan Citizens Alliance appears to oppose protecting individual property rights, particularly of La Plata's rural citizens. Their executive director states: "It's head-scratching that 'plan' has become such a four-letter word among some county residents."

In my view, it's not a plan that is so head-scratching, but rather this particular plan, which envisions La Plata County as a 1.1 million-acre Home Owners Association. HOA is what has become a four-letter word!

As the plan states, county government has a legitimate

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purpose to: "Preserve and provide for the public health, safety and welfare of the citizens and businesses of La Plata County generally, and specifically as related to an adequate water supply."

However, the county's authority should not extend to:

% limiting building

height;

% using muted earth tones;

% screening structures and minimizing impacts on views;

% providing visual breaks to any structures' facade; or

% avoiding monotonous roof planes, etc.

These, and a myriad of other restrictions like them, are expensive to the property owner and represent a taking of private property rights for "public use." They may belong in a HOA, but not imposed on the entirety of La Plata County.

Common sense says that the more a property is restricted, the less value it has.

I may not like my neighbor across the river painting his barn orange with pink stripes and having a "monotonous roof plane," but I will fight to protect his right to do so.

Does the San Juan Citizens Alliance favor these restrictions? Does it favor the Scenic and River Corridor Overlay Districts and all the restrictions that come with them?

If landowners want to sell their farm to a developer, they should have the right to do so. However, if the developer wants to develop a property in an area that has inadequate infrastructure, then they should be required to pay for the needed improvements like sewers, roads etc., or be forced to scale back their proposal so that it does not become a financial burden to the taxpayers and protects the health, welfare and safety of our county's citizens.

The county can obviously use incentives, such as density bonuses, to encourage development in areas better able to support development and still protect the

legitimate rights of its citizens in other areas of the county.

The proposed code is merely eminent domain by regulation without compensation!

There is no doubt that a sensible middle ground can be found that achieves the worthwhile objectives of streamlining, clarifying and improving consistency without impairing our legitimate property rights or imposing unduly restrictive and expensive burdens on our citizens. Our commissioners seem to be moving in that direction.

The La Plata Liberty Coalition, a coalition of "We The People" working to protect and preserve the historical and constitutional rights of the citizens of La Plata County, is working with the county commissioners and planners to improve the process of developing an updated code by including more citizen input from the county's 12 Planning Districts and we look forward to "getting it right."

As Ronald Reagan said, "Government's first duty is to protect the people, not run their lives."

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