

**Resolution to Protect La Plata County Citizen’s Property Rights**  
(presented on behalf of the citizens of La Plata County  
from [freecounties.com/zoning-planning](http://freecounties.com/zoning-planning))

The undersigned elected officials and community planners officially engaged to create planning programs for La Plata County, do hereby agree to the following:

- Planning involves and affects regulation of private property rights.
- Individual property ownership includes the right of *usage* and is protected by the U.S. Constitution as well as the Colorado Constitution (and subsequent Revised Statutes) with a basic foundation of inalienable rights and individual liberty for all citizens, as defined in the Declaration of Independence.

Recognizing these basic legal facts, we agree that all citizen’s private property rights shall be placed in the ***highest priority*** of consideration during the planning and zoning processes in La Plata County; and, in the event that any part of the planning and zoning process or recommendations resulting from the process shall potentially negatively impact any property rights, property owners or the value of their private property, those affected property owners shall:

- a) Be provided full, timely disclosure notifying the property owner or owners of the potential that their private property rights may in some way be infringed or the value of their private property may be thereby affected, and,
- b) Be provided full disclosure outlining the rights to be infringed upon, and
- c) Be provided an opportunity to opt-out of any rights’ infringing regulation or policy.

The Colorado Constitution was written in 1876 to protect the citizen’s property rights when it states: "All persons have certain natural, essential and inalienable rights among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing, and protecting property; and of seeking and obtaining their safety and happiness." ([Article II Bill of Rights, Section 3](#))

Furthermore, in the event of property loss or usage by the private land owner due to planning restrictions or zoning changes, the affected private property owner shall be fully compensated as a result of such zoning or other related restrictions on the fair legal use of his property according to [Article II Bill of Rights, Section 14](#) "*Taking private property for private use. Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes.*" And [Section 15](#) "*Taking property for public use compensation, how ascertained. Private property shall not be taken or damaged, for public or private use, without just compensation.*"

Further, affected property owners shall be notified of the potential impairment to their rights and their individual written approval required before engaging in any of the following:

- a) Reconfiguration of zoning that intensifies or in any way adds restrictions to existing rights,
- b) Implementation of conservations easements or Trading of Development Rights,
- c) Acceptance of grant money by the above named government entity or their assigned planners, whether from non-profit organizations, governmental or private funding sources.

Finally, it is agreed that no government representatives or their assigned planning agents, will come on to private property for any planning purpose without the written consent of the owner.

**Signed: (Elected Officials):**

County Commissioner: \_\_\_\_\_

County Commissioner: \_\_\_\_\_

County Commissioner: \_\_\_\_\_

**Signed: (Community Planners):**

(County Attorney): \_\_\_\_\_

(County Manager): \_\_\_\_\_

(Planning Director): \_\_\_\_\_

(Planning Commission Chair): \_\_\_\_\_