

Crushing Regulations Spell Doom For The Rural Landowner

As advocates for the American rural landowner, it falls upon [NARLO](#) (*National Association of Rural Landowners*) from time to time to support landowners in their constant struggle against onerous land use and environmental regulations, many of which are patently unconstitutional. Such was the case for a Colorado landowner that lives in a very remote part of Western Colorado. It seems overly restrictive regulations prohibited the landowner from dividing his 65-acres into two (2) five-acre tracts and one 55-acre tract. He wanted to give the two five-acre tracts one each to his two daughters. As a land consultant, we came to his aid with a strong letter to the local authorities, which we have repeated below. We have altered the names to some degree to protect the party's identity. This story is just one example of the piling on of insane regulations and the corruption that exists, even in small town America. It also shows how very rural counties are taking on the regulations of high dense urban cities, when such regulations aren't warranted. This is mostly driven by UN [Agenda 21](#) policies that are in direct conflict with constitutionally protected property rights. City dwellers have no idea the heavy burden this places on the rural landowner.

Dear Planning Commission Members:

Our non-profit organization represents rural landowners



~~through~~ ~~the~~ ~~process~~ ~~of~~ ~~the~~ ~~legis-~~
 tightening
 land use and
 draconian
 environmental
 regulations.
 We find that
 big-city land
 use codes are
 being re-
 invented in
 rural areas,
 that are
 totally out
 of proportion

to rural settings and largely based on UN Agenda 21 social and environmental policies that fly in the face of American constitutionally protected property rights. Your county would be considered as quite rural, if not almost remote from large cities. With a population of around 5,000 citizens, that works out to about 10 people per square mile. Many areas of America would be ecstatic to have such low densities. And yet, your land use code represents what very large cities do to control and manipulate growth, for reasons that are largely un-American. The desire to maintain a rural or agricultural character unfairly restricts rural property owners and subjects a rural minority to the tyranny of an urban majority. It is anything but equal protection under the law. By what rule of constitutional law is a majority allowed to dictate land use policy to a minority, without constitutional due process or just compensation?

We would like to address two issues with this communication. First, it has been brought to our attention that a Mr. Craig Smith and his wife Renee of No Place, CO have made application to divide Lot 35 of Log Village Unit 3, into two smaller tracts and one larger tract. And the reason for their

application is so that they can deed the two smaller tracts to their two daughters; a very reasonable request. Their property is part of a larger Planned Unit Development Subdivision, purportedly known as Log Village Unit 3. Our review of the elements of this case is that their application for subdivision falls well within the zoning requirements for the area and is serviced by all the necessary roads and utilities. The proposed lot sizes are no smaller than existing lot sizes in the unit.

However, we find two glaring concerns. The first is a land use code requirement that two thirds of the adjacent property owners and two thirds of the owners in Unit 3 must grant their approval before the Smith's can receive county approval for their subdivision. We find this requirement to not only be almost impossible to obtain, but patently punitive, if not unconstitutional. As you well know, it is hard to get 50% approval of anything, much less two thirds. Just ask the U. S. Congress. It also leaves the door open for retribution by one or more property owners against an applicant. It further subjects the applicant to blackmail for one or more approval votes. If adjacent property owners have so much control over a single neighbor's property, it would seem fair that the neighbors with the control pick up a portion, if not all, of the applicant's property taxes and subdivision fees.

The other issue that we find particularly curious is the fact that one of the adjoining property owners to the Smith's proposed subdivision is none other than your land use administrator himself, one Douglas Cann. This begs the question of the appearance of fairness doctrine, if not a direct conflict of interest. We also find it highly questionable that the staff, under which Mr. Cann oversees, is now proposing changes to the County Land Use Code, Section 6, by what the Commission agenda describes as "housekeeping changes" only. We have read the annotated copy of Section 6 showing those changes and they are anything but

“housekeeping”. In fact, these changes beg the appearance of an outright, blatant attempt by planning staff and perhaps Mr. Cann, to stop the Smith’ from subdividing their property at all.



Mr. Smith’s attorney sent a detailed letter, with specifics, to the County attorney, one John Degan, requesting reasons why the Smith subdivision cannot proceed. To our knowledge, the county attorney has not responded, in any manner, to that request. Again, this begs the question, was her delay in answering the Smith’s attorney’s letter, based on proposed revisions to the County Land Use Code that would render the request moot?

From our vantage point, we see an orchestrated pattern to deny the Smith’s their full right to subdivide their property for the very reasonable purpose of deeding that property over to their two daughters. To deny them this right has the distinct odor of political and unconstitutional under handedness.

We specifically request the following:

- 1. We direct the land use planning staff to deliver a copy of this letter to each of the commission members, prior to the start of the evening workshop and further said letter is to be entered into the record as public testimony, when a hearing for public testimony has convened.***
- 2. That you grant the Smith’s final approval to a very minor subdivision of their land. Their subdivision has little impact, harms no one and delays in or denial of approval would appear to be political, if not punitive in nature. Mr. Smith has bent over backwards to work with adjoining and unit property owners, to allay their***

concerns.

3. *That you revise the PUD code to remove the 2/3rds requirement for adjacent property owners and owners within a connected subdivision unit, to approve applications for a subdivision of property within that unit. Allowing notice to and public testimony by adjacent property owners is how most jurisdictions handle this situation. Again, this appears to be a blatant attempt to make further subdivision of property so difficult, as to make such subdivisions virtually impossible. Final approval should only come from the County Commissioners. We also find the 25% open space requirement to be additionally punitive. Who compensates the owner for this loss? These requirements have the hidden UN agenda of stopping, or making all subdivisions in rural areas of America, economically unfeasible.*
4. *Finally, we ask that you search your souls and look long and hard at your land use code, along with the proposed revisions. Start relieving some of these regulations before you end up doing what so many other jurisdictions have done, pricing their citizens out of single-family housing and stripping rural landowners of their constitutional rights. Regulation translates directly into increased cost of housing. Credible studies have shown that regulation can add as much as \$200,000 to the price of a home. Eventually, only very rich people will own single-family detached housing and the less fortunate will be relegated to apartments and condos. Government will be solely responsible for this gross injustice and denial of the American dream.*

All across America we see this pattern of government regulating to death everything that humans do. We find it incredulous that we would run into this same pattern in a remote section of beautiful Colorado.

Thomas Jefferson said: "When the people fear the government, there is tyranny. When the government fears the people, there is liberty." Beware that you do not create an environment by over regulating the people in your great county that will end up by people having a reckless disregard for the law, because laws are too restrictive, or worse, the people become lawless altogether. It is happening in other parts of America for exactly the same reasons.

As an adjunct to this testimony, we have over 30 years of direct land use experience in multiple states as a developer, an investor and a real estate consultant. In addition, we served for one year on the planning commission of a large city near Seattle, Washington. We also served over seven years as a director and vice president of a major city Chamber of Commerce, also near Seattle.

We learned recently that we blind-sided the commission with our allegations against the land use administrator and their land use code. As a result the rancher was able to obtain his permits. He was very grateful. This is just one of tens of thousands of stories of the rural landowner being besieged by draconian regulations, city, county, state and federal.

If you are a rural landowner that has been plagued by overly restrict land use and environmental regulations, perhaps we can help you. Check out our website [HERE](#). We provide land use [Consulting](#). We also offer constitutional, powerful, legally intimidating [No Trespassing signs](#) and a one-of-a-kind, unique [Rural Landowner Handbook](#). Over 7,000 of our No Trespassing signs have been installed on rural lands all over America. There's a reason. It is the powerful and effective message that appears on our signs.

If you know of a rural landowner relative, friend, or associate, pass this on to them. They will be glad you did.

Check out NARLO's video, "[Rural America In The Crosshairs](#)"

© 2019 Ron Ewart – All Rights Reserved

E-Mail Ron Ewart: info@narlo.org