

From: [Frank M Penwell](#)

Sent: Friday, September 02, 2011 10:39 AM

Subject: San Juan County CAO-BAS

Dear County Council and Citizens,

A few County Critical Areas Ordinance concerns:

- County Staff and County Committees communicate with certain individuals and organizations and ignore other individuals and organizations.
- Staff deletes some emails w/o reading them.
- Staff does not answer written citizen questions submitted to them.
- Staff writes and condenses information that they are not qualified to synthesize. The WA. Policy Center noted Staff made basic factual mistakes, misquoted information, and speculated.
- Staff asks special interests to respond in support of "personal" scientific theories, rather than seeking out peer reviewed science.
- Staff refuses to address: What and where are the identified local problems? County Staff is headed toward recommending 100 to 200 foot buffers, in spite of DOE's pronouncement that we have pristine waters, while other jurisdictions are allowed to have 25 foot buffers.

If you follow the money, or have been reading CAPR San Juan's Fact Sheets, or CSA's writings, you understand "Agendas" and "Special interests" are driving this process.

According to: Fish and Wildlife, N.W. Indian Fisheries and NOAA, marine life in Puget Sound is primarily affected by 4 factors: (the all-H analyzer) Habitat (spawning streams), Hatcheries, Harvest, and Hydro (Dams). To this we should add: Stormwater runoff from streets, industrial pollution, and municipal sewers. You will notice that there is a lack of science that relates to private property being a problem. Note that all identified factors/problems are controlled by government. It is not rocket science to conclude that waterfront homes, recreational docks, and private property are not measurable problems.

In 2008 I wrote that the County CAO process would lead to: a huge number of properties being affected, and our citizens not being able to afford to remodel or build due to over burdensome regulations. I also pointed out that we would not be able to plant fruit trees or gardens in wetlands or buffers. Staff responded by saying that few properties would be fully encumbered, and gardens and fruit trees would be allowed. When maps were presented that showed about 90% of properties affected, and I provided a copy of DOE's letter to Staff, my comments were substantiated.

Due process has not taken place in our CAO process, see Attorney General, Rob McKenna's 2006 Memorandum, and CAPR San Juan letters to Council on this subject.

It is time to stop Staff's playing politics, and their following special interests' directives. Their misinformation to our Council will lead our Council into years of legal battles with our citizens. It is time for Staff to be intellectually honest and fair, and base decisions on real science and environmental need. We need to demand that our County Staff lessen the regulatory burdens of our existing Critical Areas Ordinance, and not recommend making zoning regulations a "criminal" act. Staff needs to stop philosophizing and theorizing what problem an individual property might cause, and focus on "What are the identified problems?" Then we can all stand together and make a difference by solving any locally identified problems.

Sincerely,

Frank Penwell

Citizen Alliance For Property Rights

San Juan County Washington