

San Juan County Critical Areas Ordinance process:



Citizen

Do not feed the citizens

Criminal violations of UDC, CAO... illegal gardens & trimming

- Elimination over time via: Non-Conforming, Regulatory Costs, harassment...
- Hire: Surveyor, lawyer, hydrologist, and a biologist. Add on: CDPD fees, Bonds, 5 year plans, site inspections, restoration rules...\$\$\$
- Minimum use of property, forget GMA Goals & constitutional rights
- Director Discretion - unequal justice, presumed guilty
- After fire or damage, limited time to rebuild...Why?



Citizens' Alliance for Property Rights

Protect your property rights by making a tax deductible donation today. Send your donation to Box 1866, Friday Harbor, WA 98250



The attached cartoon notes some Citizen Concerns and complaints. Our community had hoped to avoid legal action, but our County is following the path of Kitsap County, Jefferson County, Bainbridge Island and Whatcom County, ie: years of court battles.

Our County has:

* **Not used a bottom up process**, as required by the GMA. It used the San Juan Initiative organization, made up of Amy Winthrop (past Surfrider employee), and leaders of special interest groups and government entities to influence and control County Staff to enact regulations that are contrary to our Comprehensive Plan's goals.

* **Ignored Comprehensive Plan Goals**: Staff has failed to: "Allow for the use of property to the greatest extent possible...", "Establish Critical Area requirements that are balanced and related to impacts.", "Establish funding mechanisms to support Critical Area protection programs...", "...funding for educations, technical assistance and cost share programs" "...develop voluntary and incentive-based programs..consider the positive effects of all State and Federal and local environmental protection programs...and..ensure reasonable use of property."

WHO ARE THEY WORKING FOR!! WHAT IS GOING ON?

Where are the Citizens?

- Bullitt Foundation
- Surfrider Foundation
- Department of Ecology
- California Coastal Commission
- Washington Environmental Council
- FutureWise
- Puget Sound Partnership
- Friends of the San Juans
- NOAA
- Tribes

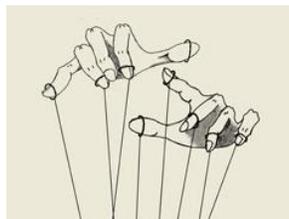


"A man's admiration for absolute government is proportionate to the contempt he feels for those around him." -- Alexis de Tocqueville

The Carrot



**The Ties that Bind:
Bullitt Foundation 2007**



The Stick



- **Surfrider Foundation – \$20,000**
- **Friends of the San Juans – \$35,000**
- In support of San Juan Initiative:
 - "To identify solutions to significant marine habitat protection problems in San Juan County"
 - "To influence local planning processes and development decisions."

Comments, questions, concerns from citizens have been ignored; we have Staff emails that note intolerance to citizen input, and the Best Available Science has clearly been cherry picked.

Our County Council should:

- Expand Reasonable Use Provisions in Critical Areas so a land owner can use and improve his/her property.
- Promote "Conservation" over "Prohibition"
- Promote setbacks language instead of buffers- which lead to "non conforming" complications
- Expand the definition of Non-Conforming Use to allow "Site Vesting"



CAPR San Juan and CSA cannot fight this injustice on their own. Please:

- Send in a tax deductible donation today: CAPR San Juan, Box 1866, Friday Harbor, WA. CAPR volunteers are protecting your property.
- Become educated on the issues, and share that education with your neighbors.
- Get involved. Contact us and help with volunteer time. 360-378-6473.
- Telephone your Council person and tell him how you feel: email **council@co.san-juan.wa.us**

Why we all need to invest in donating to CAPR San Juan:

Non Conforming language needs to be changed - will lead to elimination of your land uses and your land values.

Misuse of the Precautionary Principle needs to stop. In the Rio declaration, the Precautionary Principle was to be used where there is significant probability of irreversible harm with widespread effects. This has morphed into “if you can imagine it, it will happen.” Our County and Staff are not even able to answer the question, “Where is the problem manifesting itself in our County?”

Help educate the Council on what the laws are. We have provided the County a summary of what the law is with a Brief from Pacific Legal Foundation.

Change Limits on rebuilding after a fire, limits on gardens, limits on trimming.... Why is Staff doing this? Where is their science?

Costs, Costs, and Costs- This CAO language amounts to elimination via making growth economically impossible to the commoner.

Prevent guilt before innocence. One will have to make a deposit to the county in order to defend against an arbitrary guilty judgment by director discretion. U.S. Constitutional breach.

Silence has been cherry picked.- There are numerous examples

Stop staff non responsive behavior. At the very least, there should be written responses to citizens' questions. On April 19th, 2010, Citizens Alliance for Property Rights San Juan (CAPR SJ) made 4 reasonable written requests. CAPR SJ also offered to pay for Council and County Staff to have training on “Coordination”. CAPR SJ asked Council to allow time for the BAS synthesis to be rigorously peer reviewed by an independent party, since much of it was put together by County Staff. CAPR SJ sent one page of one part of the County BAS.

Todd Meyers, from the Washington Policy Center, responded by saying the County, “..misquotes the studies they cite...”, “...make factual errors...”, ...make assumptions...”..... We cannot allow our County to legislate based on this kind of workmanship!! Good Grief!!

- On 6/6/12 WA State **Attorney General Rob McKenna** questioned WHY WA State DOE is requiring SMP setbacks on private property that **EXCEED** what is required by the Federal Environmental Protection Agency.
- In the CAPR WA State Supreme Court case regarding taking of land from some to pay for a benefit to all, “...applies to ordinances that may require developers to set aside land as a condition of development,” wrote Judge Ronald Cox in a **unanimous decision**.
- It is CAPR San Juan's belief that if we are to have equal protection under the law, and civil rights protections, our County must start over with a bottoms up approach, and with an understanding of what their duties are and what the laws are. Join CAPR SJ today. Send your tax deductible donations today to Box 1866, F.H., WA 98250