

Citizen's Access Comments by Tim Blanchard on October 16, 2012
Statements in the 2013 Preliminary Budget regarding the CAO Review Process

I believe that Statements included in the 2013 Preliminary Budget ("Preliminary Budget") regarding the CAO review process are inappropriate and reckless.

First, the document states:

Critical Areas Ordinance (CAO)--While most of the time on task credit goes to the Council itself and Planning staff for progress on **development of the "middle ground" alternative, between those advocating "do nothing" (and non-compliance with Federal and State laws) and those wanting even stricter environmental rules and regulations (further encroaching on the property rights of individual owners)**, County Administration was in a constantly changing support role affecting scheduling, notices, public information and budget resources for the CAO team.

Preliminary Budget, Section 4 (Legislative and Executive), Page 8 (emphasis added).

This statement is:

- **Inappropriate** because it includes commentary that is not relevant to any budget decision. (How do the positions of some constituents within the County affect the County Council's budget approval decision-making?)
- **Inappropriate** because it reflects a policy position -- development of "middle ground" alternative -- that has not been adopted by the County Council. Policymaking is legislative and solely within the authority of the County Council under the Charter. Furthermore such a split-the-difference type position would be inconsistent with the Comprehensive Plan Goals, which already establishes sound policies for making decisions regarding these issues.
- **Reckless** because it misrepresents the positions reflected in public comments in the CAO. I am not aware of anyone actually advocating that we "do nothing." Even those coming **closest** to this position recognize that appropriate findings would be necessary to support such a position. (Please see "A REASONABLE WAY FORWARD FOR THE COUNTY AND THE CAO PROCESS," prepared by the Common Sense Alliance and submitted to the County Council on September 19, 2012 for a more accurate reflection of public comments challenging the current proposals.)

- **Reckless because it appears intended to foreclose or significantly undermine one course of action available to the Council by declaring it illegal (based on unidentified state and federal laws).** I submit that the conclusion regarding statutory and regulatory compliance with state and federal law is wrong and that the inclusion of this conclusion, which may operate to limit the deference available to the County Council in crafting an appropriate CAO for San Juan County, is wrongful.

Second, the document also states:

Critical Areas Ordinance Information--With all the conflicting information in the community **fomented** by critics and supporters of CAO on all sides, once adopted, **the County needs to develop and communicate information** on what the CAO is AND isn't. Staff training then needs to move into **community information and outreach, reducing the fears and defining the CAO as workable and livable.**

Preliminary Budget, Section 4 (Legislative and Executive), Page 9 (emphasis added). I mentioned two problems with this statement in my 3-minute comment:

1. Since when is merely "livable" the standard for San Juan County? What happened to protecting the high quality of living and rural lifestyles treasured in San Juan County?
2. I do not believe that we need an Orwellian propaganda machine to characterize the CAO for citizens. All we need is real transparency; open, clear, and timely communication; and honesty in government.

I would add that for County personnel to malign ("fomented by"¹)those who have taken part in the public participation process required by the GMA, SMA and general principles of government under our Home Rule Charter is highly inappropriate, but also quite telling regarding the orientation of the County staff contributing to this commentary.

I urged the Council to reject these statements in the Preliminary Budget and address the underlying staff orientation that produced them.

¹ The use of this language implies, without any reasonable basis whatsoever, and notwithstanding the good faith of the individuals and organizations involved, that:

- Those stating differing positions regarding these complicated issues -- or perhaps any position or analysis that challenges the positions asserted by the planning staff -- are just stirring up confusion and misleading people in the community.
- Those seeking to raise public awareness regarding what they consider the likely and potential effects of proposed CAO provisions for San Juan County residents and land owners are just fear-mongers.

Casting these aspersions in a County document is unnecessary, inconsistent with the recent calls for civil discourse, and unsupported by any facts I am aware of.

If I had more time, I would have asked several questions regarding a section of the Preliminary Budget regarding the Long Range Planning Program (Preliminary Draft, Section 5, Page 4), including:

- Why does work on the EPA Grant exclude producing the “Smoking Gun,”² which is one of the deliverables required under the grant? Has the County concluded that is unable to do so? Or, has the County just decided that it is not going to? Certainly showing folks the problem justifying changes to our land use regulations is more important to the people of San Juan County than “Provid[ing] a transboundary workshop on managing growth impacts in island ecosystems,” which is listed in the Preliminary Budget.
- Why doesn’t the plan for the Comprehensive Plan Docket include adopting a Rural Element to protect our rural character as required by the GMA, RCW 36.70A.070(5)? Surely protecting our rural character is as important to our local economy as protecting our critical areas AND both are GMA requirements.

Please also consider these questions in relation to the proposed budget and County planning priorities.

Respectfully submitted:

Tim Blanchard, Orcas Island

² According to the EPA Grant Application (Project Title: Managing Growth in Island Communities): “The short term output will result in a report providing the “smoking gun” that citizens and decision makers are asking for . . .” (emphasis added).