

Common Sense Alliance (CSA) petitioned the Growth Management Hearings Board for review of the San Juan County Critical Areas Ordinance (CAO) on Monday, February 4, 2013. The CAO was adopted by the San Juan County Council on December 3, 2012. Sandy Mackie of Perkins Coie LLP is representing Common Sense Alliance in this matter.

CSA believes that the new CAO regulations adopted by the County are inconsistent with the Growth Management Act, our Comprehensive Plan and fundamental principles of constitutional law. The new rules are complicated and, in some cases, incomprehensible to the average landowner, and require the hiring of experts and consultants in almost every case. Furthermore, despite the additional burdens imposed on the landowner, it is unclear whether the new regulations and restrictions on the use of land will have any beneficial effect on our environment.

CSA contends that the County drafted and adopted the new CAO regulations without ever determining, by proper evidence, that the existing CAO provisions failed in any way to protect critical area functions and values. Further, the CAO for Fish and Wildlife Habitat Conservation Areas seeks to declare every inch of San Juan County shoreline to be Critical Areas, without ever making the specific findings required by applicable state regulations for the designation of such areas.

Accordingly, the CAO passed by the Council in 2012 is a full-employment bill for attorneys, biologists, hydrologists, geologists and other 'experts' who will be required to wade through the mire of this regulation. Without identifying any environmental harm and the corresponding regulation to protect the functions and values of critical areas, the Ordinance creates a guessing game. The winner is the person with the most money to be able to push back at the county's attempt to implement the flawed CAO. The losers are our home rule charter government, our local economy and property owners or would-be owners that cannot afford to pay.

Common Sense Alliance is a community-supported, grassroots Washington non-profit organization committed to providing information and education on land use regulation and good government practices. Over the past three years, CSA has continually urged the County to conduct the review of our CAO properly; it steadfastly refused to do so. Accordingly, CSA has been forced to ask the Growth Board to require the County to adhere to the proper process, ask and answer the proper questions, and respect the goals of the Comprehensive Plan and fundamental property rights before imposing new land use restrictions and related financial burdens on our fragile economy and our current and future neighbors in San Juan County.

For information about Common Sense Alliance, please visit [www.commonsensealliance.net/](http://www.commonsensealliance.net/)