October 20, 2010

Summary of Public Comments and Questions

Thurston County Critical Areas Ordinance Update Public Meetings
October 5, 2010 – Grand Mound, WA
October 7, 2010 – Lacey, WA
October 12, 2010 – Rainier, WA
October 18, 2010 – Olympia, WA

Below is a summary of the perspectives, concerns and questions raised by citizens at the Critical Areas Ordinance public meetings. County staff is studying the issues and will consider them as they develop the draft ordinance.

People in the rural areas care deeply about their community and believe they are good stewards of the land and environment.

- Rural landowners are concerned about their personal economic future and the future of their communities. There are more and more restrictions on land use. The combined effect of all the regulations may prevent economic use of the land, create an uncertain financial future for landowners and limit the health of rural communities.
- Rural landowners are knowledgeable of the land and the environment but don’t feel respected for their knowledge or contributions to protecting the land and the environment.
- Rural landowners work hard to be good stewards and see an inequity in how they are treated in contrast to urban communities and government lands
- Farmers take care of their land and feel they don’t receive any of the credit for enriching the soil and protecting the property.
- Rural landowners feel they are bearing too much of the burden of environmental regulations.

Why are prairie species being protected? Are they really rare and threatened? Why propose new regulations now?

- The Oregon White Oak seems to be abundant across in other areas of the NW. It is a nuisance to property owners with horses and the chemicals it releases can contaminate the water for other species. Does protecting it in Thurston County really matter?
- Similarly the pocket gopher seems to be abundant both in Thurston County elsewhere in its natural range.
- County staff state one purpose of the ordinance is to maintain local control by preventing a federal listing of the prairie species. Is federal action really likely? What is the benefit of getting ahead of the federal government?

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• There is plenty of government-owned open space in Thurston County that can be used as pocket gopher habitat and saving gophers on private land will not make a significant difference.
• Prairie habitat is very resilient and persistent, and so are the gophers.
• It should be the government’s responsibility to buy the habitat if they want to protect a species.

Specific aspects of certain critical area regulations are excessive or unnecessary.
There are too many regulations and/or the regulations are too complicated.
• Why is it necessary to have an evaluation area for critical habitat of 600 feet?
• The change in minimum size of wetlands from 22,000 to 1,000 square feet considered in the critical areas ordinance will have major impacts for landowners.
• There’s too much rulemaking and the ordinary person can’t keep up with all of it.
• Too many of the restrictions are based on speculative conditions, such as volcanoes and landslides.
• There are too many layers of regulations, leading to too many experts being needed and too many agencies being involved.
• Some of the regulations go beyond health, safety, and welfare.
• Getting zoning changed is difficult and stressful for landowners.
• The County should consider Mount Vernon’s buffer methods that allow for adaptive management and tailored buffers.

Some landowners are concerned about what constitutes Best Available Science.
• Who determines what the best available science is?
• All science is biased, whether its peer reviewed or not, and policy makers choose which science to use based on their bias.
• The County needs to consider what the impacts are if the science is wrong.

Regulations to protect prairies should allow for human needs and uses of the land.
• There is a significant impact on the ability of both small and large landowners to use and develop their property.
• Property owners should be allowed to walk, mow, and ride horses in pocket gopher habitat and other critical areas.
• Pocket gopher habitat buffers are large and place significant restrictions on buildable area.

Permits and biologist/engineer surveys are expensive and could prevent the small landowner realizing the economic value of their land.
• Requiring a study by a biologist or engineers, because of the cost to the property owner, can turn an evaluation area into a buffer.
• If a biologist is needed to do an assessment, is there a way the County could pay for it, not property owners?
• The process is difficult, lengthy, and frustrating for landowners.
• The myriad of costs and organizations involved in obtaining a permit are excessive and confusing.

**Property owners should be compensated for loss of value from critical areas.**

• Private property rights need to be protected as well as the environment
• Limiting the use of private property is a taking. The ordinance shouldn’t be allowed to take place without compensation of land owners who are affected.
• Takings by the government without economic relief should be illegal.
• Property owners are already hit hard by the recession and there are already foreclosures. Now is not a good time to reduce property values.
• Critical areas reduce the value of the land and make it difficult to get loans to support building of single family homes as well as on-going agriculture.
• Critical area buffers that cause existing structures to become non-conforming uses make it difficult to obtain loans or insurance on those structures.
• Landowners can’t make long term plans about the value of the land because regulatory changes could reduce that value.
• While usable land is getting smaller because of regulations, taxes continue to go up.
• Too much control has been taken over by government.
• Landowners are responsible for what happens on their land, and the County is trying to assume too many of those responsibilities.
• There should be an incentive based system for protecting critical areas, rather than mandates.
• Critical areas preclude people from buying property because it’s locked up.
• The regulations take away the landowners ability to be a steward of the land.

**The new regulations will affect hundreds of property owners and they should be notified directly.**

• The County should send a letter to landowners explaining how the ordinance affects the value of their property.
• The new revisions should not be adopted and the existing ordinances should be reconsidered.
• The County needs to educate the public on the ordinance.
• The County should send a letter to landowners explaining how the ordinance affects the value of their property.
• Landowners voice their concerns repeatedly at meetings and it doesn’t seem to make a difference.

**Regulations should be applied consistently.**

• The burden of protecting prairie and gopher habitat falls entirely on private property owners. Why aren’t prairie and gopher habitats on County land, in the Grand Mound cemetery, and on properties with existing homes being protected to the same degree?
• Why are protections for Oak trees and other species different a few miles away in Lewis County? Why is Thurston County more restrictive?
• Regulations need to be consistently applied to corporations in the same way they are applied to individual property owners.
• Agriculture is exempt from the new regulations while a process by the Ruckelshaus Center is being underway. Shouldn’t the County wait until the Ruckelshaus Center process is complete before proposing new regulations?
• Enforcement needs to be consistent and there need to be real penalties when people break the rules.
• Septic system regulations are inconsistent. Why do some landowners need to pay for inspections every three years when neighbors with older, more vulnerable systems not need inspections?
• It feels arbitrary to some landowners who get to build when and why.
• For the purpose of the critical areas update, the definition of agricultural lands is unclear.

The CAO will have broader impacts on the County.
• The ordinance will reduce County tax revenue and discourage businesses from moving to the area.
• Ordinances designed to protect farmland have historically led to fewer farms in the County.
• The County is using the issue of gophers to drive people toward cities.
• Thurston County policies drive out farmers and bring in housing developments.
• The County needs to be clear about the big picture of how Thurston County will be in 50 years.
• Landowners worry about what further restrictions and regulations will be next.
• The regulations scare farmers into not farming anymore.

Critical areas are valuable and need more protection.
• Critical habitat areas should also include habitats for animals we’re trying to protect in the Puget Sound.
• Some property owners with threatened species on their land have had a positive experience working with the government to protect them.
• Commercial aquaculture threatens the health of Puget Sound. If landowners are required to protect species, commercial aquaculture should be restricted from impacting species and the health of Puget Sound.
• Wetland buffers should be determined on a step-scale basis, not a gradual basis.
• Critical area protection is difficult but necessary, and should have begun decades ago.
• It is past time for the critical areas ordinance to be updated.
• The regulations need to be based on science and shouldn’t include policy-based compromises.
• Water is a critical concern in Thurston County. Both prairies and wetlands affect water quality and therefore the long term health of wildlife and people in Thurston County.
• Citizens enjoy living in Thurston County because of rural areas and open spaces and it’s important to take the time to protect them.
Zoning issues
- Having critical areas on your property should not cause you to lose a building lot or be down zoned. This innovative zoning technique is not supported by science and is an unfair and unequal burden on small property owners. The innovative zoning technique should be separated from the critical area ordinance and process.
- Zoning makes it too difficult to develop in Rochester or between Rochester and Grand Mound.
- Commercial and industrial zoning shouldn’t be mixed. (Referring to a specific piece of property.)

Other
- The South County area doesn’t have good ditching or storm drainage and houses get flooded that wouldn’t if there were better ditches.
- People in the cities shouldn’t have a say in what happens in the unincorporated areas of the County.
- FEMA flood maps have many errors and put properties in the floodplain that shouldn’t be there.
- Grand Mound should have its own zip code and shouldn’t have a Centralia address.
- Regulations in Washington State need to be updated to allow installation of innovative septic systems.
- Different contractors quote different fees they have to pay the County to pump a septic system. Additionally, the fee seems like an unnecessary disincentive for property owners to get their systems pumped.
- Landowners should be able to replace old docks without difficulty.
- There are errors on County maps for the location of critical areas.