

I agree.

Preston

-----Original Message-----

From: capr-discussion-bounces@lists.celestial.com [mailto:capr-discussion-bounces@lists.celestial.com] **On Behalf Of** Jack Venrick

Sent: Monday, December 26, 2005 9:45 PM

To: Undisclosed-Recipient

Subject: [Capr-discussion] Little by Little

This is well said.

Jack Venrick

[close this window](#)

Little by little, property rights being eroded

By Robert Meadows

Nov 05 2005

Soon the latest act in the long-running drama of growth management will end with the Kitsap County commissioners' consideration of a proposed revision to our Critical Areas Ordinance.

Perhaps "drama" is not the appropriate term, since the public hearings have so far been more reminiscent of an opera.

While opera aficionados may appreciate the histrionics, this writer must confess to having fallen asleep at the only opera he attended.

Reading some of the background material for the revised critical areas ordinance had similar somnolent effects.

Thank goodness for people with a special interest in such matters. Without them, our county commissioners and county planning commission members would be left at the mercy of bureaucrats who chose the development of growth management regulations as their life's work.

The efforts of those who opposed the suggested revisions to the existing ordinance have ensured that the outcome of the next act cannot be predicted with certainty. The planning commission has recommended that the county commissioners not adopt them in their entirety without changes.

The crux of the dispute appears to be something called the "best available science" — that is, the information available to decision makers which would reliably indicate that one restriction or another on the use of private property ought to be enacted into law.

For property owners and developers, a bone of contention is the size of "buffers" along the boundaries of wetlands and streams.

Inside those buffers, the land must be left in its natural state; that is to say, its condition when no human beings make any mark on it.

Imagine owning a few acres and being required by law to leave untouched a significant portion of it, and you can understand the motivation of those whose opposition to the ordinance earns them the label "special interests."

Those of us who live in homes or apartments built on land from which rain and wildlife has already been excluded may not feel a special interest in this particular argument. We have perhaps only a general interest in the condition of our community as a whole.

There probably is little that could change this situation. Some property owners recognize their vulnerability, and some who consider themselves to be more concerned about the environment than the rest seek to take advantage of that vulnerability.

If it seems harsh to characterize the environmentalists as taking advantage, consider how the costs of their desires to preserve a natural environment free of human taint are paid.

Rather than ask all of us as taxpayers to pay for the purchase of land or conservation easements, environmentalists in this particular opera focus on the enactment of restrictive laws which impose the entire cost on people who own the affected land.

If we all consider it to be important that wildlife habitat be preserved, why don't we insist on buying the needed land and setting it aside?

Similarly, if the need for clean and abundant water in Kitsap County is important to us, why don't we insist on buying the necessary watershed and aquifer recharge areas to ensure that it is available?

These appear to be public uses of land, and at one time it was recognized in this country that owners of land taken for public uses had to be compensated for that land.

If the best available science indicates that certain uses of some land in our county should be prohibited, and that the land should be set aside for public uses, how have we made the leap from compensating the owners to telling them to leave their land alone?

There was no leap. Instead, like the implementation of many ideas of people with good intentions, the change occurred over decades during which the imposition of costs on the few for the benefit of others didn't seem so obvious.

We started with zoning ordinances and laws prohibiting land uses that would create nuisances for neighbors, and the restrictions just continued to grow until the idea of protecting neighbors' quiet enjoyment of their land was no longer even a consideration in newly enacted restrictions.

Now, we hardly blink when something like the proposed critical areas ordinance states that it shall be our county's policy to avoid any net loss in fish and wildlife species and habitats in designated conservation areas.

We once called those wildlife sanctuaries, and they were purchased for use as such.

Our civil servants, in their desire to ensure that the environment is protected from humans, note in their briefing materials that most of the best available science related to stream buffers stems from studies of land that bear no resemblance to the land in our county — but recommend significant buffers nevertheless.

If the question were whether to spend some of the revenue available to the government to purchase the land within those buffers, would the difference between the characteristics of the studied land and our county's land seem more important?

Probably so, but that won't be the way such decisions are made until a lot more people begin to take a special interest in the outcome.

Robert Meadows is a Port Orchard resident.

(c) 2005 Port Orchard Independent. <http://www.portorchardindependent.com/>

FAIR USE NOTICE

Information provided here contains copyrighted material, the use of which has not always been specifically authorized by the copyright owner. We are making such information/material available in an effort to advance understanding of environmental, political, human rights, economic, democracy, scientific, and social justice issues, etc. We believe this constitutes a "fair use" of any such copyrighted material as provided for in section 107 of the US Copyright Law. In accordance with Title 17 U.S.C. Section 107, the material is distributed without profit to those who have expressed a prior interest in receiving the included information for research and educational purposes. For more information go to: www.law.cornell.edu/uscode/17/107.shtml. If you wish to use any copyrighted material for purposes of your own that go beyond "fair use", you must obtain permission from the copyright owner.