

**Hirst Decision: an
attack on rural
landowners' right to
potable water**

By Ed Kilduff



The October 2016 Washington State Supreme Court decision *Hirst vs. W. Washington Growth Management Hearings Board* (“Hirst”) opens a new offensive against individual property rights and common sense;

and it continues the trend of legislative rule-making by our Supreme Court.

Our Washington Supreme Court justices have habitually strayed from their judicial role into the realm of policy making from the bench. The ruling is disastrous for property rights, and it is a crowning achievement of decades of subterfuge by Futurewise (the prime plaintiff in the Hirst case), who together with like-minded groups, champion never-ending aggression and control of citizens via centralized planning.

The effect of the Hirst case is summed up best by Justice Stevens in his dissent from the majority: “The majority’s decision hinges on an interpretation of RCW 19.27.097 that is unsupported by the plain language of the statute, precedent, or common sense.”

Hirst is deals primarily with water, though it’s affects are broad since it

IN THIS ISSUE:
The Hirst Decision
by Ed Kilduff
Nerding Out on History
by Minnie Knych
Community Treasures
by Dwight Ware
Spotlight: 45th Leg Dist
by Mike Gallagher
Affordable Housing
by Barry Cave
Republican Party
Structure: from local to state

affects the ability of landowners to obtain a building permit. Few landowners want to develop a property without adequate access to potable water.

Post Hirst decision, homeowners may have to prove that their use of wells does not affect nearby streams or other

[contd. p2 “Water Wars”]

[contd. from p1 “Water Wars”]

senior water rights – even theoretical impacts to streams are enough to prohibit homeowners from obtaining a building permit. Homeowners are put in the position of potentially spending many tens of thousands of dollars on hydrogeologic studies, with no guarantee that such studies will achieve their goals.

The practical effect is to further inhibit growth in rural areas that have already been hit hard by restrictions stemming from the Growth Management Act (GMA). Hirst requires that water now be incorporated into GMA planning, so effectively, GMA jurisdiction has been extended by Hirst to cover both land and water supply now.

This method of dealing with water rights is contrary to the age-old process of allocating water rights via the adjudication process and the courts. **Now, planners can rule on water rights and create conflicts where**

none existed in the past – and where none exist in reality either.

In counties with a mindset hostile to growth, such as Whatcom County, the effect of Hirst has been a devastating moratorium on rural building. In many cases, families purchased rural properties (e.g., for retirement) long before Hirst and invested substantial amounts of money in site infrastructure (septic, power, and well installation), but have not yet begun the building process or received a building permit.

In those cases, because the on-site well has not yet been used for beneficial use, there is no associated water right for the well, and therefore no “adequate supply of water” to develop the land. The land is now undevelopable and worthless, and the owner financially ruined.

There is no telling where this will end up, but the consequences and shifts in power are tectonic. Tax burdens will inevitably shift from worthless rural

properties to urban properties, for example. Holders of existing water rights (i.e., public utility districts, tribes, cities) now have valuable assets that may be sold to those seeking to develop property. Stay tuned.

**NERDING OUT
ON HISTORY**

by Minnie Knych



On July 4th, we celebrated America’s Declaration of Independence. That eloquent document is an important part of our history. So, how much do you really know about the Declaration

[contd. p3 “History”]

[contd. from p2 "History"]

of Independence?

Here are the questions: (Answers are below. Answer without peeking and then see how you did!)

1. When was the Declaration of Independence signed?
2. Is there really a message written on the back of the Declaration of Independence like in the movie, National Treasure?
3. How many signatures are on the Declaration of Independence?
4. Who were the oldest and youngest signers of the Declaration of Independence?
5. What is the first word of the Declaration of Independence?
 - A. We
 - B. The
 - C. When
 - D. United

ANSWERS ARE ON PAGE 6

WHAT'S GOING ON WITH COMMUNITY TREASURES?

*By Dwight Ware,
President Community Treasures*

Community Treasures (CT) has had issues with the County since its inception in 2004, due primarily to the **County not respecting the grandfathered legal status of the property**, the County changing the property's land use without agreement or consultation with the land owner, as well as against written testimony given by the public. (we covered this [in our March ezine here](#))

In 2008, the County made a promise to change CT's



and use designation when it changed the land use on their newly purchased Beaverton Valley site. That did not happen. In 2012 the County again promised to make CT a legally conforming land use. That did not happen, and in 2015 the County Planner decided against working towards changing CT's land use.

Since that time SJC County Council member Bill Watson, has stated that he is a supporter of CT. Councilman Bill Watson offered to meet with the CT Board, which no other council member previous him had done.

Mr. Watson proved his familiarity with the issue he noted that the past recommendation to redesignate CT to "Rural Commercial" (as suggested by a past Planning Director) was not a helpful move for the

[contd. p4 "CT"]

[contd from p3 "CT"]

use of the CT site, and did not address the non-conforming designation issues.

After explaining and comparing notes with CT's land use advisor regarding what could be done in various land use designations, it was noted that "Rural General Use" would be the best fit for the CT site.

Mr. Watson said he would take part in working with the Planning Department to help accomplish this land use change, later telling our board that he hoped a CT land use designation change could be accomplished by early 2018, and that CT's land use issue was on the Comprehensive Plan update agenda.

Councilman Watson further recommended that the CT Board purchase the CT property now rather than wait.

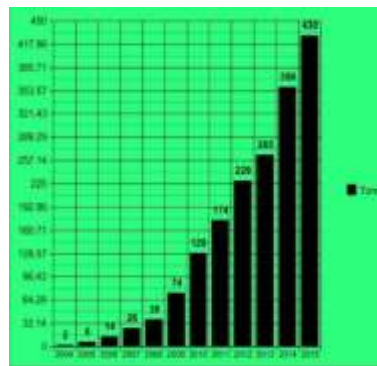
CT is currently operating as usual, except for cancelling our e-recycling contract. We will be co-sponsoring a Fair Booth with Friday Harbor

Grange 225, please drop by. CT would like to expand its board and is seeking qualified persons to fill the available slots.

If you are interested in contributing to CT charitable activities or educational programs, please contact Dwight Ware at:

ctrecycling2@gmail.com

CT will have a better understanding of its future after the County completes its Comprehensive Plan update in 2018 and will update the public between now and then.



Graph: CT Tonnage

Fellow Republicans

**your support is
urgently needed!**

By Mike Gallagher



Picture: Jinyoung Englund

Jinyoung Englund is the GOP candidate for State Senate in the 45th Legislative District special election.

A Woodinville resident, Jinyoung is a graduate of the University of Washington, a tech entrepreneur, and the daughter of Korean immigrants. Her husband is an active duty U.S. Marine officer with 17 years of service.

This seat was held by Andy Hill who tragically died last year of cancer. Dino Rossi was appointed to serve during the current legislative session.

Now a Republican victory is essential to keep our 25-24 Republican majority in the State Senate.

Small Homes for a Large Problem

By Barry Cave



San Juan Island has a severe housing shortage. Are they on the right track to solve the problem? San Juan Island has two organizations that advertise as providing low income homes.

The San Juan Community Home Trust sells energy efficient homes to low-to-moderate income families. What is unique about the Home Trust is that they support sustainable low to moderate income family housing, and they keep it “Forever Affordable.”

They do this by controlling the buy and sell process. Any new owner must qualify, and a seller can only sell to an income eligible applicant. The seller also has to follow a strict formula for the sale price, which is designed to keep the homes affordable.

Homes for Islanders (HFI) was started with good intentions and was to provide affordable housing to those willing to use sweat equity for a down payment. However, **it has succumbed to mission creep**, and become a financial competing business entity. Projects have become more expensive and elaborate as time has gone by.

Recently, HFI put earnest money on 16 lots in Fox Hall, and they are planning to build 1800 square foot custom homes in Fox Hall.

At a HFI/Fox Hall Board meeting, HFI Executive director, Justin Riche, stated that they planned to purchase Fox Hall lots, even if they could not build on them. Justin also stated that they use its

funds to give silent loans to homeowners, and uses funds to help individuals qualify applicants for HUD programs. Many are now questioning HFI 501 C 3 status, due to the way they use of their grant funds, and because they are no longer building low income homes and are competing with small general contractors.

Emails and phone calls to HFI, regarding the feasibility of their lot purchases, use of grant funds, and 501 C 3 issues have gone unanswered, leaving those asking the questions with the feeling that it is time for HFI to “Sunset” and give their funds to an organization that will focus on the housing crisis and low-income needs.

I believe that the immediate answer to the housing crisis would be for the Home Trust, HFI, and the County to get together and solve the housing issue. The Community Home Trust has 12 acres of land. HFI has well over 1 million dollars from

[contd. p6 “Housing”]

[contd. from p5 "Housing"]

SHOP grants. The County has the power and authority to re-designate land.

If these entities organized and worked together to provide "real" affordable housing, our community would solve the housing needs for low income wage earners, and benefit many businesses. There will be roadblocks and some dead-ends, but like any journey, it all starts with with a first step.



QUIZ ANSWERS:

[contd. from page 3 "History"]

Q1 ANSWER: Officially, the Continental Congress declared its freedom from Britain on July 2, 1776, when it approved a resolution and delegates from New York were

given permission to make it a unanimous vote. Most of the members of the Continental Congress signed a version of the Declaration in early August 1776 in Philadelphia.

Q2 ANSWER: Yes, but it is not nearly as dramatic as in the movie. The message is: "Original Declaration of Independence dated 4th July 1776." Experts believe that the backside inscription was added at some point when the Declaration was put in storage.

Q3 ANSWER: You probably know this answer from your high school American History class – 56 men signed the Declaration. Eight of the signers were born in Great Britain. Gwinnett Button and Robert Morris were born in England, Francis Lewis was born in Wales, James Wilson and John Witherspoon were born in Scotland, George Taylor and Matthew Thornton were born in Ireland and James Smith hailed from Northern Ireland.

Q4 ANSWER: The oldest signer was Benjamin Franklin, 70 years old when he scrawled his name on the parchment. The youngest was Edward Rutledge, a lawyer from South Carolina who was only 26 at the time.

Q5 ANSWER: C. When "When in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

When I was in 5th grade, we were required to memorize these first words of the Declaration. Can your children or grandchildren recite this paragraph today?

WA STATE
REPUBLICAN
PARTY ON
INDEPENDENCE
DAY

By Susan Hutchison
Chairman, WSRP

As we enjoy Independence Day with family, friends and fireworks, it's important to remember that unlike any other country in the world, our premier national holiday doesn't celebrate a battle, royalty or religion. It celebrates a document!

A few years ago I was invited to speak to the Common Sense Society of Hungary, a newly formed group of college students and graduates who were admirers of America. Their name derived from the famous pamphlet "Common Sense" written in 1776 by patriot Thomas Paine who declared "***the cause of America is, in great measure, the cause of all mankind.***"

These young Hungarians, living in a newly formed

democracy less than 20 years young, were proudly handing out their first pamphlet—a **Hungarian translation of the Declaration of Independence!** They looked to Jefferson's immortal words to help them "transition from a post-communist state towards a truly free and prosperous society."

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

Our July 4th document shares the "cause of America" which "is in great measure, the cause of all mankind." Let's celebrate!



REPUBLICAN PARTY
STRUCTURE

**The Precinct
Committee Officer**

The Republican Party begins with the individual voter at the neighborhood level, who elects a precinct committee officer to serve as his/her liaison with the Party organization. The county is divided into precincts.

In order to be elected as a PCO, a registered voter living in the precinct must file as a candidate with the County Auditor during the statutory filing period. An elected PCO serves a two-year term. A person may also be appointed to a precinct lacking a PCO by the County Chair.

For more on PCOs and the county structure go to our website sjcrp.org under "About Republicans in San Juan County"

[contd. p8 "Party"]

[contd. from p7 "party"]

The County

The PCOs collectively are the County Central Committee. PCOs meet in December or January of alternate years to elect it's the executive board.

These officers are in charge of leading the county organization for the next two years. The State Committeeman and State Committeewoman will represent the county party to the state central committee (see "State" below). The Chairman typically attends as well.

The District

Legislative Districts are organized on the basis of the lines drawn for representation in the state legislature. San Juan County is part of the 40th Legislative District which includes parts of Skagit and Whatcom County.

Some Legislative District parties send representatives to meet together in occasional meetings. State representatives and Senators in Olympia are voted for by the public

residing within each legislative districts as well.

The State

The 117 voting members of the Republican State Committee elect a State Chairman and Vice Chairman of the Washington State Republican Party. Our current chair is Susan Hutchison.

State Party officers serve two-year terms. In addition, the State Committee members meet by Congressional District and elect two people from among themselves to serve on the State Executive Board.

The State Executive Board, consisting of the 18 Congressional District members, National Committeeman, National Committeewoman, Vice Chairman and Chairman, oversee implementation of State Party programs on behalf of the State Committee, develop party policy and review the party's finances.

The Nation

The Republican National Committee consists of three representatives from

each state and four territories; the National Committeeman and Committeewoman (elected by the State Committee in the year of each Presidential election) and the State Party Chairman.

2017 CALENDAR: SJC Republican Party

@ SJC Fair. July 15. @ Earthbox on SJI. 2 pm.

Conservative ice cream social. No charge. Ed Kilduff will be our speaker, dealing with the subject of water wars in light of the Hirst decision.

Aug 14-9: SJI.

@ SJC Fair.

Republican Party fair booth. Volunteers Needed. Signup online at signupgenius.com (no account necessary!)

Sept 23: Orcas.

Conservative Community Gathering.