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HEADLINE: THE PROPERTY-RIGHTS MOVEMENT -- PRIVATE LAND, PUBLIC FIGHT

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LANDOWNER ACTIVISTS have ousted politicians and prompted two potentially expensive state and federal measures. Their motivations are many: There's a sense of injustice, a backlash against big government, the financial backing of developers and bitter distaste for environmentalists.

WASHOUGAL, Clark County - Lois Jemtegaard is a poster child for the property-rights movement.

She lives in a crumbling house above the Columbia River on 335 acres that she and her husband, Marvin, accumulated a piece at a time after marrying in 1938.

Her pastures and forests are part of the panorama often photographed from Crown Point State Park, across the river in Oregon. It's probably the best-known viewpoint in the spectacular Columbia Gorge.

Congress considered the Gorge so special, so threatened by development, that it passed a law in 1986 designating 264,000 acres, including the Jemtegaards' property, a national scenic area.

Marvin Jemtegaard died in 1988. Lois, now 74, says the house deteriorated beyond repair during his long illness.

So, in 1992, to raise money to build herself a new home, she decided to sell a 20-acre parcel of pasture with a sweeping view downriver to Portland.

Prospective buyers wanted assurances they could build on the property. To clear things up, Jemtegaard asked the bi-state Columbia River Gorge Commission for a permit for a house on the 20 acres.

The commission said no. Jemtegaard and her family say that precluded all prospect of development, dropping the property's value to a fraction of its former worth.

"Somebody on the other side of the river thinks they ought to look over here and see no more building, ever," fumes Dean Mills, Jemtegaard's son-in-law. "They can't make parks without paying for them."

Jemtegaard is part of a movement that has been gathering momentum in Washington since the late 1980s. This year, property rights has burst on the political scene like a supernova.

The movement's central tenet: Government regulation of private property has gone too far. Environmental laws effectively have

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appropriated land for public use without compensation, advocates charge, running roughshod over the Bill of Rights.

It is a movement steeped in indignation, characterized by impatience, fueled by people who fear their government will impoverish them.

In Olympia and Washington, D.C., the new crowd is heeding those cries.

A bill that would require government to pay landowners in some cases if federal regulations diminish property values sailed through the U.S. House this month. Its prospects are less certain in the Senate.

And the state House of Representatives has overwhelmingly approved Initiative 164, a similar but more sweeping measure. If the state Senate does likewise, 164 becomes law. If it doesn't, the initiative will be on the November ballot.

Environmentalists and other critics warn such legislation is a developer's dream, that it will render many environmental laws moot. But the speed and strength of the property-rights juggernaut has left them gasping.

Dan Wood, 164's chief backer, mentions Jemtegaard's story first when he's asked for examples of the conflicts the measure aims to address.

"Every year the agencies are passing more and more regulations, restricting property unconstitutionally," he says. "It's reached the boiling point."

Gorge commission officials argue their decision didn't rule out all prospects of a house, and that Jemtegaard didn't even try to meet their conditions. Earlier this month, a judge agreed, dismissing Jemtegaard's suit seeking compensation.

Congress decided nine years ago that the Gorge's farms and forests were national treasures, says Gary Kahn, attorney for the Portland-based Friends of the Columbia Gorge. "It may not be fair to all people," he says, "but any piece of legislation will affect some people more than others. . . . It's the price you pay for living in a democracy."

The property-rights movement is a revolt against that kind of thinking, a backlash against the environmental movement, part of a larger rebellion against big government.

"One thing that really unifies them is a sense of bewilderment," says Jim Klauser, a former Seattle-area building-industry official who now heads the property-rights Northwest Legal Foundation. "These people are as grassroots as you can find." They grew from growth law

Local property-rights groups began surfacing in Washington around 1990, the same year the Legislature approved the landmark Growth Management Act.

It was no coincidence.

The law imposed state standards on local land-use planning for the first time. The idea was to protect disappearing farms, forests and wetlands, and to discourage suburban sprawl. That inevitably produced more restrictions on what landowners on the suburban periphery can do.

Klauser helped organize a dozen local property-rights groups in 1991 and 1992. "The Growth Management Act was the trigger," he says. "People began to realize this state was on the leading edge of regulation nationally."

Not surprisingly, the property-rights movement is strongest in rural areas. Movement leaders acknowledge their issue lacks urgency in cities, where most people either don't own land or own only the

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lot on which their house sits.

"There's a big rural-urban split," says Skip Richards, a founder of Whatcom County's Coalition for Land Use Education (CLUE), a property-rights group.

CLUE and most other local property-rights organizations concentrate on influencing county growth-management regulations.

Other groups want to carve new, rural counties from fast-growing counties such as Whatcom, Snohomish and King.

Still more are pushing ordinances of questionable constitutionality that aim to give county governments some say over federal lands. The movement has no statewide organization, no command central.

Some local groups are affiliated with the national "Wise Use" movement, which seeks to scale back environmental laws and increase logging and mining on federal lands. Chuck Cushman, probably the most charismatic evangelist for Wise Use, helped get at least five county property-rights groups going in 1992.

The movement has its legal arms: [REDACTED] founded in 1987, and the [REDACTED] Legal [REDACTED] which has waged war in court with environmentalists and government for more than two decades.

The foundation opened a Bellevue office in 1992. In part because of the Growth Management Act, "we could see the Northwest was becoming much more of a focal point for property-rights issues," says foundation attorney John Groen.

Among Groen's clients: Lois Jemtegaard.
The enemy: environmentalists

The property-rights movement displayed its potency at the polls in some counties long before last November's Republican landslide.

It helped elect sympathetic county officials in 1992 and 1993. It campaigned successfully to overturn environmental regulations in Snohomish and Whatcom counties.

"They have just been out-organizing the environmental movement," says Tracy Burrows, planning director for 1,000 Friends of Washington, an environmental group that focuses on growth management.

It helped that property-rights advocates transformed the environmental movement from David into Goliath, depicting environmentalists and their allies as callous persecutors of the little guy.

CLUE's Richards likens urban environmentalists to "a medieval lord of the manor who oppresses the peasants because he's bored."

Darrell Harting, vice president of the Snohomish County Property Rights Alliance, argues some environmentalists are "pagans": "They worship nature. They simply believe people shouldn't exist."

Environmentalists blame such inflammatory rhetoric for what they say is a surge in harassment and threats against them.

Sherilyn Wells, co-president of the Washington Environmental Council, says she received a telephoned death threat during her unsuccessful campaign for Whatcom County Council in 1993. Her car headlights were smashed, and she saw someone rummaging through her mail.

Environmentalists in other counties tell similar stories. They acknowledge they can't prove property-rights activists are responsible. But Wells says movement leaders have created a political climate that sacrifices civility.

Property-rights leaders say such criticism is laughable. "It's the other way around," says Harting. "Who are the ones who spike trees?"

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Ties to developers

Environmentalists also point to the property-rights movement's ties to big business and question whether its mom-and-pop image is deserved.

Property-rights leaders acknowledge they often find themselves allied with developers. Initiative 164 almost certainly would not have received enough signatures without a last-minute, \$ 200,000 infusion from builders, Realtors and timber companies.

The Master Builders Association of King and Snohomish Counties has provided "major funding" for the Snohomish County Property Rights Alliance, the association's president said in a 1993 letter to members.

Harting downplays those ties; he says he was his group's biggest contributor in 1993. He won't provide details of the alliance's finances, saying they must remain secret to prevent members from harassment.

But Harting maintains the property-rights movement isn't a front or dupe for anyone, that its grass roots are deep. "We're the people with mud on our boots," he says.

Harting offers himself as Exhibit A. A retired Boeing engineer, he says he became an activist in the late 1980s, after King County blocked his bid to build apartments on property near Federal Way that he had owned since 1948.

"They effectively just confiscated the land," Harting says. "That was most of my retirement fund."

Other property-rights leaders tell similar tales of red tape and hardship.

Carl Ruestig, president of the Washington Private Property Coalition in Clark County, owns a 200-acre tree farm. Twenty-five years ago, he says, he could have carved it into one-acre lots.

First it was downzoned for five-acre lots, then 20. Now, Ruestig says, his property has been designated forest land under the Growth Management Act. Minimum lot size: 80 acres.

Ruestig says he doesn't want to develop his land - but doesn't want government to tell him and his heirs they can't.

John Welch, former president of King County's Property Rights Alliance, says wetland problems blocked his plan to divide 10 acres near Panther Lake into 42 homesites. "I took about a \$ 4 million hit," he says. "They removed my life savings."

Some legitimate issues

Should Initiative 164 reach the November ballot, Washington will become just the second state to decide property rights at the polls. Voters in Arizona rejected a similar proposal resoundingly last fall, in part because environmentalists succeeded in portraying it as a big drain on the state treasury.

That outcome - in a conservative state, in a Republican year - gives Washington environmentalists and their allies hope. Arizona shows the property-rights message doesn't wear well, they argue.

"We're at a time when trust in government is at an all-time low," says Burrows of 1,000 Friends of Washington, "yet there continues to be frustration with traffic, unhappiness with how our land is developed."

But Burrows also credits the property-rights movement for raising some legitimate concerns. Regulations can be cumbersome and can impose hardships on small landowners, she says.

"The environmental community has been too quick to say this is

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all greed," she says. "There's a big distinction between large corporations and the small moms-and-pops who simply want to build a home on their land."

Lois Jemtegaard logged much of her property to raise money for her new home after her rebuff from the Gorge commission. She staked out the house's foundation a few weeks ago.

She hasn't given up the struggle, however. Jemtegaard gathered signatures for Initiative 164. She sits on the board of a local property-rights group.

Groen, her lawyer, says he will appeal the dismissal of her lawsuit. "Hers is a remarkable story," he says, "and it typifies much of what's going on."

GRAPHIC: PHOTO 1) MARK HARRISON / SEATTLE TIMES: LOIS JEMTEGAARD, HOLDING A BOUQUET OF CAMELLIAS, STANDS NEXT TO A FIR SHE PLANTED WHEN SHE AND HER HUSBAND SETTLED ON LAND NEAR THE COLUMBIA RIVER GORGE. SHE WOULD LIKE TO BUILD A NEW HOUSE BUT HAD TROUBLE SELLING A PARCEL OF LAND TO PAY FOR IT. > 2) MARK HARRISON / SEATTLE TIMES: LOIS JEMTEGAARD AND HER DAUGHTER ALMA LADD SAY THIS PARCEL OF LAND CAN'T BE SOLD. JEMTEGAARD SAYS SHE CAN'T GET PERMISSION TO BUILD ON IT.

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