

Jones Family Farms  
Nick and Sara Jones  
1934 Mud Bay Rd, Lopez, WA 98261  
360-468-0533

## San Juan County forces Jones Farm-stand to close

**Lopez Island, WA—November, 18 2011**—After two and a half years of operation, the San Juan County CD&P has determined that we are operating our farm-stand “without the benefit of a permit”. This does not relate to our ongoing dispute with the county about the appropriate placement and operation of farm-stands on rural lands. That is a use, issue, and is still not resolved. Our current sin, it appears, is to operate in innocence of commercial building codes.

According to Chris Laws and John Geniuch, enforcement officer and building official, respectively, we are not exempt from commercial building code requirements, as we had believed up to this point and as previous planning department officials had informed us.

Our farm-stand is roughly 200 square feet, self-service, and sells a variety of frozen island grow meats, frozen local seafoods, and fresh live Lopez Island Shellfish. This 200 square foot building is apparently required to satisfy all the legal requirements of a full sized grocery store, restaurant, or any other commercial enterprise. We have been informed that we face prosecution if the issue is not “addressed” within 15 days of our notice. San Juan County appears from preliminary research to be the only Washington county where commercial building codes are enforced on farm-stands.

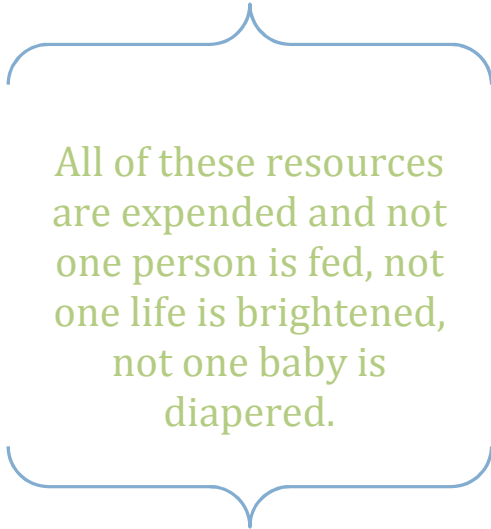
Compliance would cost us tens of thousands of dollars, as well as consuming vast amounts of time. However, neither Mr. Laws nor Mr. Geniuch is willing to tell us what exactly we need to do in order to comply before we submit a permit and commit to carrying out all required improvements. Our elected officials inform us that they have no capacity to protect us from these officials. We have neither the financial ability nor the desire to write a blank check to conform to pointless standards.

Therefore, we have decided to close our farm-stand as of November 30, 2011.

By San Juan County interpretation of the laws, every farm-stand in the county is currently in violation of these same codes. Every artist studio, home church, or any private building that is advertised as open to the public does so in violation of these codes. Any person owning or operating such a facility can, at any moment be forced to close or comply, on the timeline, whim and caprice of an individual code enforcement officer, with open ended “commercial” upgrades to their stand, studio or home.

We will lose a significant portion of our business. We will lose our ability to serve our community. Our local, weekender and visitor customers will lose access to our products. It would be one thing if this were an isolated instance. It is not.

Every San Juan County mission statement, public utterance and press release, declares commitment to small business, local agriculture and entrepreneurialism. Our experiences in owning, operating and building our business over the past ten years finds these statements to be at best delusional and at worse a cynical lie. County officials seem to view small business; particularly resource based small business, as an annoyance, an enemy, and a cash cow. We are actively punished for producing, employing and operating in San Juan County. Much of San Juan County code is written like private community CC&Rs and provides endless opportunities for complainants to launch actions against neighbor, citizens and businesses. We have been criminally prosecuted for having livestock escape (finally dropped after 10 lost work days and \$2,000 in lawyer fees), informed by Paul Turner, deputy fire marshal that we need to mow

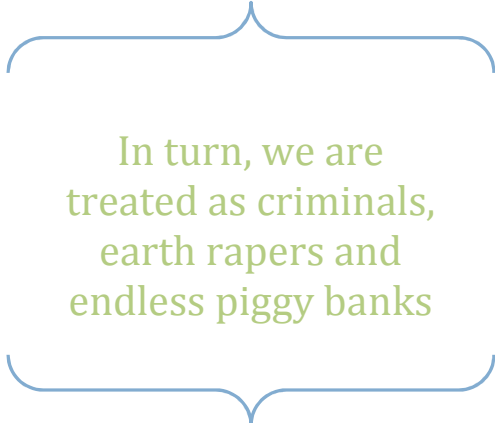


All of these resources  
are expended and not  
one person is fed, not  
one life is brightened,  
not one baby is  
diapered.

standing grass to avoid “fire risk” (standing grass is otherwise known as cow food, and as such is an economic asset for us), turned in for placing a travel trailer on our own property (not, actually against the law), we are continually harassed by Betsy Wingren, the county health inspector, mostly with pointless, time consuming demands to replicate and triplicate documentation we already provide to state and federal health authorities (Ms. Wingren provided the complaint to the planning department that has resulted in our farm-stand closing), just as a sampling. We find that we spend the equivalent of one quarter-time position just attending meetings, responding to complaints and generally trying to hold our own against the tide of

interference. We sit in meeting after meeting facing government and non-profit staff, all of whom are on payroll while we lose work time to represent and defend ourselves. All this time, all these efforts produce nothing. All of these resources are expended and not one person is fed, not one life is brightened, not one baby is diapered.

We operate an organic farm, we produce, award winning, healthful, carbon neutral food. We employ 5-10 people year round. We bring hundreds of thousands of dollars into the county annually. We pay all our taxes, we donate to community organizations, we sit on committees, commissions and boards, we collaborate with environmental groups to address real resource issues, we innovate to address real safety and health issues, we host regular free, open houses, pig roasts and farm tours. In turn, we are treated as criminals, earth rapers and endless piggy banks by San Juan County, Washington State and the federal government. All our business owner friends, particularly owners of resource based businesses tell the same story.



In turn, we are  
treated as criminals,  
earth rapers and  
endless piggy banks

And it is getting worse and worse. Now we are launching into agriculture CAO star wars, whereby perceived, undefined impacts on unspecified species and natural functions are criminally punishable, and anyone can initiate an enforcement action against anyone they choose, with the burden of proof and expense of proof on the farmer. We who work the land and produce food are set to be fully accountable, at our time and expense, for the impressions and opinions of passersby and activists. We state in unequivocal terms, the CAO will throttle agricultural production and opportunity in San Juan County and will do nothing to improve the environment. The CAO is an existential threat to agriculture in San Juan County.

Our elected officials wring their hands, fiddle around the edges and tell us that their hands are tied. Public services are getting slashed but enforcement seems to have plenty of resources. In the most recent state budget cuts proposal the Department of Ecology is practically the only agency not to see a severe budget cut. We are told that government can no longer perform critical functions to care for citizens and enable economic activity, but the list of prohibited and regulated activities grows almost by the day and somehow there is always money to enforce these.

Our elected officials pass the buck up and out, “our hands are tied” we hear again and again. This is not leadership. We did not elect our county officials merely to take dictation for state and federal mandates. They appear so terrified by potential lawsuits as to be completely neutered. If a state or federal mandate does not work for our county, bring on a lawsuit! Let’s elevate the absurdity of what is happening to our county, our state and to our nation. That is the only way things are ever going to change. Is it better to sacrifice our productive base, the

people who actually fund government, then to expend county dollars on a lawsuit? What are county resources for anyhow? Is the best use of our tax money simply to pay for harassing county residents on behalf of higher levels of government?

As of November 30 our farm-stand will close. Doing so will mean clothes off the backs of our children, wages unpaid to our employees, healthful food denied our customers and tax revenue forgone for our local, state and federal governments.

Our elected officials bemoan the death of the middle class in San Juan County. They sing the praises of local agriculture. They extol the entrepreneurial zeal of people like us. We have been featured in articles, videos and press releases. Then, time and time again they throw us under the bus, stack new requirements on us and impose fee after tax after fee to pay for it all. We can no longer accept government officials making free with our time, resources and goodwill. As of November 30 our farm-stand will close. Doing so will mean clothes off the backs of our children, wages unpaid to our employees, healthful food denied our customers and tax revenue forgone for our local, state and federal governments. Who wins?

We challenge our local elected officials: Do your jobs and protect us from your own bureaucracy and from carping citizens, stand up for us against higher levels of government. Legislate, don't simply interpret, and if lawsuits follow, then let the chips fall where they may. Use your bully pulpit to foster rules and structures that encourage responsible business and reward hard work. If you are unwilling to do so, please remove the misleading and incorrect language about working for the people and fostering opportunity from our San Juan County mission statements and replace it with something more truthful about deliberately smashing the middle class and outlawing economic opportunity.

We challenge our fellow citizens: Express your views on these issues loudly, politely, insistently and indefatigably to our elected officials. If they cannot help us, then let's get rid of them all and try a new round. These issues transcend party and ideology. We are lifelong Democrats. However, next year we plan to vote against every incumbent, regardless of party, unless given very good reason not to.

Please join us at our farm-stand, 1454 Mud Bay Rd. for a last open house and farewell on Saturday November 26 from 2-6pm.