

Sent: Saturday, January 16, 2010 2:47 PM
Subject: CAPR New Year's Resolution...Sue them!

Enough talk!!

We recently met with CAPR head honchos, Steve Hammond and Preston Drew and our lawyer. Steve and Preston quizzed the attorney for 2 hours. Steve and Preston were convinced and told us to pull the trigger on preparations for the suit.

CAPR chapters across the state are coming to our rescue and will be backing our action in an effort to draw a line in the sand here in JEFFCO to keep this rule from coming to their county.

Plan to be at the meeting Monday night at 6PM at the Tri-Area Community Center.

Bring some finger food if you can.

Resolution follows:

January 18, 2010

CAPR Jefferson County
Resolution 2010-1
Opposition to the Updated Shoreline Master Program

WHEREAS, the updated Shoreline Master Program (SMP) has far reaching negative consequences for local property owners yet these property owners were marginalized during the policy development process, and

WHEREAS, those policy decisions can have a great impact on rural property owners and their future rights to use and enjoy their property; and

WHEREAS, Jefferson County (County) has passed a new Shoreline Master Program (SMP) that will adversely impact all property owners, and

WHEREAS, The current proposal is unprecedented in its broad scope and huge burden on property owners and is devoid of scientific justification required by law, and

WHEREAS, The proposals have been misrepresented to the public as affecting only a small number of parcels and having minimal impact on those parcels; and

WHEREAS, The draft regulation is poorly drafted, promising confusion to property owners and litigation expense for the County and its citizens, and

WHEREAS, regulatory changes that affect the property use are often approved and implemented without the property owners awareness or knowledge, and

WHEREAS, Department of Ecology (DOE) exerted undue influence on the entire SMP process, and

WHEREAS, the shoreline property owners were not formally represented on either the Shoreline Policy Advisory Committee or the Shoreline Technical Advisory Committee, and

WHEREAS, the locally approved SMP updates exceeded the requirements for the Shoreline Management Act (SMA), Revised Code of Washington (RCW), and the Washington Administrative Code (WAC), and

WHEREAS, neither the County or DOE has been able to demonstrate why the existing SMP fails to protect the shoreline, and

WHEREAS, approval of this SMP will result in widespread designation of most shoreline properties as a non-conforming use,

WHEREAS, approval of this SMP will result in onerous oversight and permit requirements on shoreline properties, and

WHEREAS, the new SMP will drastically increase the burden of proof of compliance on the shoreline property owners, and

WHEREAS, No peer reviewed scientific proof has been shown that there is any problem with the shoreline of Jefferson County, and

WHEREAS, no current harm has been shown on the shoreline, and

WHEREAS, the County and the Department of Ecology has relied on exaggerated and outdated information to formulate the new SMP. and,

WHEREAS, the use of generic 150 foot buffers is an indirect tax, fee or charge on the affected properties as per Washington State RCW. and,

WHEREAS, the use of generic buffers is a regulatory taking to benefit the public as a whole while damaging the individual property owner, and

WHEREAS, the proposed regulations will adversely affect the value of the regulated properties, therefore be it, and

WHEREAS, CAPR has successfully challenged the King County CAO in **CAPR v. Ron Simms** be it

RESOLVED that the Jefferson County chapter of the Citizens Alliance for Property Rights(CAPR-JC) as approved by the membership at this meeting will oppose the new SMP and be it further

RESOLVED that by a vote of the members at this meeting that you advise and authorize the Directors and officers of CAPR-JC to seek and pay for legal counsel and be it further

RESOLVED that the membership approves by a majority vote to authorize and approve that directors and officers of CAPR-JC to file a lawsuit blocking, altering or invalidating the new SMP and be it further

RESOLVED that the membership by a majority vote authorizes and approves the directors and officers of CAPR-JC to raise and disperse funds to pay for the above lawsuit

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