

**John (Jack) R. Venrick**

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**From:** "Jack Venrick" <jacksranch@skynetbb.com>  
**To:** "AJack R. Venrick" <jacksranch@skynetbb.com>  
**Sent:** Tuesday, May 19, 2009 10:55 AM  
**Subject:** Jefferson County Washington State Environmental Extremism

**Al Scalf, Director**

Jefferson County DCD

Michelle & Al,

You fail to address the most important issue - you propose to make many Jefferson County homes nonconforming. You propose that these nonconforming homes would need to be moved to another location once they burned down - "if there is room" on the property.

This is the thin edge of the wedge, the thick end is that a precedent is set overturning the long standing concept of grandfathering. This is a violation of human rights and contract law! What authority has the County to burden further a family that has already lost their home. Why is the county abdicating it's permitting authority to the state by proposing the unilateral cancelling existing county permits for homes - permits which are in essence contracts made with property owners by the county in exchange for valuable consideration paid to the county?? Under our constitution one of the primary functions of government is enforcement of contracts - you are standing your responsibility to us on it's head !

My family have experienced the hardship and stress of attempting to build something near a critical area in this county - several times. I know that DCD is probably going to create great additional (and unnessary) hardships, expense and stress for people already faced with the loss of their home to fire.

It is unbelievable to me that you persons in the public employ of this county's taxpaying property owners, do not tell the state where to get off. It is my understanding that the state guidelines you are following are just that - guidelines, without the force of law. Why does the state elect to set early precedents on shoreline management in Jefferson and Whatcom counties? This is very clever of them, and they did the same thing with the WRIA process - could it be that someone in this county government made statements to them that led them to expect success, in our county, for stringent over regulation and uncompensated partial takings? We have already seen how our taxpayer funded "public servants" were willing to "coordinate" with green advocates from outside this county, secretly writing a CAO behind closed doors - a really, really nasty attack on our democracy and open government in this county - by county employees!

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The constantly moving goal posts of critical areas, channel migration and shoreline management create gross uncertainties for potential investors in this county. Losing the grandfathering provision is the final nail in the coffin for those of us who invested our life savings in this county. Sure Al can say to me that "I am OK with my existing setback", it gives little assurance however because where will the goalpost be next year, and the next. Once grandfathering is gone we are totally at the whim of future changes. Now hearings on channel migration zones are due to start. Who the hell knows what to expect next from a kleptomaniac government??

Has it not occurred to you that we the people (your employers) spend years considering just where we should site our home on a property. This is a carefully made decision of utmost importance to the future value of the property - and for the enjoyment of their years of hard work. Furthermore, the permitting process on any of the waterfront properties is already rigorous and very protective of the environment. Now you propose that all that effort should be null and void for certain owners, according to your arbitrary categories. With this regulation you pick off a few hundred, making their homes "non-conforming". Maybe you figure that that is OK, what sort of trouble can just a few people make over this.....well, that all depends on the rest of us. Ask not for whom the bell tolls, it tolls for thee - and we are all in this together. What you are doing to the few will undermine the many, eventually, and will raise taxes on those who do not own waterfront now !!! And Al, you are incorrect - a cloud on the title is something not recorded - but which diminishes value without recordation. It is any material fact that could effect value, and must therefore be disclosed to a prospective buyer under state law. The attitude to property rights displayed by this county government, and the announced intention to torpedo grandfathering - creates a very large cloud on title. That is why I told you in my last notice, that you are casting aspersions and creating clouds on title. These actions by your department have already diminished the value of waterfront property, ask any reputable appraiser. I intend to advocate a wave of demands for reduced assessments for all effected property owners....they will be compensated for their loss of security and value.

On top of all this, burning of homes by green radicals has occurred numerous times in this state and nation. By forcing "non conforming" homes to be moved if burned - you are creating incentive for eco arson to visit our county. Hell they could burn the whole Dose Valley in the Sept dry - there are people like that out there, and they are the sort of people who would welcome your intended discarding of grandfathering in this county. This also creates a potentially large cloud on title for "objectionable" homes!! I see that DOE's Jeffree Stewart even appears to object to "second homes" by Fisherman's Harbor - what's next Al, are you going to allow these DOE pansies to evict us all???? You're our guy Al, tell these idiots to get lost.

We are faced with a DCD that has demonstrated that it does not put property owners first. You guys have put us in the position where we will have to fight you, and you will spend our scarce tax dollars to fight back. DCD is about to get taught a lesson in government by "we the people".....we are not going to take it, grandfathering will be assured to all property owners in Jefferson county - Just like Commissioner John Austin personally promised me

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that it would remain - it will be assured even if it has to be assured by a court of law. Alternatively, maybe you will look in the mirror and ask yourselves, how would you feel if you were us????????? You are not doing the right thing here, not right at all.

It's really your choice, show us you are working for us and not the state.....otherwise, well, we are getting organized....

Sincerely.....Ken Shock  
<http://brinnonprosperity.org>

On Mon, Mar 16, 2009 at 5:13 PM, Michelle McConnell <[mmcconnell@co.jefferson.wa.us](mailto:mmcconnell@co.jefferson.wa.us)> wrote:

Hi All,

Forgot to include this item in the previous message:

The *Leader* newspaper ran a good article on 3/4/09 about the SMP update that requires some clarification:

- 1. The standard buffers proposed are 150' on stream/river and marine shorelines, and 100' on lake shorelines. There is also an additional building setback of 10' from all buffers.
- 2. Staff, consultants and committees have been working on the current SMP Update effort since 2006. The two advisory committees that assisted preparation of the *Preliminary Draft SMP* were not Planning Commission committees/sub-committees but rather formed by and advisory to DCD staff and consultants. They were named the Shoreline Technical Advisory Committee (STAC) and the Shoreline Policy Advisory Committee (SPAC). Two members of the Planning Commission's SMP Update Committee participated on the SPAC – Bill Miller as the PC representative, and Peter Downey as the Aquaculture representative.
- 3. The state legislature requires all jurisdictions in the state to update their SMP by 2014.
- 4. The 'residents per shoreline mile' estimates are derived from a simple calculation of total population divided by total shoreline miles and does not accurately reflect the density or distribution of residential development along waterfront parcels.
- 5. The Planning Commission has requested additional time to review the *Preliminary Draft SMP* proposal in light of the public comments received.

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## Management Act (SMA) to update our master program (SMP).

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW [90.58.100](#) deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and

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aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter [90.58](#) RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Your Question #1 Pertains to the 75% rule for reconstruction in the event of damage (fire) – this comes from WAC 173-27-080 and be found in our draft SMP at page 10-6.

#2 Who makes this judgement? First would come the land owner who would evaluate how much damage, then a permit proposal from the land owner or representative and a subsequent review by DCD, who would evaluate the proposal and make a decision.

#3 Would this cloud the title? DCD would not place any notice to title under this proposed SMP.

#4 Who serves who? See the legislative findings above.

The Planning Commission is currently reviewing and revising the draft SMP and another public hearing with a public comment period will occur in the months to come. The 75% issue is being actively debated by the commission and the Board of County Commissioners.

Your home and garage that was started in 2001 exceeded the 150' buffer requirement and

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subsequently would be conforming to both the current CAO as adopted and the draft SMP as proposed.

Al

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