

From: Karl Spees
Sent: Wednesday, March 18, 2015 2:13 PM
To: Karl Spees
Subject: *SMP Update Comments and the Appearance of Fairness Act

It has been brought to my attention by a reliable citizen, that someone in the bureaucracy has dismissed about 3/4 of the Public Comments on the latest SMP Update. The same reliable citizens tells me the 1/4 comments have been summarized.

If we lived in a perfect world, there would be no need of govt officials. If our appointed public servant and elected officials were angels we would not need laws.

The above action is a gross breach of govt principle of transparency.

The above action is a gross breach of "The Appearance of Fairness Act". Let me suggest a few of the ways.

The SMP Update Committee was disproportionately represented by paid tribal employees. (the Tribes constitute less than 2% of the population.)

About 1/3 of the SMP Update Committee were paid govt employees.

About 1/3 of the SMP update was private property owners. A disproportionate number of those were radical environmental ideologues. With such a diluted number of property owners who believe the govt should act on behalf of the citizens, every comment should be heard or available. The people most affected by these onerous regulations are not being fairly represented.

The ESA Adlofson is a a left leaning organization working hand in glove with the Dept. of Ecology (DOE) which is a surrogate of the Democrat Party. They have taken their dog and pony show across the state serially imposing onerous regulations on the private property owners. Regulation of private property rights by fiat is a taking without due process. The SMP Update is supposed to appear like due process but doesn't. (The private property owners are a vital part of the counties tax bases. More regulation lower the value of private property subsequently the county receives less revenue.)

I would argue ESA Adlofson is a surrogate of the State Democrats and the DOE. Govt particularly embedded unelected public servants cannot be trusted t administer public policy in an unbiased way without transparency. Clearly capriciously and arbitrarily cutting the number of comments and truncating them is not transparent. This is a breach of the appearance of fairness Act.

All comments should be available equally for public and elected officials' scrutiny.

1. I have two recommendation. Look over the first SMP Update and eliminate a few of the onerous or repetitive /redundant regulations.
2. Truncate and clarify the first SMP Update itself. (It is convoluted and ambiguous.)

And, somebody? prepared an SMP public oral and written comments **"matrix" On 160+ of the 617+?**

One must ask what is the definition of a matrix?

"matrix" by definition, A situation or surrounding substance within which something else originates, develops, or is contained: *matrix*. Mathematics A rectangular array of numeric or algebraic quantities subject to mathematical operations, something (such as a situation or a set of conditions) in which something else develops or forms. : something shaped like a pattern of lines and spaces.

"matrix" quantities subject to mathematical operations?

617 SMP public comments? 160 + SMP written and oral comments to be reviewed?

"matrix" Such as a situation or a set of conditions?

Like the 457 SMP written Public Comments left out of the **"matrix"** mathematical operation? And? Who know's how many oral comments?

"SMP matrix" Indeed, something shaped like a PATTERN.....

[Behind My Back | A Thousand Wrongs? One Right?](#)

www.behindmyback.org/2014/09/17/2757/

Sep 17, 2014 - Specifically, The THOUSAND (1000) WRONGS that I am ... UNDER AN EXPEDITED RULE- MAKING ... full text on *behindmyback.org*.

I have never been a fan of "New Math" and, I certainly object to this SMP Matrix Mumbo Jumbo (language or ritual causing or intended to cause confusion or bewilderment).

Am I? the only one of the 3300 Vested, Private Shoreline property owners that are bewildered and or confused by this SMP matrix of written and oral public comments?

Is this NEW SMP matrix, prepared by somebody? intended to be ambiguous? biased? unfair? capricious? frivolous? and confusing?

I am just one of the affected 3300 Vested, Private Shoreline property owners, that just happened to have submitted 165 written SMP update public comments and lord only knows, how many public oral comments on the SMP Update during the years I have spent, as a concerned citizen from Jan.26, 2011 to March 18, 2015,

Plus oral and written comments during my volunteer time served, as an important member of the citizens input committee (as described by and serving under Steve Gray, Planning Manager)

I'm not a lawyer or an attorney, I am JUST ONE of the affected 3300 Vested, Private Shoreline property owners, that shall be severely impacted and profoundly affected by the SMP 2014 Update.

Thank God and the US Constitution for freedom of speech, I am Just asking?

What was the legislated intent of the WA State Appearance of Fairness Doctrine? Does this apply to the local land use decisions being made on the Clallam County 2014 SMP Update?

42.36.010

Local land use decisions.

Application of the appearance of fairness doctrine to local land use decisions shall be limited to the quasi-judicial actions of local decision-making bodies as defined in this section. Quasi-judicial **actions of local decision-making bodies are those actions of the legislative body**, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.

42.36.060

Quasi-judicial proceedings — Ex parte communications prohibited, exceptions.

During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding unless that person:

(1) Places on the record the substance of any written or oral ex parte communications concerning the decision of action; and

(2) Provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication related. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

[1984 c 191 § 1; 1982 c 229 § 6.]

The 2014 Clallam County SMP Update is the is the most restrictive Local land use decisions that has ever been inflicted on 3300 Clallam County Vested, Private Shoreline property owners.

ARE YOUR SMP PUBLIC OR ORAL COMMENT INCLUDED IN THE "SMP 160+ MATRIX"?

Just saying....Concerned citizens better bone up on the definition of this new DEFINITE catch-all word Clallam County government "MATRIX" concept, it is being used by the Home Rule Charter Commission.

DEFINITE by definition, clearly *defined* or determined; not vague or general; fixed; precise; exact: a *definite* quantity; *definite* directions. 2. having fixed limits; bounded with precision:.

Now I've gone and done it... **an Oxymoron**....

Back to the Agenda..

- **April 1, 2015:** Work Session before the Planning Commission on public comments received on 2014 Draft SMP.
- **April 15, 2015:** Continued Planning Commission work session on the 2014 Draft SMP.
- **May/June, 2015:** Planning Commission agenda and issue area focus related to the 2014 Draft SMP to be determined based on work and progress made at April meetings.

Planning Commission agendas can be viewed at: <http://www.clallam.net/LandUse/pcmeetings.html>

For more information, visit the County SMP Update Home Page at: <http://www.clallam.net/LandUse/smp.html>

Thank you again for your interest.

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