

Templeton statement on suit dismissal

Written by

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The following is a statement e-mailed to Lauren Ohnesorge, News Director of Aisling Broadcasting. It appears in its entirety.

The statement, written by Jeff Templeton, is in response to the dismissal of a lawsuit against Boone's Steep Slope Ordinance.

Throughout the process of questioning the legality of the actions of Lynne Mason, Bunk Spann, Rennie Brantz, Janet Pepin and Mayor Clawson, who were responsible for enacting the Steepslope and Viewshed Ordinances, it has become increasingly clear that, not only was the process flawed by improper notice, but that the ordinances are vague and ambiguous.

Late last week (two days prior to a hearing on the case scheduled for today) our counsel was served with an affidavit from the town's Director of Development Services, John Spear, stating that, because I had not submitted a development plan, it is impossible to tell whether my property will be affected by the Viewshed Ordinance and, further, that until an on-site inspection is done by a town official, it is impossible to determine whether my property is even within the Viewshed area. Since my property is clearly marked on the town's Viewshed map, it is this kind of vagueness that makes the ordinance impossible to administer and renders it invalid. My lawyer has advised me that, in light of the affidavit from Mr. Spear, more work is now required to prove what we already know: that all citizens of the town and ETJ may be at risk, that their property is affected, even though the town officials admittedly cannot determine with certainty. We had no choice but to dismiss the case at this point. The law provides that we have the right to re-file the case within one year, and that we will do.