

Theresa Rice

From: Roz Lassoff on behalf of Council
Sent: Wednesday, February 06, 2013 11:23 AM
To: Theresa Rice
Subject: FW: Kitsap draft SMP

Roz Lassoff
Rosalind D. Lassoff, City Clerk
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-8624

From: Joel Levin [mailto:joel_a_levin@hotmail.com]
Sent: Wednesday, February 06, 2013 10:54 AM
To: Anne Blair; Council
Cc: mary_m_levin@hotmail.com; Doug Schulze
Subject: RE: Kitsap draft SMP

Dear Anne,

Thank you for your very thoughtful letter concerning this issue. I believe that you have considered some valuable and very strong points and position--and frankly I think you make a pretty convincing argument. There is one part of the argument I disagree with. I have highlighted that section below, and will include it here for easier context review:

I also want to recognize and honor the intent of ALL of the citizen advisory groups that proposed the SMP revisions to the Planning Commission, as well as the Planning Commission members who have worked this SMP revision for more than two years. All those residents – volunteers, professional and self-educated alike – who after all their study and discussion determined that “non-conforming” was accurate and had legal precedent for continuing use in our SMP update.

This issue is not a popularity contest nor is it that can be dealt with as King David would do by offering to cut the baby in two parts to see who would be the real or best parent--in a similar compromise to satisfy all parties. This is a matter of right and wrong--and would have a dramatic economic effect on property owners and limit use of those properties into the future. The wisdom of Kitsap in adopting the clear, clean, and intelligent language is that at the end of the day I suspect they realize that this was simply the right thing for everybody.

As an observer of many conversations and articles on this matter, it sounds to me as the community would be quite upset if their property rights were minimized. It would be such a colossal waste of more time, energy AND money if this matter had to be litigated and decided in court.

I appreciate your serious, and thoughtful assessment of this matter Anne. I agree with many of your points and positions--however in this one area, I ask that you reconsider your position.

Very best Regards,

Joel Levin

Joel Levin

PO Box 4644

Rolling Bay, Washington 98061

(206) 201-3030



From: ABlair@bainbridgewa.gov

To: joel_a_levin@hotmail.com; Council@bainbridgewa.gov

CC: mary_m_levin@hotmail.com; dschulze@bainbridgewa.gov

Subject: RE: Kitsap draft SMP

Date: Wed, 6 Feb 2013 18:32:16 +0000

Hello Joel – actually, I do have some rationale for suggesting these particular words despite the example set by Kitsap County.

First, while deciding to make a change in standard land-use vocabulary, I believe that we need to recognize that “conforming” and “non-conforming” are both upland and shoreline homeowners reside in homes that bear the label “non-conforming.” Primarily, to avoid confusion and, secondarily, to reduce the baggage and animosity of perceived differences between the uplanders and the shorliners (nuff of that going around already), I want to include the modifier “shoreline” so that everyone gets the difference right up front.

Second, I believe that the ONLY reason to change this label is the perceived negative connotation of the word “nonconforming” – thus, the reason that we would do this is because existing shoreline home owners can maintain and repair their homes out of compliance with a particular SMP regulation is because of the concept of “grandfathering.” Personally, I do not like using that particular word in municipal code (in 2013, let’s avoid gender-related vocabulary!) “Legacy” can and does cover that concept.

Third, the state law that permits a change in the use/application of the identifier “non-conforming” refers only to residential – not commercial –structures. So, again, to avoid any future confusion, I think we need to make clear that when we stray from the usual “term of art” vocabulary that we are doing within specific limits. In this case, that limit is that the change in language refers only to shoreline residences.

Fourth and finally, this convoluted phrase may be an acceptable compromise to the majority (I am guessing here) of council members who seem to favor changing the word non-conforming to conforming. It is important to me not to mislead the public or future shoreline homeowners about the Bainbridge SMP. **I also want to recognize and honor the intent of ALL of the citizen advisory groups that proposed the SMP revisions to the Planning Commission, as well as the Planning Commission members who have worked this SMP revision for more than two years. All those residents – volunteers, professional and self-educated alike – who after all their study and discussion determined that “non-conforming” was accurate and had legal precedent for continuing use in our SMP update.**

More than you really wanted to know? We’ll have to see how the conversation goes tonight – clearly, there are highly charged feelings about this issue. I would like very much to resolve it and move the SMP forward to the Public Hearing in early-March. After that, we need to get it to the DOE for their consideration ASAP.

I appreciate your interest and that you have read this far!

Onward. A

Anne Blair
Bainbridge Island City Council -- North Ward

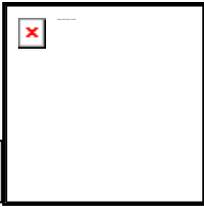
206.842.6722 

From: Joel Levin [mailto:joel_a_levin@hotmail.com]
Sent: Tuesday, February 05, 2013 3:15 PM
To: Anne Blair; Council
Cc: mary_m_levin@hotmail.com; Doug Schultze
Subject: RE: Kitsap draft SMP

Thanks Anne,
Just out of curiosity--is there some reason you are averse to using the same crystal clear language that Kitsap has used? I mean I am all for working the issues and working the problem, however I simply can't understand the benefit for obscuring language when the direct obvious and crystal clear choice is an option. Kitsap used "conforming". I strongly urge you to do the same. I can assure you if you stand up and offer that language in Council Chambers, folks will consider you a rock star for this issue in the community.

Best Regards,
Joel

Joel Levin
PO Box 4644
Rolling Bay, Washington 98061

(206) 201-3030  

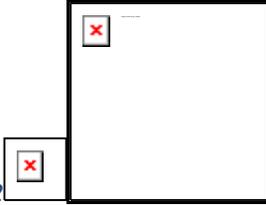
From: ABlair@bainbridgewa.gov
To: joel_a_levin@hotmail.com; Council@bainbridgewa.gov
CC: mary_m_levin@hotmail.com; dschulze@bainbridgewa.gov
Subject: RE: Kitsap draft SMP
Date: Tue, 5 Feb 2013 22:34:38 +0000

Thanks Joel – you’re right, the County language is clear and concise. Come Wednesday evening’s Study Session we can hope to accomplish much of the same. With regard to the “conforming/non-conforming” language with regard to waterfront homes, I will propose we use the phrase, “legacy conforming shoreline residences” to identify existing homes and the regulations that apply. Not nearly so concise, but I hope it is clear and will both make sense and relieve much angst on the part of many waterfront home owners. Beyond that, the Point Monroe suggestions seem, on the surface, to make lots of sense to me. I’ll be interested to hear from others on the Council their thoughts about that issue.

Perhaps we’ll see you at the meeting tomorrow? At any rate, as always, I appreciate your care and your commitment to communicating with the Council. A

Anne Blair

206.842.6722



From: Joel Levin [mailto:joel_a_levin@hotmail.com]
Sent: Thursday, January 31, 2013 7:04 PM
To: Council
Cc: mary_m_levin@hotmail.com; Doug Schultze
Subject: Kitsap draft SMP

Dear Council,
Kitsap's attached SMP draft language is so reasonable, so clear and so smart. Please take their measured approach. So much time, energy and efforts have been wasted in so many negative ways on Bainbridge's SMP review. Please do the right thing.

Best Regards,
Joel and Mary Levin

Joel Levin
PO Box 4644
Rolling Bay, Washington 98061

(206) 201-3030

