

## Theresa Rice

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**From:** Roz Lassoff on behalf of Council  
**Sent:** Friday, February 08, 2013 8:06 AM  
**To:** Theresa Rice  
**Subject:** FW: Proposed Update of SMP

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

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**From:** MC Halvorsen [<mailto:mchalvorsen@hotmail.com>]  
**Sent:** Thursday, February 07, 2013 5:09 PM  
**To:** Council  
**Subject:** FW: Proposed Update of SMP

Dear Council Members:

I received a "failure" notice on this email and when I checked the address, I see I accidentally added an "s" to wa. I hope you receive it now

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From: [mchalvorsen@hotmail.com](mailto:mchalvorsen@hotmail.com)  
To: [council@bainbridgewas.gov](mailto:council@bainbridgewas.gov)  
CC: [khstahl@verizon.net](mailto:khstahl@verizon.net); [gary@tripp.net](mailto:gary@tripp.net)  
Subject: Proposed Update of SMP  
Date: Thu, 7 Feb 2013 17:06:04 -0800

Dear Bainbridge Island City Council Members:

Last night, February 6, 2013 Council Meeting continued so long I was unable to stay to testify. I am hereby sending my comments by this email.

With regard to the waters at Point Monroe, they are part of Puget Sound and as such federal waters. The United States Constitution guarantees free use of federal waters for all and no regulations can interfere with that constitutionally guaranteed right. You cannot restrict the right to use the waters at POint Monroe or anywhere else around the Island.

With regard to conforming designations, RCW90.58.620 states that residential and appurtenant structures that were legally established and are used for a conforming use but that do not meet the following are to be considered a conforming structure. (2) of that RCW defines "appurtenant structures" as garages, sheds and other legally established structures.

The City Council cannot break state law and must declare these structures as conforming.

If the City Council changes a zone and devalues the property, which will surely happen with nonconforming use, the City must reimburse all property owners for the amount of the devaluation. Taxes will be reduced on these properties as they will not be worth nearly what they are today and the City's income will drop permanently. How will the City replace that loss of income?

There is no scientific evidence that docks harm the environment or the fish. Acting without scientific evidence leaves the City open to lawsuits from the property owners whose docks would be classed as nonconforming. The City would be in a poor position acting on what an environmentalist thinks instead of solid scientific evidence and this is no way to proceed.

With all that nonconforming property and unnecessary restrictions on its use, people could leave the City in droves and businesses, schools, revenue would all be affected.

In addition, since those voting for all these overregulations are not waterfront property owners, the City could be challenged as having people who did not have the proper credentials voting on such changes.

M. C. Halvorsen