

The SMP update has taken too long. Few will disagree. Time and effort is not the issue. Disrespect for the concerns and rights of citizens whose properties are the subject the update is. The process has been bias all the way through. The majority selected to be on the Task Force were upland owners with agenda of environmental protection through increased buffers and many other restrictions requiring permit control. This majority seemed not to recognize that waterfront homeowners, care at least as much as they do about the health of Puget Sound and Bainbridge Island and are excellent stewards of their property and the waters they enjoy and observe. In fact, the limited use these properties get limits their impact. You can say private property provides a buffer. The majority of the Planning Commission was cool to input by waterfront citizens. It can be safely said that one member led the show. Personally, I found most commissioners unreceptive to views other than their own. Once, I was listened to with what I perceived as interest but my valid point was quickly dismissed. There is no doubt that, in defending our property rights, we were as a whole seen as nuisance to the goals of restrictions, control and overreach. Presently, we have four Council members, who in the name of environmental protection, favor restrictions on waterfront property as a means to feel they are cleaning up pollution in Puget Sound. They see the Update process as fair and balanced. Waterfront owners who have followed the update do not. Where is the representation for personal responsibility, the protection of a minority group, private property and common sense? I do thank the three Council members who are attempting to allow conforming to be maintained as the Legislature has allowed. Has Bainbridge really come to the point of so little trust in the individual?

Ken and I have followed the SMP update, recently taking a break to distance ourselves from the frustration, even anger, we experience in response to the disrespect with which waterfront owners' concerns have been met. Reading Mrs. Hytopoulos's Guest Opinion in the Review (Feb.15) was alarming. I subsequently watched the Feb. 6th Council meeting. Is Mrs. Hytopoulos trying to insult the intelligence of the savvy waterfront owners by stating they confuse rezoning with the required SMP update? Has anyone from either side ever suggested that the waterfront be rezoned to a new use? Where is she coming from? The disturbing issue has been the overreach of regulation beyond already stringent requirements. We do not want to be made an example of as leaders in over regulation.

Conforming or nonconforming what came first? The answer is easy. Conforming did. Consider two homes. One built a long time ago and not up to date in most respects. This home is designated as conforming on the SMP map. The other is quite new, up to code in all respects except it has been made nonconforming by the proposed new buffers. This house is shown as nonconforming on the same map. Now that could be confusing. Is it fair? Is it ethical?

If this council woman had worked in real-estate she too would know that nonconforming is perceived negatively. To most people it does mean something. It can scare potential buyers away and financing becomes more difficult. If it is known that a house is nonconforming it must be disclosed. That is ethical. A nonconforming house is simply not a good thing to be.

It is interesting that unfairness to upland owners is now being used to justify the use of nonconforming on the waterfront. When the topic, of upland impacts on the waterfront and on the health of Puget Sound was brought up before the planning commission the response was that those properties were not

involved in the update. Perhaps it is unfortunate they could not be considered together. What would the negative impact be to not label homes at all?. Regulations already exist to deal with septic, electrical, insulation etc.. How would that cause any confusion to City Codes? If the codes are not legally defensible perhaps they should not be there.

We consider ourselves reasonable homeowners. Mrs. Hytopoulos and others of her conviction need not worry that we need stirring up. We are quite capable of stirring ourselves up. Who are these activists? Are those the persons who speak forcefully out for environmental protections through excessive regulation and control without facts to back them up or the people who believe in reasonable needed regulation, individual responsibility and private property rights? Personally we listen to both sides then make our own conclusions and continue treat the environment with respect. Regulations don't necessarily lead to a better environment. They do create bigger, complex more expensive government.

We would rather not employ a Lawyer and bet that no other reasonable homeowner would unless they had good reason to do so. Perhaps reasonable waterfront owners are due and apology. It would be in order the Lawyers who represent their clients would get one too. Often laws don't fit neatly to your objectives. Not all good laws work to support what you consider fair. It is perfectly fair and ethical to keep conforming as conforming. It would be much more fair not to increase the buffers. We would all be happy and there would not be any net loss to the environment nor to property owners. Just imagine a sustainable City Hall.

Sincerely,

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