

Theresa Rice

From: Iver Macdougall [icm@zipcon.net]
Sent: Tuesday, April 10, 2012 1:14 PM
To: Council; PCD; JHBrowning@comcast.net
Subject: "NONCONFORMING USE"

As a longtime South Beach shoreline resident, retired Island attorney, and active participant in many Island organizations concerned with our environment, I share Jess Browning's concern over the term "Non-Conforming Use" as a basis for regulation of our shoreline environment. Unless a particular use or abuse is explicitly identified in a validly adopted regulation, the Non-Conforming Use concept simply opens a wide door for City staff to impose its own definition of what does or does not "conform" to what Staff thinks should be regulated or prohibited. This label does indeed imply that a particular action or inaction is harmful in a way that offends the public interest. In effect, it becomes a "catch-all" justification for staff-level regulation of actions or inactions which are not explicitly identified in a relevant statute or regulation. Please do not authorize or endorse any regulation which may have this effect.

One possible resolution of this issue might be to require that any situation presenting what Staff believes to be a significant environmental issue that is not explicitly dealt with by law or valid regulation must be referred to the City Council or a council committee with opportunity for public comment, followed by Council approval, disapproval or modification of the Staff-proposed action. (More work for an overburdened Council, but then, "Politics ain't Beanbag".)

Thanks for your services in these troubled times!

Iver Macddougall

----- Original Message -----

Subject:Public Comment Process seems to be after the fact!
Date:Mon, 9 Apr 2012 08:48:07 -0700
From:Bainbridge Citizens <gary@tripp.net>
Reply-To:<gary@tripp.net>
Organization:Bainbridge Citizens
To:*Bainbridge Citizens <gary@tripp.net>

From: Jess Browning JHBrowning@comcast.net

To: Planning Commission and City Council

I have looked over the agenda and documents for the April 12th Planning Commission and am dismayed in reading the Public Comment Matrix.

It appears that the Public Comment Process seems to be after the fact and that some are pushing their own agenda.

In the Public Comment meeting, objection to the term "Nonconforming" was overwhelmingly presented, but comments in the City's "Public Comment Matrix" was "that the term had already been accepted by the Planning Commission since its use had become a legally accepted term". That comment ignores the fact that other jurisdictions in the State had discarded use of the term.

What is the value of the Public Comment Process when comments by the public are ignored?

Even though the term "nonconforming" has been used for years, I would like to remind everyone that the word "**nonconforming**" is pejorative and places a **stigma** on the value of anything to which it is attached.

It is only because of the high visibility of the SMP, that the term has come to light. I think that most people were unaware of its use in the past.

Respectfully submitted,

Jess Browning, Ph.D.
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