

Theresa Rice

From: Diane Berry on behalf of PCD
Sent: Wednesday, August 15, 2012 12:34 PM
To: Kathy Cook; Libby Hudson; Ryan Ericson; Theresa Rice
Subject: FW: Residential Conservancy and the SMP

From: Roz Lassoff **On Behalf Of** Council
Sent: Wednesday, August 15, 2012 12:17 PM
To: PCD
Subject: FW: Residential Conservancy and the SMP

Roz Lassoff
Rosalind D. Lassoff, City Clerk
City of Bainbridge Island
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Bainbridge Island, WA 98110
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From: Mark Julian [<mailto:mjulian25@msn.com>]
Sent: Tuesday, August 14, 2012 6:23 PM
To: Council
Subject: Residential Conservancy and the SMP

Dear City Council members,

Below I have reprinted the email that I sent in April 2011 to Ryan Ericson regarding the draft designation of properties along the south shore of Eagle Harbor as Residential Conservancy. I never received a response of course and now we are near the final decision on the SMP. All the statements still hold true and I would expect the Council to take the responsible approach and eliminate this designation for this area in the updated SMP. Thank you for your time.

Best regards,
Mark Julian

Dear Ryan,

I am writing to express my objection and concern regarding parts of sections III and IV, of the City's draft shoreline zone designation plan and maps, and to specifically request that changes be made in those maps while they are in the draft stage.

First, regarding the map changes, the properties I am particularly referring to are basically the length of Rose Loop Road on the south shore of Eagle Harbor, I have attached your map with the area marked.

The Bainbridge Island Critical Saltwater Habitat Areas map shows that there are no Sand Lance in this area and it also shows that there are no Surf Smelt in the area. The only thing that is shown as a concern in the area is "patchy" Eelgrass. However, there is no Eelgrass in the area, homeowners in the area have had their own surveys done for docks and buoys in the recent past.

Given that the City's own Habitat Areas map does not designate the water in front of these parcels as Surf Smelt or Sand Lance area, and that there is no evidence of Eelgrass, and the entire shoreline in that area is bulkheaded and all parcels have docks and floats built well beyond the 0 water tide line, these properties should be designated Shoreline Residential, not the Island Conservancy designation shown on the draft map.

I do realize that a study done for the City shows these properties as "historic" feeder bluffs, however as I mentioned before, they have been modified or bulkheaded for decades. To encumber the land with this new conservation designation will certainly make repair and replacement of docks more expensive, possibly prohibitively so, unfortunately that appears to be the true motivation behind the new designation. It will also likely cause difficulties and additional expense in financing properties when they are sold/purchased.

Portions of the draft shoreline designations at this point are an example of the kind of over reaching by local government that causes property owners to respond in ways that are detrimental to the City and also to shoreline enhancement efforts. Essentially "rezoning" properties that have been modified for decades, and will never be restored to their historic status, only serves to cause aggravation for homeowners, foster distrust of local government and inspires property owners to seek remedies outside the local government. There are certainly areas of shoreline that may deserve a shoreline conservation designation, but properties which have shoreline that has been bulk headed and developed for decades should not be classified as "conservancy" areas of any kind.

One other item, the City should take advantage of the option approved by the State Legislature this session, and designate all existing waterfront structures as "conforming uses", this would alleviate much of the concern being expressed by citizens.

There are many ways to truly enhance the shoreline habitat without this kind of drastic action. As one small example, I personally am happy to allow native vegetation to thrive on my bulkhead and overhang the water, but "down zoning" my property so that it can at some future time, at the whim of local government be returned to a natural state in a trade for some possible permit I would seek, is a step too far. Perhaps the designation of "conservancy"

was assigned to this portion of shoreline as a result of too quick a glance at the habitat map and an unfamiliarity of the shoreline development, I would rather think that were the case.

I would appreciate your prompt attention to this so that the requested map designation changes can be made while we are still in the draft stage, thus avoiding any future conflict with the City over an improperly assigned designation that may cause a decline in property values among other undesirable consequences for our properties.

Sincerely,

Mark Julian
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