

Theresa Rice

From: Roz Lassoff on behalf of Council
Sent: Monday, June 18, 2012 8:26 AM
To: Theresa Rice
Subject: FW: Meeting June 20, 2012 re SMP

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From: m.c. halvorsen [<mailto:teddy2halle@yahoo.com>]
Sent: Sunday, June 17, 2012 3:41 PM
To: Council
Cc: Gary Tripp; bi.shoreline@gmail.com
Subject: Meeting June 20, 2012 re SMP

Dear COBI Council Members:

Unfortunately, I cannot attend the above-referenced Meeting. However, I do have the following comments:

It is the law in this state passed this last legislative session that structures built on waterfront property before 1969, if they are being used for the zoning of their property, are to be designated "Legally Conforming" even though they would not be able to meet the requirements now in place.

I trust the City Council will obey the law and change the Planning Commission's designation of non-conforming to those properties.

At the June 13, 2012 meeting, I gave the City Council the citations of the U.S. Supreme Court of some of the many cases that state unequivocally that federal waters (such as Puget Sound) are under the jurisdiction of the federal government and only the federal government can pass laws relating to them. Free use of federal waters is a constitutionally right protected under the Commerce Clause of the U.S. Constitution. Thus, the attempt to label any parts of the waters surrounding Bainbridge Island by any governmental agency other than the federal government particularly ones that would restrict navigation of any part of these waters, is unconstitutional and hence void.

I trust the City Council does not want to pass unconstitutional legislation. Remove designations such Aquatic Priority or any other designation regarding federal waters.

Buffers should be left as they are until further science is in showing buffers to be beneficial.

My recommendation for the SMP Update are still the same:

Scrap the new proposed Draft with the exception of adding the Chapter on "No Net Loss" to the old plan and keep the rest of the old plan. The legislation regarding the updating of SMPs simply requires an addition of "No Net Loss" and was not meant to be a wholesale power grab for the cities with the resultant unnecessary

restrictions to the property owners.

M. C. Halvorsen