

Theresa Rice

From: Roz Lassoff on behalf of Council
Sent: Monday, June 18, 2012 9:24 AM
To: Theresa Rice
Subject: FW: Shoreline Management Plan

Roz Lassoff
Rosalind D. Lassoff, City Clerk
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-8624

From: Dennis Rosenfeld [mailto:quantint@yahoo.com]
Sent: Monday, June 18, 2012 9:15 AM
To: Council
Subject: Shoreline Management Plan

My name is Dennis Rosenfeld and I own a home at 3240 Point White Drive NE, here on Bainbridge Island. I have followed the progress of the Shoreline Management Plan update with increasing concern. My areas of concern are more global in nature, but also include some of the specifics within the plan.

Global Concerns

Revisions to existing regulations are useful when the existing regulations

- 1.) are outdated
- 2.) there is a specific environmental impact
- 3.) a specific economic activity that needs to be controlled
- 4.) a specific social need

Sometimes revisions to existing regulations can also improve the implementation of a law or code. I find it hard to believe that any of the members of the City Council believe that the SMP revision current under consideration meets ANY of these benefits. Is the current SMP outdated? No it is not. In fact by almost any reasonable measure it has succeeded in regulating development along Bainbridge's shoreline. Under the current regulations are the activities of Bainbridge's waterfront homeowners negatively impacting the environment? There can be disagreement on this point. The problem is that those who wish to tighten regulation are unable to cite any examples where under the current Shoreline Management Plan, shoreline homeowners have negatively impacted the environment. Even worse, can you the members of the City Council support the claim that this update will be a material improvement to management of the Shoreline? I emphasize material improvement, because as the governing body of this city the Council has a responsibility to consider the costs of this new regulation versus the benefits.

I urge the members of the City Council to consider the costs and benefits of this revision/update. I believe nobody can honestly claim that this revision will improve the already stringent restrictive regulation of the development of shoreline properties. Common sense dictates that this hugely complicated revision/update will not improve regulation. If there is a specific area or use that the city wishes to regulate or change, it should address that specific area or use. I urge the City Council to be sensible. Being sensible is a much more effective way to achieving the City's planning objectives. Nobody, can claim that this SMP update is a sensible document.

However there are real costs to this update. First and foremost is the significant decline in property values that this needless regulation will result in. Yes, that will certainly happen in particular when you make existing shoreline homes "non conforming". It is a big deal. Why would the City Council seek to punish shoreline homeowners when the benefits of this regulation are marginal at best? Of course the reduction in property values also runs the risk that those homeowners will insist on a revaluation for property tax purposes of their properties. That has a very likely change of reducing property

tax income to the City over time. Is this City Council prepared to risk a decline in property tax revenue for the very uncertain benefits (if any) to this revision of the SMP?

The fact of the matter is, that the current Shoreline Management Plan gives the City of Bainbridge Island all of the tools it needs to effectively manage shoreline development. In fact, if the City wanted to restrict development along the shoreline, it can effectively do so under the current Shoreline Management Plan.

Specific Concerns

There are two areas within the plan that are of specific concern. The use of "Non Conforming" status to any shoreline properties is essentially a taking of property by the City. In comments I have read from (I believe) the City staff, there seems to be a view that there is no need for concern. That is simply unrealistic. When you declare any property non conforming the purpose of such a designation is to stop its use over time. Furthermore it will make the sale of such property very, very difficult. My point is whatever the City Council is trying to accomplish in this SMP revision declaring properties as "Non Conforming" is draconian, and unnecessary to achieve planning objectives. It does put the City at risk of protracted litigation. Quite simply whatever the agreed upon goals of the update of the SMP are, declaring properties "Non Conforming" is NOT the way to achieve those objectives.

My understanding is there are several instances where an administrator can determine whether or not a homeowner is in compliance with the new SMP regulations. The purpose of regulation is to establish clear rules to regulate activity. In this case it is shoreline development. Having an administrator determine **in their opinion** what may or may not be in compliance allows such person to set the rules. Again I appeal to common sense. Does the City Council wish to abdicate the enforcement of rules to the **opinion** of an employee or administrator? I ask how does the City Council believe that having uncertain rules determined in the opinion of an administrator will benefit current and new homeowners?

Conclusion

There is a theme to my concerns. Since the current Shoreline Management Plan by and large conforms to the current State of Washington regulation. Since the City is currently able to significantly regulate and if it so wishes to restrict shoreline development through the existing regulations. What benefits are there to this confusing, poorly thought out revision,? Where are the benefits? Even if you believe there are some benefits, what are the costs? Yes, the City Council needs to understand that if this Shoreline Management Plan is adopted there will be costs. Significant costs from a variety of sources.

I urge the City Council to weigh whether it really needs to adopt this or any updated Shoreline Management Plan to achieve it's shoreline planning objectives. If for some reason the City Council feels it in fact needs this revision to achieve it's shoreline planning objectives, then I urge the City Council to consider is this plan the best way to achieve those objectives? While there are clearly differing views in the City in regards to the use and enjoyment of Bainbridge Island's shoreline, common sense dictates this proposed Shoreline Management revision/update is the worst possible way to meeting the City's planning objectives.

Thank you for your consideration,

Dennis Rosenfeld