

**From:** [Kathy Cook](#)  
**To:** [Theresa Rice](#)  
**Subject:** FW: Support for the Shoreline Master Program  
**Date:** Friday, March 15, 2013 9:39:19 AM

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[Kathy Cook](#)  
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**From:** Kirsten Hytopoulos [mailto:khytopoulos@bainbridgewa.gov]  
**Sent:** Friday, March 15, 2013 9:25 AM  
**To:** Kathy Cook; Ryan Ericson  
**Subject:** Fwd: Support for the Shoreline Master Program

A truly wonderful emailed comment that was quarantined by the email system that I want to make sure makes it into the record.

Sent from my iPhone

Begin forwarded message:

**From:** <[quarantine@bainbridgewa.gov](mailto:quarantine@bainbridgewa.gov)>  
**Date:** March 14, 2013, 4:13:53 PM PDT  
**To:** <[ABlair@bainbridgewa.gov](mailto:ABlair@bainbridgewa.gov)>, <[SBlossom@bainbridgewa.gov](mailto:SBlossom@bainbridgewa.gov)>, <[SBonkowski@bainbridgewa.gov](mailto:SBonkowski@bainbridgewa.gov)>, <[khytopoulos@bainbridgewa.gov](mailto:khytopoulos@bainbridgewa.gov)>, <[dlester@bainbridgewa.gov](mailto:dlester@bainbridgewa.gov)>, <[bscales@bainbridgewa.gov](mailto:bscales@bainbridgewa.gov)>, <[DWard@bainbridgewa.gov](mailto:DWard@bainbridgewa.gov)>  
**Subject:** **FW: [QUAR] Support for the Shoreline Master Program**

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**From:** Eric Kuhner [mailto:[ekuhner@juno.com](mailto:ekuhner@juno.com)]  
**Sent:** Thursday, March 14, 2013 4:10 PM  
**To:** Anne Blair; Sarah Blossom; Steve Bonkowski; Kirsten Hytopoulos; Debbi Lester; Bob Scales; David Ward  
**Subject:** [QUAR] Support for the Shoreline Master Program

Dear Councilors,

You would have my full support in enacting the draft Shoreline Master Program, with evidence-based protections and language continuing a precedent grounded in decades

of land-use law. The label of non-conforming, rather than pejorative, is simply descriptive, and as has been pointed out, probably the majority of homes on Bainbridge are non-conforming (with respect to current codes). More importantly, the history of Bainbridge Island has been one of environmental concern and strong protections for our vital and fragile shorelines. I urge you to continue this history by enacting strong protections rooted in our latest understanding of shoreline ecology.

Do not think for a minute that the crowd that descended on City Hall last night was representative of a majority of Island residents. I doubt even that it would represent a majority of shoreline property owners. The so-called property rights movement, also under the banner of "wise use," has, since at least the early '80s, sponsored a distorted conception of the rights and responsibilities of property owners that undermines a truly balanced approach to protection of healthy ecosystems on which we all ultimately depend.

It is a challenging test to stand for the collective interests of all Islanders and our common ecological heritage, including our watersheds, our varied wildlife habitats, and our fragile shorelines. Do not be fooled or bullied into the belief that placing restrictions, grounded in ecological science, on shoreline development constitutes a taking as that term is used under the law. These are not arbitrary restrictions; they are a response to our collective overshoot, and of past actions having taken from all of us much of the vitality of our natural environment. Moreover, these restrictions apply to future development, not to current use. To the extent that restrictions may result in the diminishment of property values, if any (a concern that is often overestimated), that reduction is to speculative value, and it is not the council's role to attempt to protect the speculative value of property. Property values are not guaranteed, nor are the uses or restrictions to which property may be subject. What is guaranteed is a fair hearing, and rules that are justified by our best understanding and by public purposes and are not arbitrary. I will support you in adopting rules based on those standards and in our collective interest.

I have great respect for the role of shoreline property owners in protecting the health of shorelines as well as the rights and privileges of shoreline owners in enjoyment of their property. Growing up in the late '70s and early '80s in a high-bank waterfront home left me many wonderful memories of swimming, fishing, clamming, and enjoyment of the beach, as well as great appreciation for the magnificent views. I also witnessed the sloughing of the bank, including the loss of our stairs that descended some 200' to the beach and the threat to our neighbor's home that had been built much too close to the unstable edge. That home and those stairs had been built on spec, in locations and with features that, in retrospect, should never have been allowed. My mother chose to build our home as far from the bank as possible, and often commented on the fact that the original homes in that area of Seabold had been built, around the turn of the 19th century, far back at the top of the hill; would that all builders and owners had such foresight and restraint.

My father is also a long-time shoreline property owner in Kitsap, in addition to serving as President of the Kitsap Patriots Tea Party. Though I disagree with his stance on this issue, I respect his stewardship of his land. And while I respect the right of activists to express their views, I do not believe that the Kitsap Patriots are in any way representative of the views of the vast majority of Island residents. I urge you not to be moved or intimidated by pressure tactics from outside agitators.

I also understand there is a great deal of fear and concern on the part of shoreline owners over the SMP, and that the SMP will result in further restrictions on the future development of many shoreline properties. However, I also believe that those fears are exaggerated, and have been inflated through a concerted campaign driven by an anti-regulatory movement steeped in an ideology that seeks to undermine the basis for much of land use regulation and law. The threat of lawsuits against the city, while a legitimate recourse for homeowners, is also used as a tactic of intimidation by the well-heeled. While I urge the city to adopt regulations consistent with Washington law, and hope that the promise of lawsuits will make the city carefully consider the basis of its regulations, I also urge the council to rely on its own interpretation of the law and that of staff and counsel and not to be pushed into adopting the legal interpretations of vested interests.

In closing, I want to reiterate my support for strong, reasoned shoreline protections, and urge you to pass the plan before the council as it stands, or with minimal changes rooted in our common concerns as islanders. I will support you in standing for this Shoreline Master Program.

Sincerely,

Eric Kuhner, MUS, BHS class of '83, and island householder