

**Bainbridge Shoreline Homeowners
PO Box 11611
Bainbridge Island, WA 98110**



To: City Council
Planning Commission
City of Bainbridge Island
270 Madison Avenue N
Bainbridge Island, WA 98110

July 19, 2011

We are grateful for the opportunity to serve on the citizens committees for the Shoreline Master Plan Update. Throughout the process, the staff tried to follow the schedule set forth by the Council. The meetings were run efficiently, often with the help of the facilitator.

However, there were problems with the process that we'd like to make known.

1. We spent too much time (8 months) working on goals and policies and too little time (1 month) working on actual regulations. There was no time for an iterative process, where once we could see what the policies or goals looked like in a regulation, they could be revisited and tweaked. The result is that in a number of situations, the undersigned representatives of Bainbridge Shoreline Homeowners cannot support the recommendation that was transmitted to the PC and CC. A concrete example of this is the shoreline designation map and the regulations that apply to the shoreline designations. The final vote on the map was evenly split between recommending it and not recommending it because those who voted "no" would have liked to revisit and potentially change the agreed upon criteria once they saw the dramatic increase in already developed residential land that has been placed in the restrictive "Shoreline Residential Conservancy" designation. Therefore, we cannot support the map, or the shoreline designation regulations. **We support criteria that results in a map that leaves most residential uses in the Shoreline Residential designation.**
2. Some controversial votes on important issues were split votes. Property owners represented only 2 seats on the 7 member committees and 4 on the 9 member committees. The result is that in a number of situations, the Shoreline Homeowners cannot support the draft that was transmitted to the PC and CC. A concrete example of this is the regulations governing nonconforming structures and uses. Shoreline Homeowners members did not have the numbers to recommend regulations similar to SB 5451 and therefore cannot support the recommendation on nonconforming development. **We support making all single family residences conforming with regulations that would allow rebuilding and expansion similar to what would be allowed under the current SMP.**
3. In many cases there simply was not enough time to adequately address our concerns. The staff did an excellent job of moving the meetings along, but the down side to that is that in a number of situations, we did not get a chance to address and understand the basis for specific regulations. A concrete example of this is the shoreline buffers and the reasonable use exception to buffers. Recommendations on these issues came from Herrera to the work groups just before the meeting at which a decision was to be made. Therefore, we do not support the buffer widths or the reasonable use exception square footage regulation. **We support leaving the shoreline buffers at**

the same distance from OHWM that they are under the current SMP and allowing a larger square footage for the building under a reasonable use exception. The no net loss standard can be achieved through voluntary mitigation, public shoreline restoration and mitigation banking.

4. The work groups were not given the benefit of ETAC's report on the science of shoreline management to inform our work. The result is that a lot of decisions that were made were not based on science, they were simply based on "policy", the planning staff's terminology for a decision for which there was not a basis in science. A concrete example of that is the cumbersome restrictions on shoreline armoring. The result is that we do not support the regulations for shoreline armoring (bulkheads). **We support allowing shoreline armoring to protect existing development with requirements to mitigate as much as possible the impacts.**
5. The science that did come forth, though late in the process, is based on consultants' reports, papers written by activist groups and the occasional published research paper from scientific journals. This leaves the interpretation and use of scientific and technical information up to volunteers, staff, elected and appointed officials, most of whom have no scientific training. **We support establishing a region-wide board of qualified, Northwest based, salt-water scientists who can review and critique any science that is used to promulgate shoreline regulations.**
6. There was a sense of predetermination about the process. It was predetermined that there would be major changes to the current SMP. Since the standard is "no net loss", it would seem that analyzing the current code for what regulations may be causing a loss of shoreline function should have been done before major changes to the code were made. **We support taking a second look at the regulations to see what of the current SMP can be retained under the new DOE Guidelines and removing as many as possible of the proposed new regulations that go beyond the current SMP.**

Now, as the recommendation goes forward to the CC and PC, there will be a tendency to give substantial weight to the citizens' committee recommendations. We suggest that the Planning Commission and the City Council take time to consider what these regulations will do on the ground, what their basis in science is, and how they will help to achieve the goal of the Shoreline Management Act--to balance the rights of private property ownership with protection of the environment.

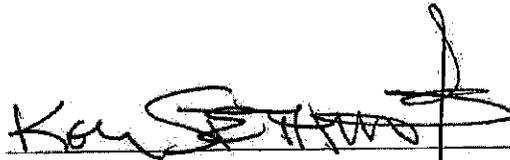
Sincerely,

Ken Sethney
Development Work Group, Task Force

Andy Mueller (alternate)
Development Work Group, Task Force

Alice Tawressey
Vegetation Work Group, Task Force

John Bomben
Modifications Work Group, Task Force



Agree to on phone, but not available to sign, AJ

