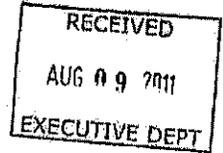


**We hereby petition the City of Bainbridge Island  
Planning Commission and City Council.**



As shoreline homeowners, we urge our City's Planning Commission and City Council to adopt a Shoreline Master Program that follows state law while protecting the environment and our property rights.<sup>1</sup>

**Specifically, we ask that...**

1. The SMP Update must declare existing, lawfully built homes to be "conforming" structures as per SSB 5451.<sup>2</sup>
2. Any new regulations, including vegetation buffers, must apply to future development only, as per state SMP guidelines.<sup>3</sup>
3. Shoreline armoring regulations must balance one's need to protect private property from erosion with the positive effects of onsite mitigation or participation in restoration programs at other locations in the City.<sup>4</sup>
4. Any measure of "cumulative impacts" must account for restoration and mitigation projects undertaken by individuals, nonprofits and government entities.<sup>5</sup>
5. New regulations must fairly allocate the burden of addressing "cumulative impacts" of predicted future development.<sup>6</sup>
6. Except in aquatic conservancy areas, docks and floats must be permitted if they follow US Army Corps of Engineers specifications.
7. The City Council must encourage the State of Washington to establish a senior level, peer review panel of scientists, separate from the Dept. of Ecology, to assist local jurisdictions in the preparation of future SMP updates.
8. Properties containing existing, lawfully built residential structures must not be included in a "shoreline residential conservancy" designation since state law clearly states that new regulations are intended to apply to future development and changes in land use.<sup>7</sup>

Full Name (clearly printed)

Street Address

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3698 Point White Dr. N.E.

Constance M. Albrecht

3698 Pt. White Dr. N.E.

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[ See references on the back side of this petition. ]

## References:

### **<sup>1</sup> The SMP must be consistent with constitutional limitations on the regulation of private property.**

Regarding "no net loss" of ecological function, WAC 173-26-186 (8)(b)(i) says, "Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property."

### **<sup>2</sup> Local jurisdictions can declare existing homes to be "conforming" in their SMP updates.**

... as per Senate Bill SB 5451, signed May 12, 2011 by Governor Gregoire.

### **<sup>3</sup> New vegetation buffers don't apply to existing homes.**

The Department of Ecology's shoreline master program guidelines explicitly state that vegetation conservation standards do not apply retroactively to existing uses and structures. The Washington Administrative Code or WAC 173-26-221(5)(a) says, "...Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures."

### **<sup>4</sup> "No net loss" must be measured for our entire community, not individual development projects.**

WAC 173-26-186 (8)(b)(ii) says, "Local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline."

### **<sup>5</sup> Policies and regulations must consider "cumulative impact" when addressing future development, not existing development.**

WAC 173-26-186 (8)(d) "Local master programs shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the Act.

WAC 173-26-201 (3)(d)(E)(iii) says, "The principles that regulation of development shall achieve no net loss of ecological function requires that master program policies and regulations address the cumulative impacts on shoreline ecological functions that would result from future shoreline development and uses that are reasonably foreseeable from proposed master programs...."

### **<sup>6</sup> Policies and regulations must must fairly allocate the burden of addressing "cumulative impacts."**

WAC 173-26-186 (8)(d) "To ensure no net loss... master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities.

### **<sup>7</sup> Shoreline master programs are intended to affect future development and changes in land use.**

Regarding general SMP contents, WAC 173-26-191(2)(a)(iii)(A) says, "...While the master program is a comprehensive use regulation applicable to all land and water areas within the jurisdiction described in the act, its effect is generally on future development and changes in land use.

The same section goes on to say, "Local government may find it necessary to regulate existing uses to avoid severe harm to public health and safety or the environment and in doing so should be cognizant of constitutional and other legal limitations on the regulation of private property."