

Theresa Rice

From: jonquitslund@att.net
Sent: Thursday, September 01, 2011 8:55 AM
To: Kim Brackett; Hilary Franz; Kirsten Hytopoulos; Bill Knobloch; Debbi Lester; Barry Peters; Bob Scales; Ryan Ericson; Libby Hudson; PCD
Subject: Comments on Shoreline Management Program
Attachments: Opinion for Islander 8.26.11.docx

5192 NE Sullivan Road

Bainbridge Island, WA 98110

1 September, 2011

TO: Members of the City Council; Members of the Planning Commission; PCD Department staff members Cook, Hudson, and Ericson

FROM: Jon Quitslund

I have seen in writing, and have been in the audience to hear, a portion of the angry comments that have been offered in connection with the SMP update process. I understand that some comments, addressed to individuals outside of public meetings, have been quite outrageous. The number and the vehemence of negative reactions may be adding up to something more momentous than their actual content would deserve. It's time for a reality check.

I believe that much of the negative commentary and distrust of the update process has arisen from insecurity and fear – emotions that have been hyped up and attached to misrepresentations of the actual contents of the draft SMP. I hope that as the Planning Commission and the Council move forward, it will be possible to clarify the actual impact of new regulations on existing structures and their owners.

I have composed an opinion piece that will be published in the next issue of the *Bainbridge Islander*; a copy of the text that I submitted to Ric Hallock is attached. I hope you will take my point of view into account as you proceed.

Let me also take this opportunity to mention that I have posted on the *Sustainable Bainbridge* website three pieces concerned with the confusion and false claims that now surround “nonconforming structures.” (Go to sustainablebainbridge.org, then click on “News” in the bar at the top of the homepage, and then on the “blog”

feature.)

Insecurities and the Making of Public Policy

Jon Quitslund

What person in their right mind doesn't feel insecure these days? And we all have our reasons. It's a mistake, however, to let insecurity shape your behavior and your view of the world. Sensible people strive to keep their balance, and whatever happens, they acknowledge that some things are beyond their control. The best anyone can do is to play a constructive part in the outcome.

Insecurity brings people together, and it drives people apart. When anything that you've counted on is suddenly put at risk or taken from you, resentment and anger emerge from insecurity and become a source of confidence.

This emotional dynamic is fundamental to human nature, and healthy in the presence of real danger. I'm troubled, however, when I see a group of people whose aggrieved emotions and sense of loss are based, in large part, on fear that is not spontaneous but cultivated, involving dangers that are imaginary, not real.

Cultivation of fear and anger is an effective political tactic, but it doesn't provide a foundation for sound policies. Indignation should be supported by argument – grounded in facts, knowledge of the law, and respect for others with different views.

Many shoreline property owners believe, mistakenly, that the proposed update of the Shoreline Master Program, now being reviewed by the Planning Commission and the City Council, discriminates against them.

This belief has been promoted by leaders who have mounted organized resistance to new regulations, which they regard as a financial imposition and an abridgement of property rights. The leaders' points of view are being published on a well-designed website, *Bainbridge Shoreline Homeowners' News*, which has been up and running since 2009.

The website makes lots of information and opinion available, and it's easy for anyone to register comments and questions in response to the postings. I've used the website myself, and I've posted comments, although lately I find that my perspective is not welcome.

The BSH perspective is anti-regulatory and suspicious of government. Here's my paraphrase of the basic message: "If we're not careful – if we don't let them know what we want and what we won't stand for – the City, going even beyond what the Department of Ecology requires, will impose ruinous conditions on us."

In short, it's Us against Them. This has been an effective organizing and motivating strategy, and it has gotten the attention of some members of the Planning Commission and the City Council. But it doesn't square well with the actual policies laid out in the draft SMP that was made public in July.

The basic talking points and bones of contention around which shoreline homeowners have rallied were developed months if not years ago, and I have seen no acknowledgement of the ways those concerns are addressed in the draft SMP. Instead, we've seen a "minority report" listing issues on which the shoreline representatives on citizen workgroups didn't get their way.

The petition that has been delivered to the City Council on behalf of shoreline homeowners insists, not once but twice, that new regulations must apply only “to future development and changes in land use” – as if the drafters of the SMP had ever thought otherwise.

Shoreline property owners need to understand what the “no net loss” standard requires of them, and what it doesn’t. The BSH website doesn’t help. In fact, the SMP offers considerable latitude to homeowners who want to modify the use of their land, so long as the modifications don’t add up to a loss of ecological functions.

The SMP regulations are quite strict, however, regarding docks and bulkheads: in this area, where “waters of the state” will obviously be impacted by development, we are obliged to follow Department of Ecology guidelines very closely.

State law has left the vexed question of “nonconforming structures” up to local jurisdictions. Here again, the BSH website is misleading; a conventional way of exempting existing development from the requirements of new regulations is twisted into an insult and a reason for economic insecurity.

Many homeowners are convinced that unless their property is deemed “conforming,” neither they nor a buyer of their property can obtain a mortgage. If this is true, it’s a recent development, and not a general rule. I learned from Wells Fargo that nonconforming status makes no difference, so long as the home was legally built and rebuilding will be permitted. If other banks want to compete for mortgages on Bainbridge, they will review their policies.