



December 30, 2009

Via Email, gwhi461@ecy.wa.gov

Certified Mail - Return Receipt Requested

Mr. Gordon White
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: "TRUTH about '*non-conforming*' shoreline structures,"
December 17, 2009, Department of Ecology Blog Post

Dear Mr. White,

I am writing in response to the above-referenced paper authored by you, which I understand has been disseminated throughout the State of Washington. Stephanie Johnson O'Day, a local land use attorney, gave copies to me. Stephanie said she was personally contacted by Erik Stockdale of DOE with a request these copies be handed out at a recent Coldwell Banker Seminar about CAO/SMP. It was interesting to note that the letter and request for its distribution were made available shortly before the start of the Seminar.

I must say that your letter offends me. You seem to be concerned about CSA referring to the now well-known power point presentation: *Non-Conforming Uses and Structures* presented by Betty Renkor Oct. 25, 2007. Specially, you made some very judgmental and disingenuous statements about the real *facts* that we have brought to public attention. Statements like: "don't be misled," "important facts are being inaccurately portrayed," "unfortunately a rumor is getting legs," and "pretty scary stuff but it's simply not true," are not helpful to our community which is trying hard to understand the impacts of proposed regulations and the DOE's role in the whole process. So far, we have seen no official retraction by your office of the statements made in Ms. Renkor's presentation. These comments may only serve to make those within the DOE feel better. Otherwise, these types of comments are useless and truly wrong.

For your information, many folks here in San Juan County do not have to be educated about the meaning of "non-conforming use." We already know how it works. In spite of what you are

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referring to as rumors, which you claim "are alarmist," the law is pretty clear (WAC 173-27-080) on non-conforming uses.

The most important point that you fail to acknowledge, in reference to non-conforming use, is the dramatic **increase** of non-conforming uses on properties that will result from, as you say, "modernizing Shoreline Master Plans and CAOs."

I strongly believe that the majority of landowners in San Juan County have accepted the **current** non-conforming status rules currently in use. However, proposed **new** "non-conforming" restrictions to be placed on their home **sites** are over-reaching and not supported by relevant science. That is why we, and other groups like ours, believe it is important to educate as many citizens as possible about the consequences of non-conforming status and what this status has historically meant with regard to future restrictions on their property.

I hereby request that you and DOE disclose the real consequences of "non-conforming status" to **every** community that is and will be "modernizing" their SMP/CAO regulations within the State of Washington.

Such disclosure should be done in a presentation that could be posted on the San Juan County and DOE websites as an integral part of the CAO/SMP modernization processes. Within the presentation, DOE should specify common protocol and requirements for developing within a designated, non-conforming property such as: conditional use and/or variance permits, required public notices, additional studies, technical reports, and costs associated with such.

While I understand how you are defensive about information that many groups and citizens are posting on websites, mailers and other means of communication, I stand by the fact that we are currently educating our neighbors about our observations of the actions, public statements, comment letters and policies that are promulgated by the DOE, San Juan County, Washington State and Federal agencies. The truth is, the Common Sense Alliance www.commonsensealliance.net has, and is, striving to post accurate and honest information about the issues surrounding CAO/SMP updating processes. Unless you can specifically point to where we have erred, we would like an apology and/or clarification from you for what you posted December 17, 2009, on the DOE blog and was reported online on one of our local newspapers, The San Juan Islander (www.sanjuanislander.com).

Sincerely,

/s/ Michael W. Carlson

Michael W. Carlson
Chairman, Common Sense Alliance

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