

The Sentry

Kitsap Alliance of Property Owners

February 2009

PRESIDENT'S REPORT: Karl Duff

This newsletter is a resurrection of KAPO earlier quarterly newsletters that were set aside some time back because of the labor intensive nature of the effort. More recently your KAPO board of directors has recognized the advantages of electronic media for this purpose. We have decided to promulgate our newsletter reports to members via e-mail. This has several advantages:

- (a) The ability for each KAPO member to easily forward our reports to friends and neighbors outside KAPO, thereby expanding our information and public relations base.
- (b) Potential expansion of citizen support of KAPO's property rights education and protection efforts
- (c) Vastly reduced labor in assembling, editing, and issuing the newsletter.
- (d) Significantly reduced costs.

This letter contains articles from a variety of KAPO board members, each of whom has been assigned certain areas of coverage. Jack Hamilton has kindly volunteered to be our editor. We welcome your comments and contributions to future letters. (NOTE: Members without email services may obtain hard copy at our monthly dinner meetings or a hard copy by separate subscription)

KAPO appeal of the Kitsap County Critical Areas Ordinance has completed most of the administrative steps prior to arguments before the Washington State Court of Appeals. Our attorney, Brian Hodges of Pacific Legal Foundation, has advised that briefs are still in preparation and that arguments are expected to be heard before the court late this spring.

KAPO officers have been attending Kitsap Regional Coordinating Council monthly meetings during the past year and, over the past two months, have held conversations with three of their elected officials (Commissioner Bauer, Commissioner Garrido and Port Commissioner Mahan). We are vigorously questioning the true interests of Kitsap County remaining as a member in the Puget Sound Regional Council. (Our concerns have been previously documented in KAPO responses to PSRC VISION 2040)

All of Kitsap County's Commissioners are now Democrats. With exception of Commissioner Bauer's fiscally conservative budget actions, Kitsap County is now ruled by those who have never indicated any interest in protecting your property rights. Apart from KAPO pending court case, we can only expect more regulatory limits on how your property may be used. This will become a BIG issue in the coming update in the Shorelines Master Program! It is therefore crucial that KAPO membership employ personal communications using phone calls, e-mail, personal letters, and open letters to newspaper editors to express your personal views on our land-use policies. Apart from this we can be confident of ever higher restrictions on our use of our property and further removal of undeveloped land from the tax rolls to be held for "open space" (while over 33% of Kitsap is already official open space.) Please prepare to take issue with your elected officials on these vital matters.

Thank you for your continued support of this all-volunteer citizen's organization to protect one of the most important of our civil rights - the right to own and use property.

WHY WE'RE THERE ~ Executive Director, Vivian Henderson

KAPO officers/directors attended over 300 local and regional government meetings in 2008. Why? Because every government meeting is a threat to your constitutionally protected unalienable rights and your pocketbook. We need to know what is going on at those meetings and the only way we can find out is to be there. Sometimes these meetings are in Seattle, Olympia, Port Townsend, or Tacoma. Volunteers spend many hours traveling to and from meetings, sitting through meetings, listening, taking notes, alerting leadership and routinely getting home late.

At many of these meetings we have the opportunity to speak on your behalf. Frequently at public hearings we deliver testimony on issues important to KAPO members. Your voice has been heard many times. Throughout the Puget Sound region KAPO is recognized as a fierce advocate and defender of private property rights.

In addition, we also have members who serve on local government boards, planning commissions, and other appointed positions and who spend long hours on study and research.

Let me tell you about some of KAPO year around activities ~

KAPO ~

- Helps property owners with land use problems
- Sends members for training to keep current on land use policy issues
- Coordinates activities with other like-minded organizations
- Provides speakers to schools and civic organizations
- Tracks legislation and local/regional/state rulemaking
- Submits letters and articles for publication
- Initiates legal action to counter illegal land use policy
- Sponsors a property rights booth at the Kitsap County Fair & Stampede
- Sponsors public forums so that all citizens have the opportunity to meet candidates for public office
- Arranges speakers of far ranging interest for our monthly dinner meetings

In spite of all we do however, it still isn't enough. The legislature is in session and that's like open hunting season on property owners. We have Kitsap County Board of Commissioners meetings well covered and the City of Port Orchard. But we miss too many council meetings of the City of Poulsbo and the City of Bremerton. They meet once a week. We also need volunteers to help watch-dog the legislature in Olympia.

Would you like to join our "elite" team of government watchers? We have training available if you're not sure exactly what a government watcher watches. You choose how much time you're able to devote to our efforts. As little or as much as you can.

Call me! Let's talk ~

The Environmental Beat – Bob Benze

WHY WE FIGHT

In 1943, Frank Capra made a series of movies for the U.S. Government titled “Why We Fight.” These films accurately defined our enemies and outlined the consequences we would suffer if we did not oppose them forcefully. The story they told was a major factor in hardening public opinion in support of the war effort.

Today we face a similar challenge--to present information to the public on why it is necessary to fight for property rights--and the consequences of failing to do so. This must be a clear and compelling story of what property rights are and why preserving them is necessary for the very survival of our form of government and the standard of living we enjoy. Consider the following:

Throughout history, those countries that have allowed people to own private property have generally enjoyed a standard of living far better than those countries where property was owned by the government or by a landed aristocracy. Why is this so?

The underlying reason is that the legal title to fully-transferable property, whether land or other property, represents equity which is available for investment. Of course there are other factors which must be present, such as a genuinely free market and an uncorrupted rule of law; but without personal ownership, property is merely “dead” capital which economically benefits no one. Indeed, there is far less incentive for people to take care of property that they do not own.

On the other hand, property owned by an individual, or a group of individuals, can be maintained and treasured as something that can be invested in enterprises that generate wealth. The combined value of properties owned by many millions of people has an enormous impact on the wealth-generating capacity of a society.

Indeed, a primary cause of poverty in the world is the absence of property ownership. Hernando de Soto estimates that the Third World already has the assets to eliminate poverty in the form of \$9.3 trillion in land equity value, but because it is not owned by the citizens of these countries, it is dead capital—unavailable for investment.

Our founders were well aware of the shortcomings of other forms of government and determined to do better. Here is what they said about private property:

‘No person ...shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.’ - United States Constitution, Amendment V

“... No private property shall be taken or damaged for public or private use without just compensation having been first made...” - Washington State Constitution, Article I, Section 16

There have always been factions who do not understand these principles, who have advocated increased government control of private land for the “common good”. Over the last 40 years, this advocacy has become increasingly strident, particularly from an environmental activist movement that has worked to convince legislators that “sustainable development” is only

possible if all of the land is strictly controlled and regulated under state, national, and international law. One result has been the enactment of “smart growth” legislation which strictly limits a property owner’s use of their land, in many cases prohibiting its development entirely. In the State of Washington this took the form of the Growth Management Act that was enacted in 1991 to force most development into urban areas to “preserve” the rural areas.

What is ignored by these supposedly well-intentioned people is that these land use regulations can destroy the equity value of property as effectively as a lack of title. Yet, there is no provision in smart growth legislation to compensate property owners for their loss as required by our state constitution.

So this is why we fight—not as a radical organization selfishly advocating property rights at the expense of the environment, but as a principled organization that understands our Constitution and knows that property ownership is fundamental to wealth and prosperity; and that prosperous societies demonstrably take better care of both their people and their environment.

Land Use Regulation – Bill Palmer “Legacy Lots” & The Septic Drain Field Moratoriums

For the second time in two years the Board of County Commissioners has imposed a moratorium on the type of septic tank and drain field systems that can be used to allow the development of “Legacy Lots. The moratorium went into effect on December 22, 2008.

“Legacy Lots” are those lots found in Rural zoned areas of the County that are smaller than the minimum size allowed by Rural Zoning. Typically these lots are about 4,000 to 6,000 square feet in area and are found in subdivisions that were created in the early 1900s. Most such subdivisions like the ones in Manchester and Suquamish are not served by sanitary sewer or public water. However public water is available to some of them and, according to the County, creates a problem whereby “urban” like patterns of development can occur outside an “Urban Growth” designated area.

Ostensibly the moratorium was put in place to allow time for the County’s Department of Community Development (DCD) staff to develop new regulations for how many such lots can be served by a single drain field system (also known as a community system). During the moratorium the number is six (6). Likely this will be the permanent restriction.

Moratoriums can only last for a period of six (6) months and can be imposed without a public hearing. However the law says that within sixty (60) days, the County Commissioners must hold a public hearing to take testimony on the need for the moratorium. In this case that public hearing is scheduled for January 26, 2009.

The ironic aspect of this moratorium is that it is the same as imposed in early January, 2007. Two study committees empanelled that year found that there was no justification for the moratorium or a new set of regulations. Now the County Commissioners are doing it again.

Legislative Muggings – Jack Hamilton

Over the past several weeks the local press has let slip a few items of interest about the goings on of our local and state legislative representatives.

The County Commissioners appear to be ready to increase recording fees for all document recordings by the Auditor to raise funds for affordable housing. Let's see – the Housing Authority is over \$35 million in the hole because to the waterfront condos in Bremerton (certainly not “affordable” housing) and fees on filings not real estate related will be collected to support real estate grants. Why is it that I have little faith in the same Commissioners who serve as Board members of the Housing Authority and who could not foresee or prevent the current fiscal disaster will do any better in the future with more “free” (read taxpayer) money?

Apparently the move to stop growth in the county has reached a new high. WA DOT has determined that the best way to resolve much needed ferry service in face of declining revenues is to curtail service. Why not, they just built us a nice new bridge? The obvious extension of this approach, as recently demonstrated in county budget approval, is to eliminate service in favor of increased salaries for government employees. Sort of reminds me of CEOs of failed financial companies who get the bonus payments just before the company goes under.

Bainbridge Island fears that they may be running out of water. Of course, as a “city” under GMA they are supposed to be moving quickly toward universal sewer system coverage for the Island. I wonder if they have considered the end result of pumping water from aquifers via users into Puget Sound. Unless the Island gets a lot more rain than I do at my house, I think they should realize that they are pumping more out than they are infiltrating back. Perhaps that may be the reason for water problems?

How about them Commissioners. They needed a retreat to get away from the annoyances of the office and staff so they could get to know each other better and do some brainstorming about our future. Off they went to a private residence in Quilcene to have their séance. Lets see – Quilcene is in Jefferson County. A private residence does not make provision for citizen attendance or oversight. A majority of Commissioners, meeting together to discuss business of the County, falls under the provisions of the Open Meetings act. A meeting to discuss planning and policies for the County does not qualify for “closed Executive session”. Is there a chance that we have three Commissioners (and probably a few staff) who are involved in a conspiracy to violate the Open Meeting Act and who have indeed violated the Act?

The State Legislature is in session. During the recent campaign the most important issue before state government was resolving a massive financial crisis. Thus far, with over 1000 bills introduced, the budget is taking a back seat. The individual legislators are busy with the bills that will continue to buy votes and keep them in office. Strong contenders have to do with environmental protection, mass transit, and fixing the viaduct and floating bridges in Seattle. Oh yes, the case of fiddles ordered at the end of last session has arrived in Olympia and the “Guv” and the Legislators are tuning up.

Question of the Month: How does a federal government already over \$9 trillion in debt, and unable to cope with the fiscal demands of entitlement programs already in place, seek to pay for another spend another \$1 trillion in spending? (Alternate Question: Why is it that when tax cuts are proposed the first question is “how will government pay for the cut?” but when additional

spending is proposed, that question is never asked? – Hint: The answer to this question may have something to do with the educational background of those we elect)

Editor's Musings – Jack Hamilton

Karl and Vivian have both talked to the reasons for making this new try at getting our Newsletter up and running. I will do my very best to keep the effort on track during my tenure. I have solicited the assistance of fellow KAPO members to provide periodic input on events, activities, and issues that you should be made aware of. We have identified a “staff” of continuing contributors as follows:

- a. Karl Duff – Presidents message (heads up on key issues or events) also CAPR crosstalk
- b. Vivian Henderson – Executive Director's Message – Plans for future efforts and where help is needed
- c. Bob Benze – Puget Sound Partnership and Conservative coalition
- d. Mike Gustavson – Planning commission activity and decisions
- e. Bill Palmer – What's next in land use regulation
- f. Tim Matthes – KRCC overview and PO planning commission insight
- g. Jack Hamilton – Commissioner/Legislative decisions (and pending decisions we can impact)
- h. Don Flora – Environmental information
- i. BI Rep – Island issues
- j. Jackie Rossworn – PSRC Overview
- k. John Taylor – Real estate reality

Not all contributors will appear in every issue. We also welcome input from anyone else who has something to offer. All material s are due in to me gradiver@wavecable.com at least seven days before the last day of each month. The Editor will assemble the submissions into a workable format and get the newsletter ready for publication.

The news letter will be distributed by email. You are responsible to make sure that KAPO has your current correct email address. The newsletter will be in PDF format so that all may download it easily. If you need Adobe Reader to download and open PDF files, please go to <http://get.adobe.com/reader/>

For those who do not have email access, several solutions are available. Ask a friend, neighbor, or child to down load the newsletter from out web site www.kitsapalliance.org and print the newsletter for you. Join KAPO as a voting member and request a no cost snail mail version of the news letter. Request a paid subscription to the newsletter- the cost will be based on cost to print and mail. A limited number of copies may be available at the monthly dinner but if you rely on that source, you will always be at least one month behind.

*Kitsap Alliance of Property Owners
Cordially Invites You to Join Us
For our 9th Annual Banquet & Election of Officers*

Guest Speaker ~

Bob Williams
Founder and Senior Fellow
Evergreen Freedom Foundation
*Bob will unveil a new policy center focused
Exclusively on protecting individual property rights
Against unwarranted government intrusion.*

Don't miss this historic event!

*Thursday, February 26, 2009
Social Hour 6pm ~ Dinner 6:45pm
Silverdale Beach Hotel
Silverdale, Washington*

Menu Choices:

- 1. Salmon Fillet with Lemon Herb Butter Sauce, Rice Pilaf & Garden Vegetables*
- 2. Mariners' Chicken Breast with Portabella Mushrooms & Roasted Red Potatoes*
- 3. Vegetarian Entree available upon request.*

Cost \$40 per person

*Reservations & Advance Payment Required by Sat. Feb. 21st
Call/Email Gerry Taylor 360-692-8109 donald_taylor@wavecable.com
Space is limited ~ Make your reservations today!*

*Make checks payable to KAPO and mail to
Gerry Taylor*

*10195 Manley Road NW
Seabeck, WA 98380*

Sorry, credit cards not accepted

This event is open to the public ~ Invite friends, neighbors and family

Questions?

Contact Vivian Henderson

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KITSAP

ALLIANCE
OF PROPERTY OWNERS