

The Sentry

Kitsap Alliance of Property Owners

June 2009

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Jack Hamilton covers a bit of state and county government action
Jack Hamilton adds a bit of commentary on a Whatcom County visit
Historic context for June is provided

KAPO President's comments

Tim Matthes

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Tim Was occupied with more pressing matters and did not have anything pressing to offer this month. Look for Tim at the Monthly Board meetings, the monthly "KAPO Night Out" events and in next month newsletter. - ed.

Executive Director's Report

2009/2010 KAPO Membership Dues Time

Vivian Henderson, Executive Director

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It's time to renew your investment in defending private property rights in Kitsap County. You will soon be getting a notice in the mail that your annual KAPO membership dues are due by June 30, 2009. I sincerely hope that you have decided to continue your support of the critical work our organization does in Kitsap County. We are in our 9th year of being a very active part of government land use matters in Kitsap County and the State of Washington.

Our dues have remained the same since our incorporation in Sept. 2000. We have been very frugal with your money. Our success in managing your money has been possible by the many hours of volunteer time, dedication and expertise given freely by your officers, directors and members who serve your interest in many ways.

KAPO is recognized not only in Kitsap County but statewide as being a very effective, well organized grass roots property rights organization. Our activities have taken us beyond Kitsap County borders joining other groups to form a network of citizen activists working to stem the tide of oppressive government and burdensome taxes.

The Shoreline Master Program update is now looming on the horizon. This is a critical issue for all waterfront property owners. The Dept. of Ecology will be helping Kitsap County and its cities tighten the screws on the use of all shorelines. KAPO will be there making sure the interest and rights of shoreline property owners are heard and represented.

When you receive your dues notice can you please sit right down and write a check so that KAPO volunteers may continue without interruption our very important work? Don't put it aside.

If you have any questions or concerns, please call/email me 360-710-8560 viviankapo@wavecable.com or our President, Tim Matthes at timcm@wavecable.com 360-440-6483. Remember we have monthly dinner meetings the last Thursday of every month (except November) 5:30pm at AA China Buffet in E. Bremerton across Wheaton Way from McDonalds. No reservations required. Our dinner meetings are open to the public so bring friends and neighbors. Our dinner meetings are friendly and casual.

Our Board of Directors meetings are open to KAPO members. We meet the first Tuesday of each month 1-3pm at the Homebuilders office at 5251 Auto Center Way off Kitsap Way in W. Bremerton. Our Board of Directors meetings are "intense", (but you'll be glad you came!) Call if you need directions.

I really hope to see you soon ~

Should I get Involved?

Bob Benze

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As I recall, Bill Speidel's history of Seattle, "You Still Can't Eat Mt. Rainier", opened with a statement that read something like "There were the doers, the don'ters and the doubters. The other 99 percent of the population was just around for bulk". Like today, most people back then didn't feel a need to get involved in the decisions that would ultimately affect their lives. And maybe they didn't need to. Seattle was growing, jobs were being created, and who had the time or the energy after a hard day's work?

And things have worked out pretty well haven't they? Most of us enjoy a good life with a nice place to live and enough income to do what we want. We vote for good people we can trust to do the right thing. They can handle the big decisions can't they? Well, maybe—but, then again, maybe not.

Most of us recognize that our rights to life, liberty, and property are the bedrock of our free society, where individual people are still able to choose how to live their lives. This involves personal responsibility--the individualism that has made America great. We have flourished while Europe has atrophied under big government, unaffordable entitlements, and cradle-to-grave welfare.

But these freedoms that we take for granted are slowly eroding--being replaced with something quite different. With a movement that started in the '60s, we have now empowered leaders determined to abandon what has made us great and adopt the same soft-socialist programs of nations that are quietly fading into their twilight.

In a recent speech at Hillsdale College, Mark Steyn pointed out that “Even if there were no financial consequences, the moral and even spiritual consequences (of these programs) would still be fatal.” “They’re wrong because they deform the relationship between the citizen and the state.” Mr. Steyn goes on to say: “The story of the Western world since 1945 is that, invited to choose between freedom and government ‘security’, large numbers of people vote to dump freedom every time—the freedom to make your own decisions about health care, education, property rights, and a ton of other stuff.”

Steyn closed his speech by quoting the Dutch writer Oscar van den Boogaard who said: “I am not a warrior, but who is? I have never learned to fight for my freedom. I was only good at enjoying it.”

History shows that people will always seek power to control the lives of other people. Our freedoms are not guaranteed. In each generation there must be people to fight for them or they will certainly be lost. We are again at such a turning point.

Your country needs you to come to its defense. Are you ready to get involved? If your answer is not a clear “yes” you may find yourself a few years down the road telling your children or grandchildren stories about how wonderful America was when you were younger.

Environmental Insight With a Touch of Real Science

Flora on Grass (again) (Pun Intended)

Don Flora (a real scientist)

[This month Don is back on the “grass” issue one more time.]

Last month’s poem by Alice Wentworth, about lawns, raises questions. Can grass really serve better than shrubs and trees in our buffered places?

In particular (and bearing in mind that landscaped yards and mandated buffers can be complex natural systems):

Does grass deal better with storm water? Yes. Tree trunks and shrubs’ stems don’t stop surface water. Leaf litter helps but doesn’t match grass; grass slows and may even stop storm water. Do lawns corral erosion? Yes. By slowing storm water and keeping it from forming rills, which merge to erode and carry sediments.

Is grass better at stopping pollutants? Yes. By slowing storm water it limits transport of dissolved pollutants as well as those that cling to sediments. Water-restraining groundcover is scant in clumps of salal, salmonberry, and other shrubs and trees.

What about plant-unfriendly chemicals? This is a “maybe”. No vegetation likes harmful chemicals, Grass, shrubs, and trees have limited capacity for even organic chemistry. In all environments the trick is to use chemicals sparingly, and choose those with short half-lives.

Does grass recharge aquifers better than other buffers? Yes, assuming the soils are identical. The aim here is to slow storm water long enough to infiltrate the soil. This can be a long time in our hardpan (glacial till) areas. Grass works best relative to other vegetation.

Does grass really qualify as “Native vegetation”? For some popular species, yes indeed. Wentworth is right.

Can grass get along with less summer water than trees? Yes, at least in our climate. Perhaps half as much, depending of course on the trees’ size and density. Trees are immense users of water, and unlike lawn watering, you can’t turn off the sylvan spigot.

In summer, does grass sustain stream flows and wetlands better than trees? Yes, because grass holds storm water in place while it soaks in, to gradually work its way down hill to needful waters. Three roots soak up the water, sending it through those massive conduits to the sky. (as water vapor – ed.)

Is there some reason to favor grass in suburban drain fields? Yes. Grass roots behave themselves, while helping to aerate the drain field’s soil. That’s critical for “processing” septic nutrients.

Is grass more fun? Well, trees are great to climb and support tree houses. However, families come here looking forward to an outdoor place for children that offers many options – swing sets, sand boxes, Radio Flyer wagons, croquet layouts, tent pitches, hoops, nets, hopscotch, et.al. Sadly, in land use planning a children’s place is becoming an after thought.

Kitsap County Planning Commission Activity Report

Mike Gustavson

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Planning Commission/ Board of County Commissioners Joint Meeting May 4, 2009

Lou Fortano opened the meeting by summarizing distinct concerns of various Planning Commission members that our efforts were a waste of time and of no consequence.

Fred Depee suggested enforcement of the 12 unpermitted Accessory Dwelling Units and bringing boundary line adjustments up for review by DCD is a waste of time. Don’t fix what isn’t broken. It seems the BoCC isn’t too interested in spending staff time on batting inconsequential gnats.

Several Planning Commission members would like to get a BoCC briefing of the direction they would like to go on topics before we get far into the work.

John Taylor requested we assess merits of the County Code. It’s important that we determine if the Code is achieving its intended purpose. BoCC indicated that not doing that probably cost the County the loss of SKIA to Bremerton.

Linda Paralez suggested the Planning Commission might better spend some of our time providing conceptual input to Staff, rather than all of our time reviewing Staff’s preliminary documents.

Charlotte Garrido emphasized identification of industries that would fit in Kitsap today and in the future and taking advantage of the Kitsap Economic Development Council’s recent 18 month

study. She wanted to give a boost to housing construction, energy reduction, electric vehicles, use of natural resources and growing more food locally, trails and getting people out of cars.

I tried to explain that Smart Growth isn't cheap. Until recently, 8,000 homes (new and used) were sold annually, with median home prices at \$265,000. Now that bank loans require 20% down and 28% of income qualifying toward principle, interest, taxes and insurance, median priced homes must be no higher than 3.0 times Kitsap's median income of \$60,000. That means median priced homes must come down \$85,000 to a new median price of \$180,000.

The additional \$85,000 amounts to an additional \$509/month on a 30 year, 6% mortgage. The cost of smart growth for Kitsap is

$\$509 \times 12 \text{ months} = \$6,108/\text{year} \times 8,000 \text{ homes sold per year} = \$48,864,000$

$\$48,864,000 \times 6 \text{ past years of houses sold under these regulations} = \mathbf{\$293,184,000 \text{ excess mortgage cost being paid annually out of Kitsap homeowner's pockets}}$

This is discretionary money that could have been used for new car payments, vacations or whatever.

Since each dollar created circulates through an average of seven purchases:

$\$293,184,000 \times 7 \text{ times each dollar turns over} = \$2,052,288,000 \text{ in retail sales lost to Kitsap County} \times 0.1\% \text{ Kitsap County General Fund portion of sales tax} = \mathbf{\$2,052,288 \text{ County sales tax revenue lost annually just due to the cost of "permission to build" regulations.}}$

Additionally, the "Cost of permission to build" of \$85,000, added to the \$60,000 cost of a typical lot under the current regulations, leaves only \$35,000 remaining for cost of construction. As you can see, few houses will be built for \$35,000 each. Under current bank lending practices, construction will not recover until the cost of lots is reduced through reduced regulation.

The BOCC would like to pursue Rural Commercial/Industrial zoning to attract more rural businesses.

Not many people testify to the Planning Commission. John Taylor again suggested the Planning Commission return to daytime work study sessions and hold night meetings for public hearings.

I suggested when the vehicle mileage tax becomes reality at either or both the State and Federal levels, the incentive for a homeowner to burn brush will dissolve into tossing cuttings in the County ditches or in the bay, at great cost to the County to clean up.

I noted that 3½ years after the Critical Areas Ordinance was signed, GIS still does not display the CAO buffers or wildlife corridors. I questioned how the County can process a building permit without this key information.

I asked if the environmental regulations were written just to satisfy grant application parameters? 83% of the people living inside Urban Growth Areas maximizes transportation grant dollars. Is actual science being ignored to achieve maximum funding?

It seemed to be a productive meeting.

Planning Commission Meeting May 19, 2009

Patty Charnas gave the Planning Commission a one hour presentation on the Shoreline Management Plan (SMA) update.

It appeared to be heavily influenced by Department of Ecology dogma. Restoration of the shoreline appeared to be a significant goal, although no supporting science was offered.

A “blue ribbon committee” of stakeholders is to be formed. I asked if shoreline property owners and property rights organizations might be included. Stay tuned.

Larry Keaton said he would like to resolve the science issues early – within the next six months.

I suggested there are significant legal precedents that need to be addressed.

An Island Perspective Bainbridge Shoreline Homeowners bi.shoreline@gmail.com

(I decided to include a bit about the BSH organization so that we all might better know what the other guys are all about an what they are doing – ed.)

Our Mission

Bainbridge Shoreline Homeowners is an organization dedicated to promoting the wise use and stewardship of our island’s shoreline and near-shore environment. Our mission is to balance the rights and responsibilities of homeowners with those of the community at large. To accomplish this, we conduct research, share information, foster learning, and facilitate constructive conversations.

Gifford Pinchot, first Chief of the U.S. Forest Service, declared in 1907 that "conservation is the wise use of resources." Over time, "conservation" has come to mean not using resources at all.

Shared Vision

Ours is one of many groups that are working to promote an ethic which recognizes that human beings do use resources, and that virtue lies in avoiding unnecessary harm to the environment. In 2009, we will...

- learn about law, science and political process related to our shoreline properties
- share what we learn with each other, shoreline owners, islanders, electeds and staff
- hire a staffer to attend city council and relevant committee meetings and report back to all
- encourage members to monitor and participate in the political process, attend meetings, testify
- collect personal stories that demonstrate our concern, share with electeds and media
- retain a credible marine scientist or firm to review the “best available science” cited by planners as justification for restrictive shoreline regulations

About Us

On July 21, 2008, a group of sixty Bainbridge shoreline homeowners met to discuss a new marine Critical Areas Ordinance (CAO), under consideration by the Bainbridge Island City

Council. The new ordinance would have mandated the following:

- Marine riparian habitat areas of 100 feet will be established for all island shoreline lots. An additional 100 feet will be designated as a marine riparian management zone. In effect, city staff will have control over the first 200 feet of your property as measured from the ordinary high water mark.
- New shoreline armoring (bulkheads) cannot be built. Only 25% of existing shoreline armoring can be repaired in any 10 year period.
- Existing structures, not located in geologically hazardous areas, can only be altered under strict standards.
- Application requirements for development permits will become much more expensive. In addition to previous requirements, submission of a vegetation conservation plan will be required, as will expert testimony by qualified professionals approved by the Director of the City's Planning and Community Development Director will be part of any permit process.

If adopted, the CAO would have stripped shoreline homeowners of our property rights, made all of our homes "non-conforming" and significantly reduced our property values.

The ordinance has been tabled following a state supreme court ruling that said the department of ecology had been ignoring state law in its aggressive guidelines for shoreline regulations.

What's Happening Now?

City planners have turned their attention to a state mandated update of the city's Shoreline Master Program. Our updated SMP must be submitted to the state for approval by December 31, 2012.

The Shoreline Management Act says planners must seek and consider citizen input. Many island citizens feel our city's planners failed to do so in the critical areas ordinance process. We intend to actively participate in the update process. The mayor has not welcomed our offers of help, but several council members have been open to conversation. Today, we have a mailing list of more than 1600 shoreline homeowners. We are working to gather email addresses for each person on the list. If you are not receiving our emails, visit [our website](#) and join our [interest list](#).

It's Your City

The City Council's Land Use Committee meets twice each month to discuss a variety of land use issues. General information may be found [here](#). Meetings are typically held on the first and third Tuesday of each month from 1-3 PM in the Council Conference Room. To learn about city council meetings, land use committee meetings, or activities relating to subjects that interest you as a citizen, you can sign up for Listserv Updates on the city's [website](#). Or, subscribe to our [interest list](#). We will do our best to keep you informed.

Speak Out

During our first meeting, we talked about the best way to offer comments to the City Council. It's easy. First, state that you support or oppose the agenda item as proposed. Then, add a personal comment about your property or your experience with the city that would help council members understand why this is important to you. If you can't attend a Council meeting, send an email to council@ci.bainbridge-isl.wa.us — all council members will receive your message.

Act Now!

Get involved before the SMP update is passed and your only options are litigation or compliance. Educate yourself. Speak out. Share this flyer with your neighbors. We need all the helping hands we can get. To find our website, Google us. To join a committee, send an email to i.shoreline@gmail.com or snail mail to PO Box 10034, Bainbridge Island, WA 98110 •

Legislative Update

Jack Hamilton

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In a final act of “failure to communicate” the legislature passed and the Governor signed a budget that covered a \$9 billion dollar short fall by using \$5 billion in one time stimulus money and making major cuts in programs directly serving the people of the state. There was no significant reduction in “politically essential” program funding and no meaningful reduction in the size of government. The end result will be a continuation of the current \$9 billion deficit plus an additional \$5 to \$7 billion dollar deficit at the start of the next biennium in 2011. How any Legislator that supported the budget can face his or her constituents with a straight face is beyond me. Between the two Washingtons, we are now the proud owners of a debt structure that makes Fannie Mae look like an economic and banking brain trust. I noticed in the paper today that DOE does not have the funding necessary to clean up our highways and byways but they certainly have the funds to write new regulations.

The “cap and trade” legislation was considered just a bit too politically risky by the legislators who have to stand for office every two years or who have to deal with irate taxpayers on a daily basis. Unfortunately the Governor who has none of those immediate concerns, put on the mantle of greatness (she must have borrowed or had a personal copy made of during her recent visit to the other Washington) and took matters into her own hands. By Executive Order (they used to be known as Royal Decrees before 1776), GG created the very structure that was included in “cap and trade” that the people’s representatives refused to adopt. Between the mandates for reduced car driving miles, increased auto efficiency, increased reliance on the unproven technologies of wind and solar power (as primary energy sources for a state), and the continued refusal to allow expansion of carbon based fuel use, we can reasonably anticipate a major negative impact on the economy of the state. The constant demand for more “green jobs” is being met by either changing the nomenclature associated with existing technical and professional endeavors or by forcing more people into cutting lawns for a living.

There is on clear winner in the last legislative session and that is the environmental lobby. The people of the state have once again been traded off for the funding and support offered by the environmental lobbyists and their apparent endless stream of public and private grant funding to push into campaign coffers. I wonder how many people actually realize that they are paying for those campaign contributions in a variety of ways. I guess when we finally get to the point at which cars are no longer allowed on the roads, all homes are shared apartments, and “power hours” are the norm a few more people might become concerned. Hard to tell.

Here in Kitsap

Interim Rural Forest rules are back on the top of the Commissioners agenda. Developing a process to fleece property owners of the economic benefit of their property while appearing as

both benevolent to the needs of those owners and concerned about the best interests of the community has been a continuing magic act for the past 20 years. Commissioner Garrido (you remember her – the one with the PhD in Planning) spilled the beans when she allowed that her biggest concern was making sure that we “saved” the land for future generations. Commissioner Bauer was not much better in his concerns about preserving the natural areas. What the whole bunch of them have missed, as have their predecessors, is that they do not own the property; someone else does. The Commissioners have no actual authority to dictate to owners that in order to use some portion of the property they must agree to leave the majority of the property unused in perpetuity. The zoning as it now exists is 1 in 20. If I own 80 acres in a square and want to build 4 houses at the interior junction of the parcels, I am allowed to do so without condition on the remainder of the property. If I own 1,000 acres and want to parcel it out in 20 acre sections that are long and narrow so I can build a number of homes in close proximity one to the other, why should the Commissioners care. If, however, the actual goal is to “preserve” forest land that the county does not own at no cost to the county, that would explain the dilemma that the Commissioners constantly face. Perhaps if the Commissioners could find a valid basis for the entire program, they might have greater success in finding a solution. It really is hard to develop a solution if you are unable to define the problem or (as in this case) if a real problem does not exist. Perhaps the Commissioners should just back off to the default “it’s not our property to use” position and simply declare victory in simple zoning. Don’t hold your breath. The most probable outcome will be either the property under IRF rules will be parceled and sold off and then developed or, keeping with the SKIA example, annexed into existing cities and developed.

We are not alone

Jack Hamilton

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On May 20th, I had the opportunity to speak before a group of Whatcom County property owners who were concerned about existing and pending land use regulation in both their county and the state. The group was about 50 strong and represented the full community spectrum including builders, developers, Realtors, lawyers, farmers, and individual property owners. Some had a long history of involvement in land use regulation while others were out for the first time. The common factor was their universal concern about the curtailment of ability to use private property because of regulation and restrictions imposed by layers of government.

Steve Hammond from CAPR also attended. Steve’s message was the importance of organizing and the need for a stronger state wide presence in Olympia and before County Commissioners and City Councils providing a second voice to the land use issue. My presentation addressed how to organize and the key elements of an effective organization. I used the over 9 years of KAPO experience to highlight those elements of organization and structure that allowed an all volunteer organization function over time and to be effective in both public education and in presenting an alternative position on regulatory issues. The messages were well received.

The most beneficial aspect of the visit is to know that other people in other Counties are experiencing the same frustrations that we in KAPO deal with. Those individual have reached the point of not being willing to stand by and accept further government abuse of their property. They are organizing. They are formalizing a common voice on issue. They are becoming involved with a strength that can only be realized through group action. And because they are joining the fray, we are not alone.

Historical Almanac

June 1, 1813	Captain James Lawrence, USS Chesapeake, gives his final command "Don't Give up the Ship"
June 2, 1897	Mark Twain quoted : "The report of my death was an exaggeration"
June 2, 1924	Congress grants US citizenship to American Indians
June 2, 1966	Surveyor 1 – first US spacecraft to "soft" land on the moon.
June 3, 1861	First land battle of the civil war – Phillippi, West Virginia
June 4, 1792	Captain George Vancouver claims Puget Sound for Britain
June 4, 1942	Battle of Midway
June 5, 1933	US goes off Gold Standard
June 6, 1944	Normandy invasion of Europe by allied forces
June 8, 1789	Madison introduces "bill of Rights" amendments in Congress
June 8, 1982	Ronald Reagan predict that Communism will end up "on the trash heap of history"
June 10, 1854	US Naval Academy graduates the first class
June 13, 1805	Lewis and Clark reach the Great Falls of the Missouri River
June 14, 1777	Congress adopts the Stars and Stripes as our national flag
June 14, 1954	Eisenhower signs law adding "under God" to Pledge of Allegiance
June 17, 1775	Battle of Bunker Hill
June 19, 1862	Slavery outlawed in US territories
June 21, 1788	New Hampshire ratifies US Constitution making it the Law of the Land
June 25, 1876	Battle at Little Big Horn – Custer's Last Stand
June 26, 1959	St Lawrence Seaway is officially opened
June 27, 1898	Joshua Slocum in Spray completes first sols circumnavigation of the world
June 29, 1953	Eisenhower signs legislation creating the Interstate Highway System
June 30, 1953	First Corvette rolls off production line

**From our Declaration of Independence
In Congress July 4, 1776
A unanimous Declaration of all 13 United States of America**

“When in the course of human events, it becomes necessary for one people to dissolve the political bounds which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.”

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator in certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed..... “

**Just in case you forgot why we exist as a nation and
what the relationship is between God, man, and government.**