

LWV-Kitsap Bremerton/CK Unit Meeting Notes--Saturday, October 15, 2022

Kitsap United Way Conference Room/Zoom

In Person: Maureen Cervinsky, John Cervinsky, Debi Barner, Kathleen Cahall, Denise Justice, Connie Marchant, Janice McLemore, Katie Pratt, Candy Rankin, visitor Earl Burt

Via Zoom: LWV-K 2nd Vice President & OPMA Team Member Cat Freudenberg; Guest Eric Baker, Deputy Director, Kitsap County Department of Administrative Services; Susanne Hughes, Pat Troxell, Denise Frey, Gail Sackman, Kathleen Gallagher, Raejean Bridges-Avalos, Robin Muir, visitor Dianne Iverson

Cat is one of five LWV-K Open Public Meetings Act Team members who have thoroughly studied the OPMA & are presenting to each unit a high level overview of the OPMA as an educational tool for our League's members. The team includes: Jeannie Allen, Martha Burke, Catherine Freudenberg, Susan Griggs & Carol Larsen. The training consists of a PowerPoint slide deck put together by the OPMA team, as well as an 18-minute video from Washington State's Attorney General (**see attached Open Public Meetings Act (OPMA) CMF 8-11-22--Recorded Presentation.pptx**). **The video can be accessed on page 13 under Resources: LESSON 3: OPEN PUBLIC MEETINGS ACT - RCW 42.30 | Washington State.** The PowerPoint contains live links throughout to the source materials, and the resource slide includes additional content and training resources.

Washington State's AG says: "Government accountability means that public officials--elected and un-elected--have an obligation to explain their decisions and actions to the citizens." We all are the people our public officials work for. Cat emphasized that there is no organization charged with overseeing whether or not public entities are adhering to the RCWs governing the OPMA and the Open Public Records Act (OPRA). Although Washington State has these strong "Sunshine Laws" in place, it is ultimately up to the public to be watchful and report violations. If a citizen becomes aware of a possible violation, it is important to first verify that a violation did indeed occur--the state legislature periodically updates the laws. Give the benefit of the doubt, notify the party, who might respond by making a correction so the violation will not recur. Following repeated violations, it often falls on the public to file a lawsuit.

OPMA was created to provide public view of the "decision making" process. Passed by the state legislature in 1971, it "requires meetings to be open gavel to gavel". State law recognizes two types of meetings: regular (predefined schedule published each year) and special (scheduled on an as needed basis & requires 24 hour notice to include date, time, and purpose). Executive sessions discussions are closed to public attendance, but any action arising from that type of meeting (which may be taken **after** the executive session) must be conducted in public view. If action is expected after an executive session, agendas will often indicate "action may be taken" to alert the public.

Location does not matter: any time a quorum of a governing body gathers with the collective intent of conducting the agency's business, that meeting is subject to OPMA.

As long as they uphold OPMA, local governments, school boards and other entities may also have their own rules and procedures that they follow. Are all public agencies subject to OPMA? Cat says it depends. Is it a decision-making body? A citizen's group recently filed a lawsuit alleging that an advisory board was violating OPMA. The advisory board was comprised of 3 board members of a 6-board member council and 3 members that had been appointed. They met frequently over a period of months before providing the

entire council with their findings and recommendations. The court ruled that an OPMA violation had not occurred and the citizen's group lost their case.

Another example occurred recently when King County had to step in to select an appointee to fill a council vacancy after the City of Sammamish Council was deadlocked for months. King County chose 3 board members to meet and review the applicants and bring back their recommendations to the full board. The meetings and discussions were held outside of public view.

In both cases, OPMA was NOT violated because the board that had the ultimate responsibility for action met in public. In both cases, the full councils considered the information that was presented and made their decision. They were not bound by the recommendations of the advisory board and could have chosen to disregard the recommendations--neither advisory board had authority to transact the business of the people.

Examples of potential OPMA pitfalls include: informal meetings occurring when a majority of members are present & begin discussing or transacting business, i.e., via email, group phone calls, social media discussions, Zoom or Google meetings. Members should not communicate via text/chat during public meetings. OPMA violators may incur financial penalty, sanctions or both. Electees can incur personal liability and the court will award attorney fees to the party seeking remedy. Cat said cities and other governmental entities seem to be rethinking whether or not the taxpayers should be saddled with paying the high fines/attorney fees caused by one or few individuals. Bainbridge Island paid almost \$500,000 to plaintiffs and attorneys after a court found violations of the Open Public Records Act. Agencies can choose to go back and charge the person(s) who willfully violated the law. It's not the occasional oops, it's the prolonged disregard for the law. Furthermore, municipal insurance may not cover the cost of violations of OPMA or OPRA.

The judiciary is exempt from many of the Sunshine Laws applying to other entities. A recent discussion held by the Attorney General's Sunshine Committee addressed whether or not the law should be changed. An example given was a judge being investigated for misconduct--it is reasonable that the investigation be confidential while underway, but should the investigation's findings be made public upon completion? Today, the findings of an investigation are presented to a Judicial Review Board and kept confidential.

A high profile lawsuit was filed in December, 2021 when the Washington State Coalition for Open Governments (WashCOG) sued the State of Washington, the Washington State Redistricting Commission and the five commissioners, citing multiple violations. The Consent Decree and Final Judgment stated that the Commission & its commissioners violated OPMA & the Commission's corresponding rules regarding transparency and imposed \$500 penalties for each commissioner and payment of legal costs & fees for the plaintiffs, including \$106,743 in attorney fees.

Many thanks to Cat and the other members of the OPMA team for their diligence and great work in doing the research and study needed to put together this excellent training. Kudos to you all.

Eric Baker is a South Kitsap native, graduated from SKHS in 1998 and got his college degree from University of Puget Sound. He has worked in Kitsap County government for 32 years, the last 16 of those with the Board of County Commissioners. Having worked on many county Comprehensive Plans in the past, he has a valuable knowledge of the history of past processes.

Kitsap County's Comprehensive Plan includes a 20-year blueprint for local policies, planning and capital facility investment and it is required by Washington State's Growth Management Act (GMA) to be updated every 10 years. The next update, due in December 2024, will plan for population and employment growth through the year 2044.

<https://www.kitsapgov.com/dcd/Pages/ComprehensivePlanUpdate_2024.aspx>

The county's Comprehensive Plan affects unincorporated Kitsap County. Each city has its own comprehensive plan. The plan does not include tribal lands. Adopted in 1990, the GMA includes 14 goals, all of which planners strive to balance. Some feel that a number of the goals conflict with one another, so finding the sweet spot, where each goal is attended to, is what planners look to achieve.

GMA's Core Concepts:

URBAN AREAS: Include the cities of Bremerton, Bainbridge Island, Poulsbo and Port Orchard, as well as unincorporated Urban Growth Areas, such as Central Kitsap, Silverdale, Kingston, & unincorporated areas of Bremerton, Port Orchard & Poulsbo.

RURAL AREAS: Limited commercial farming, recreation, forests, unique historical character

RESOURCE AREAS: Timber, commercial agriculture, mining

Q&As: Will there be a plan for solar power & charging stations?

They are currently discussing this & are looking to impose a code by the end of this year to require that all new multi-family, commercial & industrial buildings have electric charging stations. New single-family residences will need to be EV-ready.

Sewers in rural areas?

Sewers are prohibited in rural areas unless an environmental health hazard exists, i.e., a septic system that is nonfunctional. Manchester, Keyport & Suquamish have their own sewer systems & are thus exempted from this regulation.

KITSAP'S GMA HISTORY:

The county has struggled to meet GMA's requirements. Historic development plans, with rural planned housing developments, coined "sprawl", had not fit the new standards. Additionally, county residents were used to and wanted to continue already established patterns. In 1994 the county's newly written Comprehensive Plan was challenged and overturned; the plan for 1996, also challenged & overturned. It was not until 1998 that Kitsap County had a complete Comprehensive Plan.

GMA TODAY IN KITSAP:

Urban Areas: Minimum of 5 homes/acre, up to 30/acre

Rural Areas: Intended to limit the number of homes/acre

Resource Areas: Green Mountain, owned by DNR; no agricultural zoning

REGIONAL PLANS:



Vision 2050's plan is very interested in high-capacity transit. Vision 2050 & Countywide Planning Policies are particularly important for distribution of federal funds.

O&As: What constitutes commercial agriculture?

Usually several hundred to thousands of acres in one location (10-20 times the amount in our county), with great revenue generation.

Has the county looked at funds from the infrastructure bill passed by Congress a year ago?

Yes; however, it is unclear how much of that money will be coming directly to local governments. Much of the surface transportation funding will go directly to the state, then through Puget Sound Regional Council via certain competitive processes.

Will wind turbines placed in waters in our county be part of the plan?

Generally, electric generation is handled by private energy companies. Puget Sound Energy has been looking at many opportunities. A large offshore project like that would undoubtedly require an Environmental Impact Statement.

How about capturing energy from tidal action in our waters?

PSE is also studying that possibility. It would not be easy here, since we really don't have open water boundaries. Certainly it will not be happening in the near term.

WHAT IS IN A COMPREHENSIVE PLAN?

A Comprehensive Plan has mandatory & optional elements. Each element has its own goals & policies. Mandatory elements are:

- Land Use
- Housing
- Capital Facilities Plan
- Utilities
- Economic Development
- Parks and Recreation
- Rural Lands
- Transportation

In addition, Kitsap County will have various Subarea Plans within the Comprehensive Plan, which focus in more detail on the specific areas of Kingston, Silverdale, Suquamish, and Manchester. Certain areas, such as Illahee, will create additional policies & goals for their area only. To accommodate growth over the next 20-year period, the unassociated Urban Growth Area (UGA) from Riddell Road to Waaga Way, including Illahee, will be given the designation of a lower population growth area, with Kingston & Silverdale to have more growth.

O&As:

Why is Central Kitsap not associated with the city of Bremerton, which provides lots of services?

There is potential conversation around this, though it would be a big challenge. There has been historic apprehension in Central Kitsap about possible **annexation** with any city. The agreement would need to be logical and coordinated, so the boundaries would be understandable to the public. The people who are being annexed would have the opportunity to "undo" the annexation should it not work for them.

Silverdale is sorely lacking in a place to rest when walking, such as a small park; there are few or no benches, no water fountains, no trash cans.

The county has focused recently on large regional parks rather than community parks. The Department of Parks & Recreation has historically been underfunded in the county--they must compete with transportation, sheriff, jail, prosecutor & other services. And there is always the question: Will Silverdale incorporate or not? One possibility to consider is forming a Metropolitan Park District--Kingston has one.

Regarding housing in Silverdale:

Development in Silverdale has historically been driven by retail, which is changing over time. Currently there is a lot of land used for parking areas. There is a real opportunity here for redevelopment in downtown Silverdale, with emphasis on vertical housing, turning it into a 24/7 destination, a real community. In great part, it's about how to incentivize developers to build that way.

POPULATION & EMPLOYMENT TARGETS:

METRO: Bremerton

CORE CITY: Silverdale

HIGH-CAPACITY TRANSIT COMMUNITIES

How to fit more people into our county? Through land capacity analysis, the Planning Commission looks at **upzoning single-family to multi-family or expanding Urban Growth Areas.**

HOUSING AFFORDABILITY:

The assumption historically used for the number of persons in single-family households is 2.5; for multi-family: 1.8 persons. Kitsap has more single-family detached housing than any other county in the Puget Sound Regional area. As well, a good number of the houses are larger than the necessary needs of the household. Some say the problem is greedy developers; others point to the cost of regulations and materials going up. When land increases in price, that also affects the profit point. In reality, the answer is actually that it's a little bit of all those factors. Certainly rental costs are affected by those same factors.

Eric said that we spend a lot of time planning for new population growth and for future employment. He greatly values a third element: that of the human environment. It is just as important not to lose those who have lived here for many years and who may not be able to continue to do so because of rising housing costs.

Beginning last year, Washington State law now requires jurisdictions to look not only at housing types, but also at the cost of housing. Affordable housing is that for which a family or individual does not spend more than 30% of its income. The new homeless shelter in South Kitsap meets only a small fraction of the need in our county.

O&As: What can be done to not necessarily mandate, but certainly to incentivize, building of homes that are wheelchair-accessible, to make the entire planning/development system aware of that need? Maybe a certain percentage of homes in new developments could be accessible.

Eric said Kitsap has a history of split-level/2-story homes with stairs. We also have a lot of hills in our county. He said that the market, however, is coming around to seeing the need for homes with the master bedroom/laundry/living areas being on the main floor, so people can age in place. Incentives for developers could be speedier processing of permits, minimal fees and registration requirements. Multi-family housing could perhaps benefit from a reduction in property taxes.

It all comes down to what the county wants most to see happen. These issues will definitely be a component of their discussion, and Eric hopes the public will advocate for these changes.

What about Accessory Dwelling Units (ADUs: free-standing units) or Accessory Living Quarters (inside an existing home)?

They are looking to streamline the process for ADUs and also encourage duplexes, triplexes & fourplexes, although the home ownership component can become difficult for the 3- & 4-home structures. An additional factor for ADUs is having enough land to accommodate a larger septic system/drain field.

With Kitsap County projecting an additional 46,000 jobs in the next 20 years, will there be enough housing/schools to accommodate everyone?

The Capital Facilities Plan will be targeting family wage jobs, a high percentage of them either in the Navy, civilian force working for the Navy, or jobs spun off from the Navy. It will also take into account the growing nature of work from home, many working from Kitsap for Microsoft or Google. Tourism will play a big role, as well. Each of the special service districts, i.e., schools, fire, ports, will look at their funding and may go to the public for levies or capital expense funding. All this has to be mapped out by the end of 2024.

How is the county balancing historical and archaeological preservation with growth goals?

Outside of Port Gamble and parts of downtown Kingston, the county does not have many historic buildings located in its unincorporated areas. The county works closely with the tribes on land use and is sensitive to the need to stop work should any indigenous cultural resources be discovered in the course of a project.

Who decides what the Comprehensive Plan ends up looking like?

A 9-member Planning Commission gets input from the public, reviews proposals by the Board of Community Development, and all the County Department Directors are actively involved in the formation of the Comprehensive Plan. The Commission meets every other week with tribal leaders to coordinate efforts.

What role does the county play in public health?

The county has been advocating strongly at the state and federal level regarding the current state of our one-hospital/one-system health care. Eric raised the possibility of forming a hospital district with its own taxing authority. What kind of additional medical services would that provide? Can a public entity manage?

Has an assessment been done of the 2016 Comprehensive Plan?

They are doing a gap analysis now & looking at Vision 2050 goals.

Where does climate change fit into the 2024 Comprehensive Plan?

This is another large area of concern. As always, there's a delicate balance. Regulations can be improved, as long as they do not negatively impact other areas/goals.

HOW TO GET INVOLVED:

- **[Sign up to receive text or email notifications](#)**, including project announcements, information about outreach events, surveys, and other public participation opportunities. Select "Comprehensive Plan Announcements" from the list of topics.
- Attend a meeting when there are scheduled upcoming public events. Click on the topic below to join the Zoom meeting:

October 19, 6 p.m.

[Silverdale Regional Center meeting](#)

Meeting ID: 814 3461 7644

Passcode: 556011

Dial in: 253 215 8782

October 25, 6 p.m.

[Capital Facilities and Transportation meeting](#)

Meeting ID: 898 4938 5238

Passcode: 614187

Dial in: 253 215 8782

As part of its 2024 Comprehensive Plan Update, Kitsap County solicited reclassification and change requests for potential inclusion in the updated Comprehensive Plan, Capital Facilities Plan and development regulations. **[Click here to view the requests for property rezones.](#)**

We extend a big thank you to Eric for taking time out of his Saturday to speak to us about the 2024 Comprehensive Plan update. It is no easy task to weigh all the complex factors that go into the wide-ranging decision making involved. We appreciate all that our county staff does to help maintain and improve the quality of life for the Kitsap community.

Upcoming Voter Services Activities:

VOTE NOW sign holding: **WE STILL NEED VOLUNTEERS!**

Sat., 10/22, Fri., 10/28, Sat., 10/29, Thurs., 11/3: all from 4pm-5pm

Three locations: Silverdale, Fred Meyer, W. Bremerton

USPS/Blue Mailbox Posters: 43 of them! To be put up in locations all over our B/CK area area, around October 19-21.

****WE'VE GOT THIS COVERED--THANK YOU, EVERYONE!****

New CKHS Student Member Emily Neff is planning a student-led voter registration drive during lunches, October 24-26. Way to go!

SAVE THE DATE: Saturday, November 19 10am-Noon @ United Way & via Zoom

The focus will be on the LWVWA Shoreline Act 2-year study undertaken by six LWV members from across the state, including LWV-K's Betsy Cooper, who will be our guest.

Kathleen Cahall will lead the discussion, Denise Justice will be our Zoom host.

Maureen is flying to CA October 26 and will be staying with family until mid-December.

NO MEETING IN DECEMBER

Sue Hughes is heading up a team to look at membership in our Kitsap League. We've lost 25 members who did not renew this year. The team is planning to put together a membership survey, of both current and former members.

Recorded by Candy Rankin