

Lagoon Point Newsletter

February 2009

Next board meetings will be: Planning meetings **February 10** and **March 3** at 7:00 PM at Aaron Lowin's home; Board meetings **February 17** and **March 10** at 6:30 PM at the Greenbank Progressive Clubhouse. Call your area rep before attending a planning meeting as those meetings are sometimes cancelled.

All LPCA members are welcome to attend all Board meetings.

Special Notice

LPCA Board Meeting – 6:30, Feb. 17, Greenbank Clubhouse Important Agenda Item – Assessment of Legally Combined Lots

From the President – Bill Brown

Assessment of combined lots – The Board has worked diligently to resolve this long simmering issue and is nearing the critical decision point. See the special notice above and the detailed article below. Thanks to all of you who attended meetings on this and to those of you who sent in their thoughts by other means. I apologize that I have not been able to respond personally to all your comments, but I assure you that all have been considered. Recognize that we have conflicting interests here, and however this plays out, some will be upset. My personal objective is to settle the issue once and for all and without resorting to Lagoon Point's traditional method, a long, nasty and expensive lawsuit. Further, if there must be a lawsuit, I want LPCA to be on the side most likely to prevail in court. I urge your support and indulgence as I try to move us in that direction. Those of you who would like to check the combination status of multiple lots or to initiate a legal combination of lots should contact the Island County Assessor's office at (360) 679-7303 and ask for Shirley Sorrows. Shirley can also direct you to the proper source of documentation on lots which have already been legally combined.

Dredging – The dredging project has slowed down a bit while we evaluate a recently received report on the feasibility of and associated cost estimates for alternative dredging methodologies. This information will be on the agenda for the February 17 Board meeting, which is another reason that you may wish to attend that meeting.

Vacant Board Positions – I am very pleased to welcome Bob Morikado to the LPCA Board. Over the last few months, Bob, Jill Massa and Carrie Engstrom, have graciously offered their time and enthusiasm to work on the Association's business. A complete, active and participative Board is essential for many reasons. In particular, a regular flow of fresh volunteers is necessary to preserve the self-managed nature of our Association. The alternative, which is hiring a professional management firm, would be very expensive and probably less responsive to community needs. The positions of Vice President and Assistant Secretary remain unfilled. Please consider taking on one of these jobs. Call or e-mail me if you want more information on the associated duties.

Newsletter Frequency – This newsletter has been on a bi-monthly schedule for a number of years. Some have suggested that we return to a monthly schedule in an effort to keep the community better informed. There are two current reasons for the six times a year schedule. The first is money. It costs us about \$300.00 for printing and mailing to publish each newsletter. This, in turn, is driven by the fact that nearly 300 of approximately 400 Association members still receive their newsletters in hard copy via USPS. It will take a massive change-over to e-mail delivery to significantly increase newsletter frequency without a corresponding increase to our communication budget. If you have e-mail, please switch if you have not already done so. The second reason is staff. Right now, I am doing the newsletter pretty much all by myself. Scouting out stories and writing articles is not exactly my specialty, so even with an increased budget, there will not be more frequent newsletters without a new editor-in-chief. This would be a great fit with the vacant Assistant Secretary position. See previous paragraph.

Bill Brown, LPCA President

Assessment of Combined Lots

(The following is repeated from the December 2008 Newsletter, for those who missed it.)

LPCA's policy for assessing combined lots has been a lingering issue since, under our previous LPIC name, we formally changed our operations from a club to a home owners' association earlier this decade. As a club, membership was voluntary for Division 1 and View Tracts, and assessment were made to each "membership". As a home owners' association, membership in the association, along with the incident rights and obligations, is linked to and conveyed with the ownership of each "lot". Lot owners now pay one assessment share for each lot owned and are entitled to one vote for each lot owned on association ballots. Based on good faith interpretation of legal advice provided at the time, the Board established a policy in 2002 under which lots as originally defined by the plats of the respective Lagoon Point divisions are used as the basis for assessment and voting purposes.

The policy continues to be questioned by owners who have combined originally platted lots, and in 2008 the Board sought additional legal advice on the issue. We are now in receipt of two corroborating opinions advising that if the owner of legally combined lots so requests, we must recognize "legally" combined lots as single lots for assessment and voting purposes. Note that Island County has two categories of lot combination. The first is called "for tax purposes" and is for the administrative convenience of providing a single property tax bill for multiple lots. These combinations are easily disestablished and pose no impediment to developing and/or selling the lots individually. The second type combination is a "legal" combination which makes the resulting lots into single entities for development and sale. Under current zoning, it would be extremely difficult, if not impossible, to re-subdivide these combined lots. It is this second category of combined lots that we have been advised to recognize.

The Board has initiated a process to change our "lot" definition to be consistent with our most recent legal advice and to record the new policy in a governing document, so that it will be clear to all current and future lot owners. The Board has therefore decided to establish and document the revised policy as a "rule" under the provisions of bylaw Article IV, Section 8. This section provides as follows:

"The Board by majority vote of the directors may enact rules to regulate the use and maintenance of the common areas and to exercise powers necessary and proper for the governance and operation of the association. Thirty (30) to sixty (60) days before voting on a proposed rule the Board shall publish a notice of the proposed rule in the LPCA newsletter and invite lot owners' comments. Before voting the board shall also hold a property owners' meeting on the proposed rule."

(Update on the process since December.)

Under this bylaw the proposed rule may be adopted by vote of the board, and does not require a vote of the entire community. Pursuant to the bylaws, the required property owners' meeting was held on January 11, 2009. Community input was expressed at that meeting and also directly to the Board via e-mail. A number of owners registered opposition to the change and to the process by which the change was being made. The validity of our legal advice and our intent to implement the contemplated change without a community vote were both questioned.

Subsequently, the Board did not take a final vote on the change at its January 13 meeting as planned. Rather the Board voted to (a) Vote on rule language, (b) Submit the updated draft rule and related questions for further legal review, (c) Review that legal advice at a subsequent board meeting to which the community has specifically been invited by mail or e-mail, and (d) Vote whether to implement the proposed rule or an amended rule. Further, the Board invited Andy Messer to participate in the legal review as a representative of those generally opposed to the change.

A written set of questions has been sent to Mike Waller, our regular attorney, covering the issues raised by community members. The questions included an unedited set of points from Mr. Messer presenting his legal arguments against the change. A meeting with Mr. Waller is scheduled for February 9 at which he will present his opinions verbally. We will then clarify our understanding of applicable law and possibly raise additional questions prior to Mr. Waller's written response.

Our current intent is to share Mr. Waller's advice with interested community members at the February Board meeting and to then take action consistent with that advice. That meeting will be held on February 17 at 6:30 at the Greenbank Progressive Clubhouse. Concerned community members should plan to attend that meeting. If you cannot attend the meeting or would otherwise like to submit additional thoughts for the Board's consideration, this can be done through any Board member or by e-mailing us at lpca@whidbey.com.

The latest draft rule as submitted for Mr. Waller's review is as follows:

“Except as specified herein, the term “lot” for purposes of assessment and voting shall mean “lot as originally delineated in the Plat of Lagoon Point and subsequent Plat Amendments by which additional divisions were added.”

Lots that have been legally combined into one lot through a boundary line adjustment under the lot combinations authority of Island County Code, Section 16.06, and provided they are single residential building sites, shall be deemed to be one lot and assessed accordingly. The number of votes assigned to a lot owner under various provisions of the Lagoon Point Community Association bylaws will concurrently be adjusted in like manner. To effect this reduction in assessment and voting rights, the owner of the combined lots must first provide the LPCA President adequate documentation of Island County's approval of said boundary line adjustment/lot combination. Assessments levied after the date of adoption of this rule or the date the lot owner has provided LPCA the required documentation, whichever date is later, shall be adjusted accordingly. Assessments levied prior to the date of adoption of this rule or prior to the lot owner's providing the necessary documentation, whichever date is later, shall not be adjusted retroactively.

If any Lagoon Point lot is subdivided or converted to multi-unit residences, each of the resulting lots or residential units will be assessed separately.”

Bob Morikado Joins the Board

Welcome to Bob Morikado who has joined the Board, assuming the previously vacant position of Assistant Treasurer. Bob and his wife Becky Bolen are building a major addition to their home on Shorewood Avenue in which to enjoy his recent retirement. We are pleased to have Bob's varied business experience as we address the Association's financial challenges. Bob will serve until the next elections expected to be in November 2009.

Dredging Update – Aaron Lowin

Two dredge contractors visited Lagoon Point in December and January to look over our site and advise us on how they might bring in equipment, dredge our central basin, and dispose of the resulting dredge 'spoils' – on the order of 24,000 cubic yards. For our permit applications we need to specify how we would do our dredging and how we would dispose of spoils. The Lagoon Point site poses difficult challenges for dredging because our inlet channel from Admiralty Inlet is narrow and shallow. Within the last few days we have received our engineers' review of dredge and disposal options, and estimated costs. Will present summary of this report at the February 17 Board meeting, and we will be posting a summary on our LPCA website.

Congratulations Roxy

Congratulations to Roxanne "Roxy" Etherton, an Association member and our favorite postmaster, on her retirement. We will miss her cheerful assistance on our postal chores like mailing out newsletters. Enjoy!

THE BULLETIN BOARD *Space is limited (usually). Ads will run once unless otherwise arranged. To add or end an ad e-mail us at lpca@whidbey.com or call 222-3178*

- Need sewing done? Embarrassed by droopy seams? Experienced seamstress - will prepare what you would like done. Many baby afghans, a few baby quilts made up, can take orders, great handmade gifts for a shower. Monica Vierra 678-6310 (nx)
- Upholstery work - All kinds: boat, auto, truck, furniture. Have mobile unit. 40+ years experience. All work guaranteed, free estimates. Pat McDaniel 222-3275 (nx)
- South Whidbey Pet Nanny - I will pet sit at your home. Licensed and insured Call for free estimate and info - Robyn Wozab (360) 661-5837 or wozabs@aol.com (nx)
- I would like to buy your vintage costume jewelry or would be happy to consider any vintage/antique item(s) you may care to sell. Please contact me at (360) 929-1116 and ask for Shelly.
- Lots For Sale – Single building lots, Lagoon Point, Coupeville, Freeland. Reasonable offers considered. Call 206-729-3742 evenings.
- Downriggers - Two downriggers for sale – Cannon Magnum 10A, 12 volt electric. Runs good. Needs new wire. \$30. Penn Fathom Master600 manual with swivel base. Great shape. \$45. – Contact Gary Walsh 3679 Steelhead, 360 222-3374

- Free shed - 6' X 12' sturdy wood frame shed on skids ready to haul away. Located up on Shady Glen Lane. Great for storage, firewood, or playhouse. Needs new roof. First one to claim it and haul it away takes it. Call Karl Hoel at 253 859-5365 or email me at Fireguy32@aol.com
- Boat For Sale: 1997- 30' Norstar sport fisherman. 2xvolvo 230hp. Full galley, dinette turns into dbl berth, forward stateroom and full head. Asking \$119k. Currently moored in Edmonds. Call or email for more info. chipbayley@comcast.net or 206-419-4406.

Do we have your address wrong?

We're still not perfect. Tell us and we'll fix it. We can't fix a wrong address we don't know about.

Have you moved? Planning to move? Send us your new postal address before you move. For every postal address we use that's not current, the Post Office charges us \$1 extra to notify us of your address change, and even so, they won't forward this newsletter. The Post office keeps charging us, every month, until you send us your address correction.

Let us send this newsletter by e-mail. . .

Join the many Lagoon Pointers who get the LPCA Newsletter by e-mail. You'll get the newsletter days sooner and won't have to trudge through the snow to your mailbox. LPCA saves \$0.90-1.00 for each copy we don't have to print and mail. Send your request for e-mail delivery to us at: lpca@whidbey.com.

We will post this newsletter (as well as previous editions) on our website: www.lagoonpoint.com, but the web posting is delayed. It is far better to get the newsletter by e-mail. Also, if you are on the e-mail distribution for newsletters, you will also receive "News Flashes", important information for Association members that comes to light between newsletters.

(And if you change your e-mail address, let us know about that too, and we'll immediately re-route your newsletter to your new e-mail address.)

Suggestions for the Board? Questions? Contact your Area Representative

Your 2009 Board members are listed below:

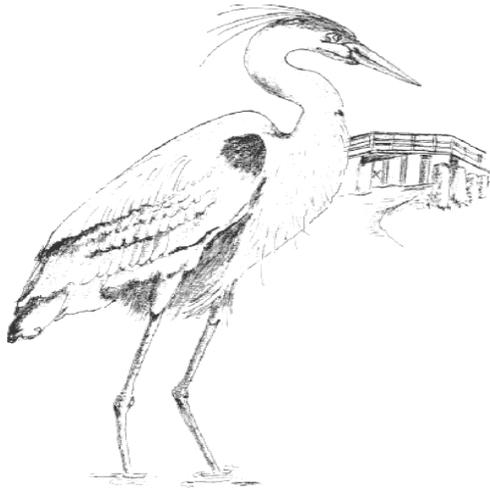
President	Bill Brown	(360) 222-3178	bbrown99@whidbey.com
Vice Pres	(Vacant)		
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Asst Treas.	Bob Morikado	(360) 222-3487	morikado@whidbey.com
Secretary	Aaron Lowin	C (206) 498-8090	alowin@earthlink.net
Asst Sec'y.	(Vacant)		
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Area 5 Rep	Tom Heerhartz	(360) 678-7787	pheer@whidbey.com
Area 6 Rep	Janet Bondelid	(360) 222-3182	jsbond@whidbey.com

If you have a worthy news item, jot it down and pass it to your area rep (names and contact info above) or direct to the newsletter editor. The Lagoon Point Newsletter is edited by Bill Brown. You can reach him at lpca@whidbey.com or at bbrown99@whidbey.com or by mail to: LPCA Newsletter, PO Box 123, Greenbank 98253. Sorry, we don't publish opinion items or other controversial stuff.

LAGOON POINT COMMUNITY ASSOCIATION

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Feb 17, Mar 10 - 6:30 PM at Greenbank Progressive Club House

