

Lagoon Point Newsletter

January-February 2007

Community meeting on the tentative dredging design and approving funds for permitting: Saturday January 27th, 10 AM, at the Greenbank Clubhouse

Your participation is crucial. Come join us. We now have a tentative dredging design. At the meeting Lagoon Point property owners will have an opportunity to learn about the dredging design, ask questions and offer comments and suggestions. Our geological and biological consultants will be there. We will also discuss our next step, which is for the community to approve the funds to proceed with permitting. For more info, see next page.

Upcoming Board meetings: All Board meetings are open to LPIC members. Discussion and agenda-planning meetings are held for informal discussion: no actions taken, no decisions made, no minutes kept.

Board agenda-planning meetings: Tuesdays: January 30, February 27, March 27, April 24
all 7 PM at Linda Armstrong's home: 3412 Marine View Drive.

Regular monthly board meetings: Tuesdays: February 6, March 6, April 3, May 1
all 6:30 PM at the Greenbank Community Center.

From the President – Linda Armstrong

Dear Friends and Neighbors,

We've had a blustery beginning to 2007, but I hope you all are well and warm, with power and enjoying our Lagoon Point winter. Between the snow and ice, the seemingly endless rain and cold, the power outages, the icy roads, this season has tested many of us.

For me, one positive outcome for the start of this year will be to share with you all the initial proposed design for dredging our Lot C silting basin and the north ends of the private canals. This issue has been with us for many years, and I am happy to report that we now have a proposed design for our community to consider, comment on, and provide feedback to our Board and to the Division 2-3-4 Architectural Committee. We have scheduled a community meeting for Saturday Jan 27th, 10 am at the Greenbank Clubhouse. At the meeting we will present the proposed dredging design, answer your questions, hear your comments, and consider sending out a ballot to finance the full permitting work.

We've learned through the initial design work that the permitting and indeed the entire project will be very expensive. More information about the dredging plan and permitting is provided later in this newsletter. Particularly in view of the high cost, we need to hear your views. I hope you will join us for this very important community meeting.

On another matter, we've been looking into the possibility of converting the docks we rescued last fall into a community dock on Lot C. The news here is disappointing. From discussions with permitters – I thank Bill Brown for taking on this project - it appears that permitting is possible but would be very difficult, very long, and possibly very costly. The old docks would have to be upgraded, we don't know how much, and that could be quite expensive. Were we to go ahead with permitting the docks, we'd have to haul the docks out of the water next month, in effect accepting ownership, and then take our chances with the permitting and the dock rehab work and costs. The board, at its January meeting reluctantly decided to not take on the permitting. We are returning the docks to their owner, State Parks. Bill Brown provides more detail later in the newsletter.

You can't win them all. I wish you and your friends and loved ones a peaceful and prosperous 2007. And I thank you for your continued support of our Board in its work.

- Linda

Community meeting on dredging: Saturday January 27th, 10 AM – Linda Armstrong

We now have an initial dredging design. Come join us Saturday Jan. 27th, to learn about the proposed design and next steps. This invitation is extended jointly by the LPCA Board and Division 2-3-4 Architectural Committee.

The meeting will give Lagoon Point property owners the opportunity to learn about the initial design and its constraints, and to ask questions and offer comments and suggestions. And we will discuss the next big step, which is to begin the lengthy process of applying for all the permits we'll need. We have sufficient funds on hand to do the permitting without a new assessment, but we need community approval to spend that money.

Our overall objective is to do a maximal permissible dredge, to stretch the years before we have to dredge again. Planning a dredge may once have been relatively easy. Nowadays to dredge our own property we need to get permission from many county, state and federal agencies. It is illegal to do any work without these permits.

The initial design, prepared by our geological consultant, calls for most of the dredging to be done in the westerly part of the central basin, plus some at the entries to the East and West Canals. The design avoids dredging in many of the dense eelgrass locations that our biological consultant found in her underwater survey.

We have a serious eelgrass issue. We have more eelgrass in our central waterway and in the canals than our biological consultant has seen in comparable non-commercial projects elsewhere. Eelgrass sustains feeder fish that are important for young Chinook salmon. Now that Chinook have been declared an endangered species we can't just dredge out the eelgrass. Several federal and state agencies must first approve our dredging plan. The agencies will limit where we may dredge and will require us to 'mitigate' what eelgrass we do disturb. Eelgrass must first be mapped and counted (our biological consultant counted ours in 2005). Any that is destroyed must be 'mitigated.' Usually this means replanting the dug up eelgrass in a suitable nearby spot, sometimes two clumps planted for every one dug up. Mitigation is expensive.

To minimize damage to eelgrass we have to limit the footprint where we dredge, and this in turn limits the cubic yards we can dredge out. And we have to submit a plan and get agencies' approval of how we will mitigate what eelgrass is damaged inside the footprint.

We also have to figure out where to put the dredge 'spoils,' the considerable silt we dredge out. Several options are available, and we have to look into their feasibilities and costs. Our spoils disposal plan has to be approved by several permitting agencies. Yet other permits will be required to assure we do not spoil nearby waters or lands.

To apply for permits we need a starting point –an initial dredging design and work plan. The dredging design and work plan we submit will almost certainly change as we progress through permitting. There will be considerable discussions with the permit agencies over all the important issues: where we dredge and how deep, what mitigation we do, where we put the spoils, other matters too. Permitting will likely take three to four years (possibly longer if we run into especially difficult problems as have other nearby marina communities). Since our work plans will change, perhaps considerably, only as we approach the end of permitting will we have a clearer picture of where we will be allowed to dredge and how deep, what mitigation we will have to do, and how we will dispose of the spoils. At that point we will be able to roughly estimate the costs of the dredging project, and tackle the question of how to share among ourselves the cost of dredging Lot C.

It is crucial for our community that this project proceed. To move forward we need your approval to pay for the permitting. For more info, see next page. In the future we will post dredging updates on our new "Recent News" page on our website: www.lagoonpoint.com.

We have a new name: 'LPCA'

Our community homeowners' association is now officially called the *Lagoon Point Community Association (LPCA)*. The change from our old Lagoon Point Improvement Club was approved by vote of the lot owners in November. Several other approved bylaw amendments are mentioned later in this newsletter.

It will take a while to get used to using the new name and initials in place of the old. The old name was in use since the organization was first formed, in 1960.

Board Votes to Return “Free” Dock - Bill Brown

The LPCA Board has reluctantly decided to end our efforts to permit and install the Washington State Parks docks, which washed ashore last August. Although initial contacts with permitting agencies were encouraging, subsequent discussions have led the Board in January to abandon the project.

After significant planning by the Waterway Committee, a meeting was held in December with permittees Matt Kukuk (Island County Shoreline Planning) and Doug Thompson (Washington Fish and Wildlife) to identify their concerns about our converting the old Parks docks to a community dock. We presented a sketch of the proposed dock location superimposed on the eelgrass plot done for our dredging survey. The following points were raised at the meeting or in earlier discussions.

Island County comments (Matt Kukuk):

- The county would probably approve the project, with conditions.
- The application fee is \$395.00, and the turn-around is 30 to 45 days.
- After a use permit is issued, we would need a building permit. The cost of the building permit is based on the value of the completed project, which is yet to be determined.
- Mr. Kukuk felt it was essential that we get an engineering assessment of the condition of the docks and of the installation design, in particular the anchoring of the landward end of the dock extension to shore, and the need for additional pilings or other anchoring devices.
- Before we go too far we should evaluate the need and cost of modifications needed for the old found docks, also future repair and maintenance costs, as against the anticipated remaining use life of those docks. New docks could be more cost-effective.

WA State Fish and Wildlife comments (Doug Thompson):

- Mr. Thompson seemed favorably disposed to the project as sketched. He saw the logic in positioning the docks outside the existing pilings and connecting them to land along the east boat ramp. (He had previously asked that we put the docks inside the pilings and that we not go all the way to shore with floating structures.)
- Since the docks are not now permitted, keeping them in the water is illegal. If not permitted by March 15, Wa F&W's start date for the salmon migration season, Wa F&W will want them removed from the water.
- Federal agencies will need to sign off. The Army Corps of Engineers is the coordinating agency for that. These agencies are basically all the same as we will need to touch for the dredging project.
- Any resulting permit will specify physical details of the dock and installation, and may involve significant expense to comply. The Corps may or may not require light grates and bumper strips. The Corps may have an earlier date for removing the docks from the water.

Conclusions:

- We would need to start spending LPCA money now if we are to continue the project.
- The total cost of the project is speculative and highly dependent on future decisions by regulatory agencies.
- To avoid fines the docks would have to be hauled out soon. The permits cannot be quickly issued.
- Once we haul the docks from the water we own them. It would be difficult to get the state to take them back.
- There is no such thing as a free dock.

A community dock would still be a desirable addition to our waterway, for fishing and temporary boat tie-up. If you would like the Board to explore alternative approaches to such a project, contact your area rep.

Update on LPIC v Raymond et al - Linda Armstrong

The Appeals Court has informed us that on January 18th it will review defendants' appeal of the Superior Court ruling. The Superior Court in late 2005 had ruled in favor of the Lagoon Point Improvement Club. Written arguments were submitted to the Appeals Court some time back. Oral arguments will not be heard, and the hearing will not be open to the public. We should have the court's decision in a few weeks. Check our 'Recent News' web page.

Two new board members appointed

At its January 17th 2007 meeting the board per its authorities in the bylaws appointed two community members to fill vacant board positions.

Bill Schmid, who had recently been elected as Area 1 Rep, was appointed to be Assistant Treasurer. To fill the Area 1 Rep vacancy caused by Bill Schmid's shift of responsibilities, the board then appointed Bob Vierra to fill the Area 1 position. Bob had been the Area 1 Rep for the previous several years. We appreciate Bob Vierra's willingness to come out of board retirement to continue volunteering his time for our community.

Your 2007 Board members are:

President	Linda Armstrong	C 206-795-3487 at LP: 678-1425	lindaarms@earthlink.net
Vice Pres	Mike Stevens	678-3689 206-542-7139	mikestevensfrb@aol.com
Treasurer	Janet Bondelid	222-3182	jsbond@whidbey.com
Asst Treas	Bill Schmid	222-3305	schmid@whidbey.com
Secretary	Aaron Lowin	C 206-498-8090 at LP: 678-1425	alowin@earthlink.net
Asst Sec'y			
Area 1 Rep	Bob Vierra	678-6310	Use schmid2@whidbey.com
Area 2 Rep	Page Gilbert-Baenen	222-3104	pagegb@whidbey.net
Area 3 Rep			
Area 4 Rep	Todd Brunner	425-771-5148 ext 23	todd@brunnerconstruction.com
Area 5 Rep	Tom Heerhartz	678-7787	pheer@whidbey.com
Area 6 Rep	Bill Brown	222-3178	bbrown99@whidbey.com

Lagoon Point news now posted on our website - Check it out - Aaron Lowin

Check out the new 'Recent News' page on our website. It is available today! We will post news there soon after it happens. This is an improvement over distributing news only through this newsletter, issued every other month.

We will use the new web page to update you on progress on dredging, also developments in the Raymond v LPIC court case, vote results, upcoming road and waterway repairs, boating or fishing restrictions, changed meeting dates, and more.

We will continue to publish this bi-monthly newsletter. We want to stay in touch with all lot owners, but not all have access to our website. Also, some lesser items in this newsletter will not be put on the website.

We're still looking for a webpage editor to manage the website content for us. Interested? You don't have to know web technology since we already have an enthusiastic webmaster: Howard Austin. The webpage editor will be responsible for getting news items from others, then reviewing the content and staying in touch with our webmaster and board president. Interested? Send us an e-mail (lpic@whidbey.net) or phone call (678-1425).

New Member of the Division 2-3-4 Architectural Committee – Bill Charbonneau

In accordance with the new covenants governing Divisions 2, 3 and 4, in December the lot owners elected a new member for the Architectural Committee. Bob Vondrachek will be retiring from the committee after three years of valuable service to the community. He has taken the lead in responding to committee issues this past year and will be missed. We hope to continue in his example. We are grateful to Bob's help and experience that we shall try and pass along to new members from year to year so we may always have a great committee.

Kathleen Thorsvig is replacing Bob Vondrachek. Kathleen and her husband own a home on Steelhead, and she works in the teaching field. We appreciate her willingness to volunteer her time and effort for this valuable and necessary service to our community. We will need one new volunteer for the Architectural Committee each year as we rotate the three-member committee per our covenants. We remind others to volunteer in the future.

Bylaw amendments pass strongly - Aaron Lowin

Lagoon Point lot owners in November strongly endorsed all six proposed bylaw amendments. Each amendment received close to 201 votes. Five of the six were approved by about 95 percent of the voters. The sixth (# 3 in the list below), authorizing the association to continue assisting Divisions 2-3-4 by collecting the additional assessments those lot owners pay per their covenants, was approved by 91 percent of voters. Four voters used the secret ballot option.

The six approved amendments are:

1. Change name to Lagoon Point Community Association (LPCA)
2. Affirm that LPCA is a Homeowners' Association
3. Authorize LPCA to collect fees for Divisions 2, 3, and 4 lot owners
4. Establish board authority to enact operating rules to implement the bylaws
5. Amend bylaws by mail ballot, one vote per lot
6. Merge last remaining Constitution item ('area' boundary definitions) into the bylaws, and end use of a separate constitution. {Constitution now redundant with bylaws.}

The amended bylaws have been recorded with the Island County Auditor, and should come up in all Lagoon Point plat title searches. The bylaws are available on the Lagoon Point website (www.Lagoonpoint.com). Look under 'Governing Documents.'

Thank You's to our recent community volunteers:

For again updating our Lagoon Point website: *Howard Austin*

For helping count ballots for the 2007 Board and bylaw amendments: *Mike Stevens, Page Gilbert-Baenen, Bill Schmid, Aaron Lowin.*

Let us send this newsletter direct to your computer! Join the many Lagoon Pointers who have signed up to get the LPIC Newsletter by e-mail. You'd get the newsletter faster, and not have to trudge to the mailbox. LPIC saves \$0.80 - 1.00 for each copy we don't have to print and mail.

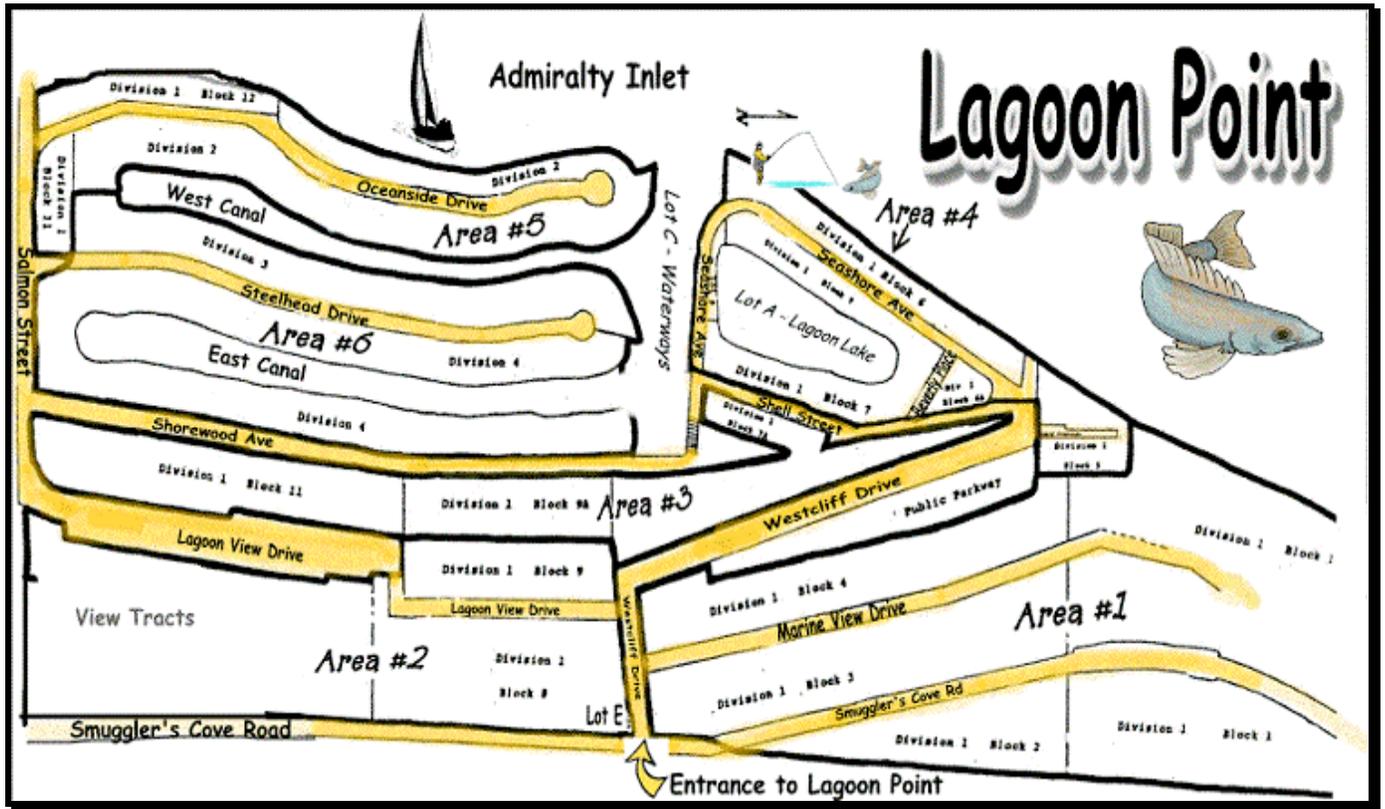
Send your request for e-mail delivery to us at: lpic@whidbey.net.

We post the newsletter on our website: www.lagoonpoint.com, but the posting is delayed. Better to get the newsletter by e-mail.

Community Announcements

THE BULLETIN BOARD *Space is limited. Ads will run once unless otherwise arranged.*
To add or end an ad e-mail us at lpic@whidbey.net or call 678-1425

- **For sale:** Nice home on 90ft lot, 3676 Smugglers Cove Road. \$244,500. Contact owner, Chuck Prochaska, 222-3110 or Amanda Remmen, Caldwell Banker Tara Properties, Freeland (1x) [This ad placed by lot owner.]
- Need sewing done? Embarrassed by droopy seams? Experienced seamstress here. Many baby afghans, a few baby quilts made up, can take orders, great handmade gifts for a shower. Monica Vierra 678-6310 (nx)



LAGOON POINT COMMUNITY ASSOCIATION
 P.O. Box 123
 GREENBANK, WA 98253
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Upcoming board planning meetings: Tuesdays at 7 PM: January 30, February 27, March 27, April 24

Upcoming regular board meetings: Tuesdays at 6:30: February 6, March 6, April 3, May 1