

Recent News from Lagoon Point

Updated - January 19, 2007

Check out this new web page

Keep up with Lagoon Point Community Association news by checking this new 'Recent News' site. We will post important news items here soon after they happen. This is an improvement over our distributing news through the newsletter published every other month.

Progress on dredging is one of the topics we'll update frequently, also developments in the Raymond v LPIC court case, vote results, upcoming road and waterway repairs, boating or fishing restrictions, changes in meeting dates, and so on.

For easy access, add his page to your website Favorites or Bookmarks.

We will continue to publish the bi-monthly newsletter. Not all lot owners have access to the Lagoon Point website, and not all items in the newsletter will be put on the website.

Questions? Suggestions? Write us at lpic@whidbey.net

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

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. So join us at the January 27 meeting.

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 permitters 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.

We have a new name: 'LPCA' (November 28, 2006)

Our community homeowners' association is now officially known as the *Lagoon Point Community Association* (LPCA). The change from our old name, Lagoon Point Improvement Club, was one of the bylaw amendments approved by vote of the lot owners in November. The other approved bylaw amendments are mentioned later in this Recent News page.

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.

Update on LPIC v Raymond et al (December 5, 2006)

The Appeals Court has informed us that the review of defendants' appeal of the Superior Court decision will be held on January 17th. The Superior Court 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.

Bylaw amendments pass strongly (November 28, 2006)

The lot owners have strongly endorsed the six bylaw amendments proposed by the board. Close to 201 votes were received for each amendment. Five of the proposals were approved by about 95 percent of the voters. The sixth proposal (# 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 amendments are as follows.

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

The amended bylaws now incorporate all the items set out in the old LPIC Constitution. The lot owners ended the use of the Constitution, as it is now redundant with the new bylaws.

The amended bylaws have been recorded with the Island County Auditor, and should come up in all future title searches for Lagoon Point plat properties.

The bylaws are available on this website; look under 'Governing Documents.'