



The LOG

A Report on the Activities of the
Ludlow Maintenance Commission



December 2007

President's Message

by Vaughn Bradshaw

Did you know that in recent years, we have experienced about a 10% turnover each year here in the North Bay? Of course we all know the real estate market has slowed down nation-wide in recent months, and we are not immune here in the Northwest, but there is no doubt that over the past 5 years, many new members have joined our community.

One consequence of this is that we are all confronted by unfamiliar faces and people who think differently than we do. There is tremendous suspicion, distrust and frustration with those who have different communication styles and priorities than our own. And on top of that, the same old issues that have caused friction in Port Ludlow for the past 35 years (or longer) still divide us.

Whether we are long time residents or new-comers, young, or young at heart; whether we believe that our tennis courts should be open or closed to non-LMC members; whether we favor more tree cutting or less; keep in mind that we are all neighbors. At this time of year when Peace On Earth And Good Will To All is on people's lips, I ask for patience with one another. Please treat each other with the same respect you would like to receive. Listen carefully to whoever is speaking to you and look for areas of agreement instead of disagreement and try to be aware of the way in which you are communicating.

I'd like to propose an experiment. First, think of someone you don't like; then come up with something about them you can compliment; and finally, say something kind to them. You may be amazed at the results. A small investment in a few kind words can go a long way towards creating a more enjoyable community in return. You won't immediately eliminate differences, but you may find it easier to come up with a mutually agreeable resolution to some conflicts.

From the Manager's Desk

By Brian Belmont

During the six months since the last LOG was published LMC has completed several facility projects. In this article I will summarize those accomplishments and address other events that I feel are significant.

This past spring LMC installed an emergency shut-off switch and alarm for the outdoor swimming pool. In 2004 Washington State amended swimming pool regulations that require pools with single floor drains to install emergency shut-off controls adjacent to the swimming pool. For existing facilities the effective date for the new regulation is June of 2008. Washington State is concerned that swimmers, especially children, can become entrapped against the floor drain which could result in injury or death. When the poolside shut-off is activated the pool circulation pump is turned off and an alarm is activated. LMC will not be required to make a similar upgrade to the indoor pool because it has multiple floor drains that are plumbed together in series which prevents a single drain from developing the necessary suction to hold someone to the bottom of the pool.

As part of the 2004 swimming pool regulation changes LMC, prior to June of 2008, will be required to replace the chain-link fencing that borders the south side of the outdoor pool. The new regulation will require the chain-link size not to exceed 1 ¼ inch square. Our current fencing size is nearly twice that. The intent of the new regulation is to help prevent small children from being able to get a toe-hold in the fencing that would allow them to climb the fence and injure themselves in the pool.

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During the latter part of July, LMC hired a pool/spa contractor to retile the spa located in the indoor pool area. It was a labor intensive project due to the curved shape of the spa. Following completion, the retiled spa looks fantastic!

In August LMC contracted with an asphalt contractor to dig-out and patch several sections of parking lot asphalt at the Beach Club which had failed, as well as damaged sections of the Kehele Park asphalt path.

In early September LMC hired a contractor to resurface the two Kehele Park tennis courts. Prior to having the resurfacing work completed, our own LMC maintenance staff consisting of Phil Eng, Dick Jovag and John Hengstebeck removed and reset the four tennis court net post sleeves that had started to lean. An asphalt contractor was hired to dig-out and patch a portion of one of the courts that had been patched previously but had settled. After all the work was completed new net posts were installed. Based on tennis player feedback the new court surface plays well.

I was pleasantly surprised when representatives from the Homeowners Potluck (HOPL) group made a generous donation of nearly \$300 that was used to purchase a high quality vacuum cleaner for the Beach Club.

This past fall I was touched when former LMC member Betty Taylor donated \$400 to be used towards the purchase of a new podium for the Bayview room at the Beach Club. Mrs. Taylor made the donation as a memorial to her late husband Walt who passed away recently. LMC has ordered a brass plate that will be installed on the podium to recognize Mrs. Taylor's donation.

In September LMC maintenance personnel prepped, primed and painted the Bridge Deck building and made repairs to portions of the plywood siding that had sustained water damage. In October the deteriorating cedar shake roofing was removed from the Bridge Deck and the building was re-roofed with a 40-year laminated asphalt roofing material.

Originally the southern portion of the Beach Club was roofed with a combination of cedar shakes and shingles. In October the south end of the building was re-roofed using a 40-year laminated asphalt roofing material. LMC elected to re-roof only a portion of the building (approximately 45%). Because there continues to be discussion

regarding the possibility of a Beach Club remodel and expansion it was decided to delay re-roofing the north end of the building. If the remodel/expansion were to come to fruition all or part of the Bayview room roof would more than likely need to be replaced.

As you can see there has been quite a bit of activity during the past six months of 2007 in and around the Beach Club. One of LMC's responsibilities is to maintain the assets of the Association; this is a responsibility that we take very seriously.

On behalf of the LMC staff I wish all our LMC members a safe and healthy 2008.

2008 Budget Vote Count

- 178 in favor of the Board approved budget
- 38 against the Board approved budget

Even though only 216 (22%) of the total 979 LMC members were represented in person or by proxy at the December 15, 2007 special members' meeting the 2008 budget was approved. This is the only members' meeting that does not require a quorum of the membership to validate the meeting. The Revised Code of Washington (RCW) 64.38.025 (3) states: *Within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors.*

December 2007 Report from the Finance Committee

by Bill Funke

The Committee has undertaken the review of all depreciable LMC assets to more accurately reflect current market replacement costs and to update the schedule of assets and anticipated asset replacement dates.

We plan to finish this task by January and to prepare a comprehensive schedule listing dollars required to be saved and accumulated each year for the proper funding of our Replacement Reserves. This will allow for the periodic replacement or significant repair of those assets used in the operation of our facilities. We intend to present this data in a readable and understandable format for the membership.

In conjunction with this, the Committee has drafted change proposals to the 2001 LMC Reserves policy to better identify the purpose of and the required asset replacement funding level requirement. We will also review the 2001 Reserves Investment policy to better identify investment guidelines.

Beach Club Remodel Update

by Art Moyer

Two schematic plans have been developed for a remodel of the North portion of the Beach Club:

1. Plan A is to provide an increase in the Bayview Room for seating for approximately 150 for dinner. To accomplish this, the north wall of the Bayview Room is removed and the room is extended 8 feet over the existing deck; the stage is moved to the south end of the room; the existing kitchen is removed; all the posts removed and a new roof installed. The dinner seating @ 15 sq ft per person is 159. A new area, 20 feet deep is added to the west to provide a new kitchen, storage space, coat closet and Beach Club entry. A 14 ft deep covered deck is provided outside the north wall. Space under the new area will accommodate a large exercise Room. The hostess station is enlarged and an elevator is provided next to the stairway. Seating space in the Bayview Room is increased from 1779 sq ft to 2392 sq ft. The rough cost estimate for this expansion is about \$1.127 million.

2. Plan B is to increase dinner seating to approximately 200. This is similar to Plan A. The north wall of the Bayview room is moved out 18 feet and a large general-pur-

pose room is added under this area. The new area to the west is increased to 22 feet deep providing space so that the Managers office could be moved up front. The ladies rest room would use the existing manager's office space to provide two additional toilets and a dressing room. Additional toilets for both ladies and men are also provided on the lower floor. The dinner seating @ 15 sq ft per person is 217. The seating in the Bayview Room is increased to 3255 sq ft. The rough cost estimate for this is about \$1.914 million.

Covenants and Regulations

by Catherine Garrison, Interim Chair

The Covenants and Regulations Committee (CRC) reviewed the governing documents to determine committee oversight of tree issues, i.e., view preservation, cutting, pruning, and hazardous trees. The CRC reported to the Board of Trustees that the governing documents are clear in assigning responsibility to the Architectural Control Committee (ACC). Since ACC membership is restricted by the Covenants, the CRC recommended that a special service committee be formed, under the auspices of the ACC, to handle tree issues. The service committee will make recommendations to the ACC for final determination. We further recommended that the service committee's effectiveness be evaluated in one year's time: the rationale being that after one year the board can determine if the committee should become a standing committee, which would require a bylaw change, or remain a service committee under the authority of the ACC. To date, a service committee has not been appointed.

The committee recommended that a date of record be established to determine that only owners of record are entitled to receive member-meeting notice and to cast votes at meetings of the membership. The policy was adopted by the board at its December regular board meeting.

Beginning in September the primary work of the committee has been developing policy and procedures for enforcement of the Trees and Views on Private Property Regulation. We have worked jointly with representatives from the Architectural Control Committee and the Operations Committee. A joint meeting with the Board of Trustees was held in November to review the draft policy and receive feedback from the board. Our goal is to have this work completed and the policy adopted by December 2007.

The Covenants and Regulations Committee meets on the first Tuesday of the month at 9:30 a.m.

Current Trees and Views Regulations

by Catherine Garrison

The following is some background to help LMC members understand how matters evolved over a three-year period leading up to the adoption of the current regulation on Trees and Views and the accompanying policy and procedures.

In October 2004, three LMC members brought suit against the LMC asserting claims for relief concerning Regulation I, Article I, Section 9 of the LMC Regulations. The plaintiffs and the LMC entered into a Settlement Agreement in January 2006. The mediated agreement specified that the LMC would appoint a special ad hoc committee charged with the *“review and consideration of all options regarding existing Regulation I, Article I, Section 9, ranging from consideration of no regulation to development of a new regulation that provides for 100% view protection, and all options in between.”* The agreement was specific about the composition of the ad hoc committee: one member of the Operations Committee; one member of the Architectural Control Committee; one LMC trustee; plaintiff John Henderson; one community member appointed by John Henderson; and two community members appointed by the trustees. The agreement prohibited the appointment of other LMC committee members or trustees to the ad hoc committee. It was also agreed that the board would present the ad hoc committee’s proposal for approval by the LMC membership in April 2007. An ad hoc committee was appointed consisting of John Henderson, Vallery Durling, William Hansen, Veronica Ryan, Michael Cahn, John Austin, and Trustee Amy Recht (later replaced by Trustee Vaughn Bradshaw).

The special ad hoc committee met for several months and eventually wrote and presented a Trees and Views regulation to the LMC Board of Trustees in February 2007. As agreed, the amended regulation was presented to the membership at the annual meeting and approved by a vote of the members in April 2007. The Board of Trustees subsequently adopted the regulation at a regular board meeting May 19, 2007.

The Covenants and Regulations Committee (CRC) was then charged by the board to review the LMC governing documents and recommend which standing committee should administer the newly adopted regulation. The CRC reviewed the current governing documents as well as

historical records to determine how matters had evolved over the years concerning committee responsibility for tree issues. The CRC concluded that the governing documents are clear in delegating responsibility for tree issues to the Architectural Control Committee (ACC). The board accepted the CRC’s recommendation and the newly adopted trees and views language became Regulation II, Article I, Approval Requirement (3), Trees and Views on Private Property.

As we reviewed the documents it became clear that other regulations required modification for consistency of language and administrative authority. The CRC also recommended that comprehensive policy and procedures be written and approved to assist the ACC in carrying out their responsibilities.

The Covenants and Regulations Committee worked cooperatively with the Architectural Control Committee, members of the Operations Committee and a LMC member who offered special expertise in the area of liability and tree issues. The combined group spent more than 20 hours working on the policy language. The end result is a comprehensive policy and procedures for evaluation and enforcement of the Trees and Views on Private Property regulation. The policy went through seven drafts, a special board meeting and two public readings prior to adoption by the LMC Board of Trustees on December 15, 2007. The committee is confident the seven-page document meets both the spirit and the intent of the newly adopted regulation.

Except for mature trees designated by the ACC to remain on lots at the time a home is built the regulation is clear that every LMC property owner has the obligation to see to it that trees growing on developed property are not allowed to grow in such a manner that they depreciate the enjoyment of neighboring properties.

Copies of the newly adopted policy and procedures are available at the Beach Club.

Developer Progress on North Bay Issues

by Elizabeth Van Zonneveld and Vaughn Bradshaw

A report of the progress of the developer’s activities in Port Ludlow appeared in the LOG published for the winter quarter of 2006. Since that time, Olympic Terrace II, 80 new homes in the South Bay, received approvals from the county, and construction of roads, utilities and

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model homes are underway. PLA has also published a Water and Sewer System Plan Update for Olympic Water and Sewer, Inc. and indicated their intention to apply for additional water rights to serve Port Ludlow as well as requesting a water rate increase. The LOG will report further as those applications progress.

In the North Bay, PLA has submitted an application for a plat of 42 homes to be built in the "Log Dump" area, known as Ludlow Cove II. The entrance to Ludlow Cove II is just across Paradise Bay Road from Port Ludlow's commercial center. (As an aside, Jefferson County completed a road widening and median installation project at that location, and streetscape and lights make it a very attractive improvement. Village Council funds, and community efforts, including the Fire Department's volunteer efforts, have decorated the new streetscape with lights for the holiday season.)

PLA's Resort Revision project application for the Hotel-Marina resort area has continued to move slowly forward. To recap, this project consists of replacement of the Harbormaster with a smaller new restaurant near the marina, new office and retail shop, 64 slips of additional permanent moorage as well as a proposal to build 42 condominiums on the land around the lagoon and 38 condominiums in the area called Admiralty III. A small park/playground is indicated in the plan near the main entrance to Beach Club and resort area.

The project has required a number of permits, shoreline development permit, hydraulic permit for the marina expansion, and environmental impact statement, as examples. The project is classified by the County as a Major Revision, one that is classified as a Type B decision and requires public notification and opportunity for public comment and requires public hearings. A number of hearings have been held and numerous written responses have been submitted to Jefferson County from the community.

LMC's Board of Trustees, represented by President Bruce Schmitz in 2004 and 2005, followed by President Terry O'Brien in 2006, and Vice President Elizabeth Van Zonneveld in 2007, has submitted testimony, written and oral during this long process. The LMC Board expressed concern about several aspects of the project, including possible violation of homeowners CC&Rs in Ludlow Bay Village and intrusion on LMC rights, the need for walking paths separate from roadways, protection of

LMC common property rights from liability or maintenance costs for resort trails on LMC land, storm drainage requirements especially in the Admiralty III area, road safety and construction standards, shoreline preservation along the lagoon and Ludlow Bay shores and compensation for expanded use of LMC recreation facilities by new owners and resort guests.

The County Hearing Examiner, Mr. Berteig issued his final decision approving the project, with some conditions, in February 2007. LMC filed a motion for Reconsideration of his Decision with HE Berteig in spring 2007, and following an unsatisfactory conclusion, the Board voted to appeal the Decision in April 2007. Efforts to mediate settlement of these various issues during the summer, and again in October have been only partially successful, although negotiations between all of the appellants including LMC and PLA have been ongoing. A final Closed Record Appeal Hearing was held before Appellate Hearing Examiner Phil Olbrechts on December 6th and his decision is expected in early January.

Members have inquired about legal costs and have expressed concern about costs to LMC owners for legal fees. The Board sought an opinion from LMC's attorney about the legality of LMC's role in this land use appeal. We have been assured it is an appropriate role for the association where concern for member association rights and common properties exists. The cost to the association was \$709 for the appeal filing fee, and \$1875 as LMC's share of mediation costs. These costs are included in the reported total of 2007 LMC expenses.

Member Forum on Appeal

There was a members' forum on December 11 to answer member questions about LMC's relationship with the developer, Port Ludlow Associates (PLA), and the appeal of the County's decision on Ludlow Bay Village and Admiralty III. In addition to the board's negotiating team assigned to the Resort Revision project, president Vaughn Bradshaw was also present to answer questions, as were two past LMC presidents who had given testimony on the project proposal over the years. Approximately 30 people attended.

Know Your Governing Documents: Articles and Bylaws

by Catherine Garrison

The Revised Code of Washington (RCW), Chapter 24.03, Washington Nonprofit Corporation Act provides us with definitions of Articles of Incorporation and Bylaws: in other words, the rules the LMC lives by.

- Corporation means a corporation not for profit subject to the provisions of Chapter 24.03.
- Not for profit corporation or nonprofit corporation means a corporation no part of the income of which is distributed to its members, directors or officers.
- Articles of incorporation or “articles” mean the original articles of incorporation and all amendments and includes restated articles. These are filed with the Secretary of State for the State of Washington.
- Bylaws means the code or codes of rules adopted for the regulation of management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

Articles of Incorporation

The LMC Articles of Incorporation are the second highest document in the hierarchy of authority in our “bundle” of governing documents. They were signed by the original incorporators in 1968. Yes, we are a corporation: not a social club or fraternal organization. Although there are organizations and groups associated with the Beach Club who attend to the social needs of members, the primary purpose of the Board of Trustees is to manage and conduct the business of the corporation. The Articles of Incorporation also give the board the “authority to adopt and enforce rules, regulations and restrictions pertaining to the use of land owned by its members.” [Article VII (j).] This is the board’s legal basis for their rule-making powers. The articles may be amended by a two-thirds affirmative vote of all participating lot owners and condo owners. Such amendments must be filed with the Secretary of State.

A Swim Through the Alphabet Soup

When reading about the various issues and activities that go on in our community, the following definitions may be helpful in understanding the topics being discussed:

LMC - Ludlow Maintenance Commission

PLA - Port Ludlow Associates

ORM - Olympic Resource Management

SBCA - South Bay Community Association

PLVC - Port Ludlow Village Council

MPR – Master Planned Resort

PLDD – Port Ludlow Drainage District

DCD – Department of Community Development

CC&R’s – Covenants, Conditions, and Restrictions

RCW – Revised Code of Washington

HOA – Home Owners Association

NBLOA – North Bay Lot Owners Association

ACC – Architectural Control Committee

C&RC – Covenants & Regulations Committee

GBC – Green Belt Committee

OC – Operations Committee

Ad I – Admiralty I (Condominiums North of the Beach Club)

Ad II – Admiralty II (Condominiums North of the Beach Club)

Ad III – Condominiums to be built on the open space south of the old Conference Center and west of Admiralty I and II

Mediation – Intervention between conflicting parties to promote reconciliation, Settlement, or Compromise. The parties are urged to settle between themselves.

Arbitration – The hearing and determination of a case in controversy by a person chosen by the parties or appointed under statutory authority. The hearing examiner determines the outcome of the case.

Binding Arbitration – The parties agree prior to entering into arbitration that they will abide by the decision of the hearing examiner.

Non-Binding Arbitration – Either of the parties who is dissatisfied with the outcome of the arbitration may file for a hearing in Superior Court.

LMC Board of Trustees

- Vaughn Bradshaw, President
- Elizabeth Van Zonneveld, Vice President
- Ian Feltham, Treasurer
- Jerry Nelson, Secretary
- Ted Buehler, Trustee
- Stan Kadesh Trustee
- Paul Moseley, Trustee
- Art Moyer, Trustee,
- Sonny Sanzaro, Trustee

Beach Club Staff

- Brian Belmont, General Manager
- Kim Monroe, Office Manager
- Phil Eng, Maintenance Supervisor
- Bob Carstensen, Maintenance
- Dick Jovag, Maintenance
- Mara Denny, Hostess
- Susan Bartkus, Hostess
- Alpha Palmer, Hostess
- Carol Shamhart, Hostess
- Ruth Irvin, Hostess

LMC Committee Chairs

- Architectural Control: Veronica Ryan
- Communications: Barbara Berthiaume, interim
- Covenants and Regulations: Catherine Garrison, interim
- Finance: Bill Funke
- Greenbelt: Jack Riggins/Larry Scott
- Operations: John Van Zonneveld

Beach Club

Holiday Schedule

December 24 the Beach Club will close at 1 pm

December 25 the Beach Club will be closed

January 1 the Beach Club will be closed

THE BEACH CLUB

Beach Club Hours

Monday - Sunday 7 a.m. - 9 p.m.

All Members: Present a valid membership card or pass to be admitted to the Beach Club.

Indoor Pool

Monday, Wednesday, Friday:

Lap Swim 7 - 9 a.m.

Aquacise 9 - 11 a.m.

Open Swim 11 a.m. - 5 p.m.

Lap Swim 5 - 6 p.m.

Open Swim 6 - 8:30 p.m.

Tuesday, Thursday, Saturday, Sunday:

Lap Swim 7 - 9 a.m.

Open Swim 9 a.m. - 5 p.m.

Lap Swim 5 - 6 p.m.

Open Swim 6 - 8:30 p.m.

Outdoor Pool

The outdoor pool is closed for the winter with plans to reopen mid May.

Pool Age Restrictions

Anyone under age 16 must be accompanied by an adult when using the pools and spa.

Exercise Room Age Restrictions

For using exercise equipment, anyone under age 16 must have direct adult supervision.

2008 Beach Club Activities Scheduling

In order to assure room availability in 2008, now is the time to schedule meetings and functions with the Beach Club staff. All scheduling is on a first-come first-served basis. If you represent a group that meets regularly throughout the year at the Beach Club or Bridge Deck facilities please submit your requested schedule in writing and include dates, time, requested room, name of group, name of contact person and a contact phone number. LMC front desk staff can be reached at 360-437-9201 or by e-mail at lmcfrontdesk@olympus.net

DID YOU KNOW?

The LOG can be sent to you electronically by e-mailing beachclub@olympus.net and making this request. We encourage you to do so as it is quick, easy and saves on postage.

For more LMC news such as schedules, governing documents, minutes of LMC board meetings, committee reports, and relevant links to other sites, you can visit the LMC website at www.LMCBeachClub.com.

The Voice, the local newsletter with information on activities and events in the Port Ludlow community including both North Bay and South Bay, can be accessed online at www.LMCBeachClub.com as well as the LOG

Ludlow Maintenance Commission
P.O. Box 65060
Port Ludlow, WA 98365

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WA 98339
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**AMENDED REGULATION I, ARTICLE I, RESTRICTIONS AND REQUIREMENTS (3): NO
NUISANCE**

Deleted language is identified with ~~strikethrough~~.

Rationale: It has been determined that all matters relating to cutting, pruning and thinning trees including hazardous trees on private property shall be administered by the Architectural Control Committee (ACC). The Covenants and Regulations Committee therefore recommend that item (i) be deleted from Regulation I, Article I (3) under the authority of the Operations Committee and the following paragraphs be renumbered as appropriate.

3. No Nuisance

- a. No nuisance shall be conducted or permitted on any lot, nor shall any other offensive use be made of it. For the purposes of this Regulation a nuisance is defined as the unreasonable, unwarranted and/or unlawful use of property, which interferes with another person's quiet, peaceful or pleasant use of his/her property. Nuisances can include noise, undue traffic, an excessive number of vehicles, advertising signs, and movement of personnel and material. Without limiting the generality of the foregoing:

~~i.— It shall be a nuisance subject to the prohibition of this subparagraph for an owner to permit to remain on his or her lot a tree, dead or alive, that may reasonably be expected to be blown down and injure or damage the person or property of another. If the Operations Committee determines that any tree is a hazard, the owner shall be informed by registered mail and ordered to remove said tree within 30 days of receipt of notice.~~

i. It shall be a nuisance subject to the prohibition of this subparagraph for any owner or owner's contractor to cause or permit loud noise to be heard out of doors before 8:00 a.m. or after 6:00 p.m. No trailer-mounted air compressor or electrical generator set shall be operated except by utility companies in emergency situations such as storm-related power outages. Electrical power generation or air compression equipment driven by internal combustion shall be used only as follows:

- a. Small electrical generators (up to 10,000-watt capacity) are permitted for household use only during power outages.
- b. Hand-carried portable compressors are permitted for nail gun, stapler, or painting purposes.

ii. It shall be a nuisance subject to the prohibition of this subparagraph for any lot to be utilized for industrial or commercial purposes which may disturb residents. It is recognized that property owners may be engaged in certain home-based business activities, which do not cause a disturbance. Home businesses may be permitted under the following circumstances:

- a. No employees;
- b. No sign(s);
- c. All work is done inside the dwelling, not in any accessory buildings;
- d. No materials or equipment used in the home occupation are stored, altered or repaired outdoors.

Home-based activities that meet the above stated criteria may be permitted; however, should the activity create a disturbance the Board of Trustees has the authority to require the activity to cease without any claim upon the LMC or the Board of Trustees.

- b. Appropriate real estate signs, not exceeding 30" x 30" in size, advertising a particular lot or home for sale may be placed upon said lot.

AMENDED REGULATION II, ARTICLE I, APPROVAL REQUIREMENT: (2) CUTTING OF TREES

Deleted language is identified with ~~strikethrough~~.
New language is identified with ***bold italics***.

Rationale: The language relating to the determination of whether a tree is hazardous raises concerns about liability issues for the corporation. The Covenants and Regulations Committee (C&R Committee) feels the LMC has demonstrated due diligence by notifying the owner. If the owner refuses to remove the tree or does not comply in a timely manner, liability would be the owner's responsibility.

The Covenants and Regulations Committee recommended specific language defining hazardous trees.

The term "evergreen" covers a wide variety of plant species; the C & R Committee recommended that the term evergreen/conifer be used consistently throughout the governing documents as appropriate. This is consistent with terminology used in the newly adopted Trees and Views regulation.

2. Cutting of Trees. No tree of six inches or more breast high diameter shall be cut, topped, or limbed until it has been individually identified to be cut and ACC approval is received. ***See Regulation II, Article I (3).*** In determining whether or not to approve an application to cut, top, or limb a tree, consideration shall be given to the following:
 - a. Views and sunlight are important to owners and occupants for reasons of enjoyment and property value;
 - b. A scattering of tall evergreen/***conifers*** is encouraged to enhance the beauty of the neighborhood, as long as views from neighboring lots are not unduly impaired; and
 - c. An important function of large trees is absorption of runoff; so trees should not be cut if a drainage problem will be created.
 - d. ~~If the Operations Committee determines that a tree is a hazard and, therefore, a nuisance under Regulation I, Article I, Paragraph 3 (a), it is required to inform the owner by registered mail and order the tree's removal by the owner within 30 days of receipt of notice. The Operations Committee shall inform the ACC of all such removal orders.⁺~~
 - d. ***If the ACC has been notified by an affected party that a tree on a developed or undeveloped lot is perceived to be hazardous, the ACC shall then notify the owner of said tree of the complaint by Certified, Return Receipt Request mail. The LMC accepts no***

responsibility or liability for said tree. For the purposes of this regulation, the following defines a hazardous tree:

- i. **Hazardous Tree:** A hazardous tree shall mean a tree that has been certified by a Licensed Registered Washington State Arborist as being dead, or is so affected by a significant structural defect, damage or disease, or soil that may not provide adequate support, that falling or failure appears imminent, and poses a threat to life or property.*
- ii. **Hazardous Tree By Location:** Tree(s) located in a place where they could cause property damage or personal injury should they fall.*

Complaints concerning hazardous trees by location shall only be deemed relevant if the complaint is made by a party living on an adjoining property and thus directly affected by the tree(s) in question.

AMENDED REGULATION II, ARTICLE I, APPROVAL REQUIREMENT (10) LOT CLEARING

Deleted language is identified with ~~striketrough~~.
New language is identified with ***bold italics***.

Rationale: The following amendment corrects the Regulation citation.

- 10. ***Lot Clearing.*** Forty-eight (48) hours written notice must be received by the ACC prior to removal of any tree six-inches or more breast high diameter or for lot clearing preparatory to construction. All lot clearing debris and construction materials must be removed and shall not be burned on site. For maintenance of developed and undeveloped lots see ~~Regulation I, Article I (9)~~ ***Regulation I, Article I (8), Maintenance.***

AMENDED REGULATION II, ARTICLE III, PROCEDURES (2) (7 A.)

Deleted language is identified with ~~striketrough~~.

Rationale: The ACC requires owners to mark all trees having a breast-high trunk diameter of six inches or more, with an indication of any of them that the owner proposes to remove. This action creates consistency between Regulation II, Article III, Procedures (2) (7, a) and Regulation II, Article I, (9).

- (7) The location of all ~~evergreen~~ trees having a breast-high trunk diameter of six inches or more, with an indication of any of them that the owner proposes to remove.

AMENDED REGULATION V, ARTICLE II, PROCEDURES (7)

New language is identified with ***bold italics***.

Rationale: For purposes of consistency and proper terminology the C&R Committee recommended the following minor change:

7. The Ruling: The final decision of the LMC Board of Trustees to affirm, reverse or modify the committee's decision shall be in writing. A copy of the decision with rationale and/or supporting documentation shall be delivered in person to the appellant or deposited in the U.S. Mail, ***sent Certified, Return Receipt Requested***, addressed to the appellant's address shown on the record of the LMC. If the board reversed or modified the committee's decision, the committee shall immediately meet and take such action as is necessary to comply fully with the action directed by the board's decision.