



# To The Point

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## Reprise of the Lot 139 and Vogt Matter

By Sylvia Bowman

Here is a brief history of the Evans-Vogt-Architectural Committee (AC) matter. No arguments or legal points are considered, just background facts and recent actions taken by three principal parties, showing that while chances to avoid or curtail conflict were missed, there are no villains.

The AC is now revising its checklist so members will review lot files and notify owners who may be affected by neighbors' projects. It's also revising the Architectural Standards (called 'the Standards' in this article).

I hope that in the future the powers that be will make would-be members pass a quiz on the CC&Rs and procedures. After all, these volunteers' decisions greatly affect the value of our properties – as in the case of Lot 139 and the Vogts' property across the street.

### Background on Lot 139

Lot 139 on Trafalgar is one of only 23 Kala Point lots restricted to a one-story house by the Standards. As defined therein, a "one story house" may rise 18 feet above original grade but may not have a daylight or walkout basement because that's defined as a second story. Most other Lots have no specific limits, or heights have been assigned between 4 feet and 25 feet above road level. For them, daylight basements are allowed.

Past AC chairs – including Renate Wheeler, John Kuller, Joan Thomsen and Jay Burcham – had written to Lot 139 owners that a house built there could rise 13 feet from grade, or 10 feet above road level because of view and neighborhood compatibility. Burcham's letter affirms that a daylight basement is a second story, not allow able except by variance on Lot 139. Those ACs

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## Join The Crowd? or Maybe Not!

Some of you may have read in the local papers that downtown Port Townsend would not be the place to drive through on Dec. 6th. Here are the real facts of that date:

Santa arrives. That always draws a crowd. It's mostly the young families with their children.

Puget Sound Anglers (with 13 chapters in western Washington) have organized a "crab  
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The Port Ludlow Windermere agents, owners, brokers and staff would like to wish you a holiday season full of hope, peace, gracious moments and good tidings.

We appreciate your past business and look forward to working with you in the New Year.

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## Only The Lawyers Win

By Judie Lewis, Editor

As we come to the end of a very difficult year for Kala Point, the main problem that caused such angst is also ending, the "Trafalgar Train Wreck."

The specifics of the situation that evolved into a lawsuit are discussed in the front page article, "Reprise of the Lot 139 and the Vogt Matter."

Among the lessons we should be learning from the year's events are:

1. Decisions made by members on our committees, especially the committees that are dealing with compliance issues in the CC&Rs, etc. affect peoples lives and well-being. This is a grave responsibility that needs to be taken on only by those willing to really learn the rules and always keep possible consequences in mind.
2. Anything that cannot be resolved within our own structures (CC&Rs, APPs, etc.) and ends up in court, **only benefits the lawyers!** We need a saner way to resolve problems than to constantly run to the lawyer for advice. If he and others like him are the only ones to gain, how can we trust such advice? What is "legal" isn't always in

keeping with common sense or neighborliness!

Everyone should be able to agree that many errors were made. Within that agreement, I must add my mother's most serious admonition, "The only people who make mistakes are those who do something." So, if you are among those who do not participate, remember that possibly the only reason you are not among those who erred in this matter is that you are not willing to volunteer. This is fine, too! But, from those choosing non-involvement, there should be no judgements.

Sadly, with the mediation, the Vogts will have only part of their legal fees back, and they are still without their view, while being expected to pay extra taxes, etc. for a property that is "classified" as a view property. Plus, they are not being compensated for the loss of property value.

The Evanses have moved into their new home with many neighbors seeing them in a bad light.

Let's start by telling the Vogts we a sorry that the oversights have had such a negative effect on them. Unfortunately, there is nothing that can be done within reason to correct this, so a heartfelt apology seems to be the best we can do.

Then, let's all remember that the Evanses are our neighbors and need to be embraced as a part of the community.

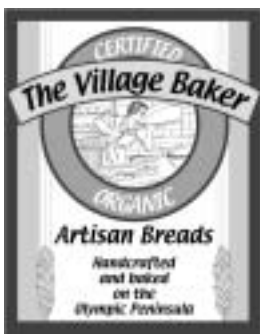
Also, we all need to remember that those on our committees try to do the best they can. Even when they make mistakes, they deserve our thanks rather than our criticism. It is unthinkable that anyone in this matter purposely set out to hurt anyone else. At least, we all hope that is true.

Lastly, excuse making instead of facing our mistakes only makes them worse.

## To The Point Staff

Judie Lewis, Editor;  
Richard Canaan & Barbara Martel, Ad Sales;  
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John Childs, Bookkeeper;  
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**Deadline for each issue is the 20th of the previous month.** All material is welcome.



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## **“KPOA/Vogt” cont’d from page 1**

didn’t rule on specific house plans because none were submitted before the Evanses.

The AC letters reside in the Lot 139 file in General Manager of Kala Point, Brian Belmont’s office, along with a 1992 letter from the Vogts and a reply from Frank Kuring assuring Jack Vogt that future ACs will consider his view-issues if building plans are submitted.

### **The Evanses**

On November 26, 2002 the Evanses submitted to the AC plans for a house rising 18 feet from entry level to the roof ridge, with a daylight basement – for Lot 139. Their cover letter said they, as good neighbors, would put on a hip-roof to reduce impact on the Vogts’ view.

As submitted, the plans lack data required by the Standards, i.e., they don’t establish original grade and they don’t show the driveway. However, on December 4, the AC approved the plans without discussing omissions and the not-allowed daylight basement.

The Evanses then bought Lot 139 and had fill dirt build up the Lot’s front slope where garage and house foundation would be. After all the fill the house would rise 18 feet from street level, not from original grade.

However, later in January the Evanses approved their builders’ lowering the roof by more than three feet. The builders told this writer that

the house would now top out at 14+ feet above the road and 18 feet above original grade.

The Evanses’ basement area, designated as ‘daylight basement’ on the plans approved by the AC, is now called ‘crawl space’ by them and the AC -- though the ceiling is normal walkout height and daylight isn’t excluded.

### **The Vogts**

To keep their view, the Vogts relied on the Standards and AC letters on file. The letters didn’t rule out a Lot 139 variance -- but if a variance were proposed, the Vogts expected to comment on it, as Standards Policy 4D states, “The Committee, prior to approving any project or granting any variance that in its judgment may affect neighboring properties, shall notify any such neighbor who shall be given a 30-day opportunity to comment.”

The Vogts also relied on precedent. Trafalgar residents Olsen, Vogt and Brunner had to build well below original grade -- with costly excavation -- to meet the mandate of CC&Rs Art. IV Sect. 9: “All owners shall restrict the height of improvements constructed on their properties . . . [so] the view of other owners . . . shall be preserved to the greatest extent reasonably practicable.”

As it turned out, the AC didn’t notify the Vogts before or after approving the Lot 139 plan. Jack Vogt learned of it casually in January 2003, more than 30 days after approval.

He filed a ‘Request for Appeal’ with KPOA but was told the Board couldn’t act on a ‘Request’ received 30+ days after the AC’s decision. The board held a special meeting in January simply to let all parties air their views. Mediation was suggested, but both Evanses and Vogts refused.

So the Vogts had no remedies left under the KPOA system. Facing the prospect of a Lot 139 house rising higher than their own living room windows, right in their view, the Vogts sued – not for damages, but for view restoration.

### **Architectural Committee (AC)**

Meeting on December 4, 2002, the AC followed its usual procedures. That is, they didn’t look at the Lot 139 file or the Standards’ limitations for  
**Continue “KPOA/Vogt” on page 11**

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## Kala Kwips

Submitted by the original shy neighbor

### A Barbie Doll I Can Relate To

Is a Barbie doll at the top of your granddaughter's wish list? Have you heard about these new models?

- Bifocals Barbie - comes with her set of blended lens fashion frames complete with a neck chain and the large print edition of Readers' Digest.
- Hot Flash Barbie - press her belly button and watch her face turn beet red while tiny drops of perspiration appear on her forehead. Comes with a hand-held fan and tiny tissues.
- Facial Hair Barbie - as Barbie's hormone levels shift, see her whiskers grow. Available with teensy tweezers and magnifying mirror.
- Flabby Arms Barbie - hide Barbie's droopy triiceps with these new, roomier-sleeved muumuus.
- Bunion Barbie - years of disco dancing in stiletto heels have taken their toll on Barbie's feet. Soothe her sores with the included pumice stone and plasters, and then slip on her soft terry-cloth mules.
- No More Wrinkles Barbie - erase pesky crows' feet and lip lines with Skin Sparkle Spackle.
- Postmenopausal Barbie - Barbie wets when she sneezes, forgets where things are, and cries a lot. She is tired of Kens sitting on the couch watching the tube, clicking through the channels. Comes with Depends and Kleenex. As a bonus, the book, "Getting in Touch With Your Inner Self" is included.
- Divorced Barbie - sells for \$199.99 and comes with Ken's house, car and boat.

## Reading

Aoccdrnig to rscheearch at an Elingsh uinervtisy, it deosn't mttar what odrer the ltteers in a wrod are, the ipmoetnt tihng is taht the frist and lsat ltteers are in the rghit pclae. The rset can be a mses and it can sitll be raed. Tihis is bcuseae we do not raed ervey lteter by itslef but the wrod as a wlohe and the biran fguiers it out aynawy.

## Interesting Math

The next time you hear a politician use the word "billion" casually, think about whether he/she should spend your tax money. A billion is difficult to comprehend, but try this perspective:

- A billion seconds ago, it was 1959.
- A billion minutes ago, Jesus was alive.
- A billion hours ago was the Stone Age.
- A billion dollars ago was only 8 hours and 20 minutes, at the rate Washington spends.

**Current media note that there have been more Americans killed in Iraq since the main fighting stopped than during the open war. They ask if it is safe to go into Iraq. However, there have been more Americans killed in DC during the same time than in Iraq. Does that mean it is unsafe to go to Washington?**

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## We Get Letters

Please remember, "letters to the editor" **reflect the views of the person writing the letter**. It should not be assumed that views expressed are shared by the publishers or staff of To The Point.

**Editor's Note:** Recently we received a letter noting that the writer was pleased to see twenty advertisers in our November issue. The writer noted these business people deserve special praise for not being frightened off by the attempted coercion.

**As the Editor of To The Point, I must agree. These special business people do deserve our thanks and our undying patronage.**

The letter in its whole could not be placed because the writer did not identify him/herself. When you write a letter to the editor, even if you request that your name not be printed, you must identify yourself so the editor can confirm the writer as a KP resident. Though it is unlikely that the writer of this note was not a resident, the editor needs to have conclusive knowledge that this is true.

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## "I Take Issue With That..."

### Assessments: Vote Where Your Money Will Go

By the Editorial Staff, To The Point

Many of us fulfilled our civic duty November 4th by voting for our U.S. officials. Whether or not our candidates would win, we each had a responsibility to stand up and be counted. Reading newspaper articles or attending candidate meetings, we became informed voters.

Similarly, each of us has a KPOA civic duty December 19th to vote for/against 2004's proposed assessments. Wading through budget detail may not be your favorite pastime. This article intends to simplify your analysis by highlighting the significant budget/assessment changes.

**Proposed 2004 annual assessments:** KPOA \$546.31 (4.3% increase), timeshare segment \$143.32 (2.3% increase). The proposed budget is \$389,200 (expenses and reserve allocation). This is a 3.9% increase (\$14,700) over last year vs. a 1.9% regional inflation rate.

**SALARIES:** 2004 BUDGET=\$192,800. \$5,100 budget increase (4.0%) over 2003. Full time employees: 2 office and 2 maintenance. Part time employees: 1 maintenance and 6 clubhouse. Overall, this represents 6 full time equivalent employees.

**LEGAL FEES:** 2004 BUDGET=\$6,000. \$3,800 budget increase over 2003. See Kala Pointer 10/03 legal fees article for further detail which projects 2003's spending at \$14,500.

**INSURANCE:** 2004 BUDGET=\$24,700. \$3,300 budget increase over 2003. 10% projected increase for auto, property and director/officer liability insurance.

**MAILING NEWSLETTER:** 2004 BUDGET=\$2,800. Postage to mail monthly newsletter to each KPOA and timeshare member (vs. distribution to group mail stations). Members can reduce this cost by receiving their newsletter by



email.

**2004 ASSET (RESERVE) PURCHASES:** \$15,000 to replace beach footbridge, \$5,500 to replace 16 year old road sweeper, \$1,200 to replace 15 year old pressure washer.

The footbridge is located near the lagoon connecting the tennis courts and wetlands area. Since this is a new item to the budget, \$15,000 would be taken from the reserve that had been set aside for other items. The KPOA Board previously voted against the footbridge replacement (see Spring 2002 Kala Point Highlights) due to high replacement cost (from \$9,100 to \$22,500 plus \$4,000 permit fees and footings) and negligible use.

How do KPOA assessments compare to other communities? For 2003: Port Ludlow North \$386, Cape George \$300, Sunland \$145. Of course, each community has varying amenities: beach, private roads, marina, clubhouse, pool, golf course.

The budget summary and proxy ballot will be mailed shortly. Since this is your one opportunity to affect your assessments, please sign and mail your proxy ballot or attend the December 19th budget/assessment ratification meeting. Your vote will make a difference. State law mandates your voting right as direct participation in KPOA governance and mandates accountability of the Board to the membership.

## **A Contentious \$15,000 Footbridge?**

By Lou Martel

An expenditure of \$15,000 in the KPOA budget may be contentious to the general membership. The general membership will be making a decision to ratify / reject the 2004 budget, by a plurality of votes, in person or by proxy, at a special meeting of the membership on December 19, 2003.

The \$15,000 expenditure is for the replacement of a footbridge that connects two houses and some tennis courts to the beach area via a footpath in the lagoon area of Kala Point. There is a

parallel road, Sailview Drive, that makes the same connection. The benefits of the \$15,000 expenditure relatively accrue to a few. The cost will be borne by the entire membership by an increase in annual assessments. This disparity between those who benefit and those who pay is, in the eyes of the general membership, sometimes OK and sometimes not OK. The Board takes it upon itself to decide such issues with only limited contact with the community and that contact can be with only a small select circle.

The Washington State Homeowners Association Law, enacted in 1995, (which supercedes KPOA CC&Rs), mandates that "the board of directors shall act in all instances on behalf of the association." (The law does not say that the Board's duty is to "enforce the CC&Rs," as we often hear at Kala Point).

Acting on behalf of the association means acting on behalf of the general membership. Acting on behalf of the general membership is easier said than done because of limitations of time and means of communication. But, that is the legal standard imposed by the law on the Board by the state for any of its decisions. It means that the Board is obligated to "reach out to the community" whenever there is a sense that a matter to be decided upon is or could be "contentious."

There are issues at Kala Point as there are everywhere. Some are, or could be, contentious. Recent examples are: 1. the possible land purchase outside the KPOA gate; 2. the potential \$10,000 fines in the proposed APP!; and 3. possibly the \$15,000 footbridge (because it may be seldom used, and most of the members don't even know where it is). Potentially contentious issues need to be identified and communicated by the Board to the general membership in a clear, objective, timely manner; and most importantly, in a manner considerate of the legitimate different points of view that exist in the community.

Timely communication, **both ways**, need to be in place if budget ratification / rejection, to be voted upon by the general membership is to be informed, responsible and fair to all.

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## Coin Changes Due in 2004

The US Mint will be producing 2 new backsides on the Jefferson nickel in 2004. According to their website:

“The first of two new reverses on the 2004-dated Jefferson nickel will feature a rendition of the reverse of the original Indian Peace Medal commissioned for Lewis and Clark’s expedition, bearing the likeness of America’s third president on one side, and symbols of peace and friendship on the other. The medals were presented to Native American chiefs and other important leaders as tokens of goodwill at treaty signings and other events.” This first nickel design is pictured here.

And later next year the nickel back will feature an angled, side-view of the keelboat with full sail that transported members of the expedition and their supplies through the rivers of the Louisiana Territory in search of a northwest passage to the Pacific Ocean.

## Holiday Recipes

### GREAT FUDGE RECIPES

Both fudge recipes are from Mabel Campbell (then)

#### MILLION DOLLAR FUDGE

2 packages real Chocolate Chips  
1 lb. bar sweetened milk chocolate  
1 pint marshmallow cream  
1 cup chopped walnuts

Break up chocolate bar and put all ingredients into a large bowl. Then boil 4 1/2 cups granulated sugar, 1 can undiluted milk, 1-tablespoon butter for six minutes, stirring constantly. Pour over mixture in bowl and stir until smooth, then spoon out onto wax paper in desired sized drops. SAVOR!

#### EASY, QUICK FUDGE

(now)

1 can sweetened condensed milk  
1 1/2 T. vanilla

Bring to boil, then add 12 oz. (1.5 pound bag) of chocolate chips, and some nuts if you are so inclined. Stir until smooth. EAT!

#### Filet of Beef for Christmas

1 whole filet of beef (4-5 lbs.)  
ask for it to be trimmed & tied by butcher.  
2 Tbs unsalted butter (room temperature)  
1 Tbs sea salt  
1 Tbs quality coarsely ground pepper

Heat oven to 500°. Dry the outside of the beef with paper toweling. Place beef filet on baking sheet or on a roasting pan. Spread butter all over beef roll with hands. Sprinkle with salt and pepper. Place in fully heated oven for exactly 23 minutes for rare or 26 minutes for medium-rare.

Take out of oven and wrap (and seal) meat with aluminum foil for a full 20 minutes while you prepare sides. After the 20 minutes, cut off strings and slice the filets thickly.

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## “Crowd” continued from page 1

convoy” of between 100 and 1,000 vehicles towing recreational boats through town between 11am and 1pm.

WHAT ?? Well, the Department of Fish & Wildlife’s Commission is meeting Dec. 5 and 6 at Fort Worden, and sport crabbers have a point to make. With more than 5,000 family memberships, the Puget Sound Anglers have spearheaded this effort to tell state officials they don’t appreciate their crab season being closed in mid-October. Their theme is “We Fish, We Crab, We Vote,” emphasizing that they feel they deserve to be heard and to have a larger quota of the crab available to the sport fisherman, some of whom are your Kala Point neighbors.

The crab convoy could make things crowded downtown, but the organizers are going to work with city police to keep traffic moving through. Their goal is NOT to clog up traffic. In fact, the anglers will be shopping and dining in Port Townsend businesses after they conduct their demonstration parade of vehicles. They’ll present merchants with cards to let area business owners know that the economical impact of anglers is significant. They plan to use Park-N-Ride and transit and carpools from the fairgrounds (their staging area) so they do NOT take up all the parking downtown. So there’s no need to completely avoid your Saturday trip to town.

Sport crabbers say they get just under 17% of the entire crab quota, and this has caused the state to shut down the crab season early, estimating an overharvest. Sport crabbers argue that their data collection is faulty, and the crab population has exploded. Commercial crabbing continues while sport crabbers sit on dry land.

The East Jefferson Chapter of Puget Sound Anglers meets the second Tuesday of each month, at 7pm, at

Four Square Church (except January when they have a special event on their meeting night).



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**Just A  
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...Boat  
Goes Astray

by D. Kilburn

Over the years the Learn-To-Sail program at the Wooden Boat Foundation has impacted literally hundreds of youngsters. Recently, however, the program lost its 14 ft. boat and motor through unknown circumstances a few weeks ago. That small craft served as a safety boat and on-the-water teaching tool, and the Foundation is urgently seeking to replace it before the spring of '04. If you know of a **boat, motor, or dollar amount** that is going unused, please consider helping this worthy program to get a safety boat back out on the water in 2004. In this season of giving, the Wooden Boat Foundation really needs your help. You can also make any size contribution or volunteer your time and talent throughout the year. Several Kala Point residents are actively involved with the WBF, and we’re hoping for even more. The WBF has a great library of nautical literature, an exciting chandlery to shop, and numerous programs for every age group. Call **385-3628** to help out. Their website, [www.woodenboat.org](http://www.woodenboat.org), describes their mission and programs as well as membership features.

## Community Exchange

by D. Kilburn

Do you have something you can teach or impart, or something you want to learn? We want to match you up with other Kala Point neighbors right here in this column. These exchanges can be for free or for a set an hourly rate.

I'll begin. I am looking for someone to teach me to play the blues on piano. I have a keyboard and know how to read music & play basic piano.

I will pay for lessons, or exchange for the

following: teach you how to write press releases for your group's events; help with PowerPoint; or take digital photos of your house's contents for insurance/safekeeping on a picture CD, all for a reasonable fee/trade. Call Daphne, 385-1119.

Okay folks, your turn. I know we have a wealth of talent and ability living here, and there are neighbors who can learn from other neighbors. Send your insertion to [lewis@olympus.net](mailto:lewis@olympus.net)

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## “KPOA/Vogt” cont’d from page 4

Lot 139. So they didn’t know that Lot 139 required a no-daylight-basement house with an historic height-limit at 10 feet above road level. They okayed the Evanses’ 18-foot plans with minor revisions in the set-back area.

The AC then went to the site, stood on Trafalgar, and imagined how the Evanses’ plan would fit in with neighbors to the left and right. With no measurements, they misestimated the roof-heights as about even. They never went to the Vogts’ place to imagine how the Evanses’ house might look from there.


Frankly, AC members seemed oblivious to CC&Rs and Standards. In the January meeting, one longtime member said he’d never known that walkout basements count as a second story – though that’s in the second line of Standards Sect. 10. Another later said he’d known the Vogts’ view would be affected but didn’t think notification necessary – ignoring Standards Policy 4D cited earlier. In his time on the AC, neighbors had never been notified.

### Aftermath

Costs for all parties mounted in litigation, and they then accepted mediation. Thus no one ‘won’ in this matter. For KPOA membership the financial burden won’t be great – an estimated 10% increase in insurance premiums. The Vogts are left with some legal costs.

We can, however, pull a ‘win’ in the aftermath if our community comes together to require that volunteers make decisions based on the Covenants to which we agreed. And we can win by coming together in nonpartisan friendship and support for all our neighbors: the Evanses, Vogts, and members of the Architectural Committee.

**Late In:** Our heartiest congratulations are extended to the KPOA Board and Bill Mayhall on the selection of Bill to serve out the term on the Board that was vacated by Sylvia Bowman’s resignation. This is a fine step toward a more gracious community.



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## On a Personal Note

It was 4 years ago that a death knell was sounded in the Kala Pointer regarding its own demise. An effort had been made to find an editor. Failing to find such caused those publishing to put in an article saying that if an editor was not found, the December, ‘99, issue would be its last.

I called and volunteered as long as someone else could do the January issue. At the beginning of January, 2000, I met with the Kala Pointer Committee, and we prepared for February and beyond.

That means many of you have been my loyal readers now for 4 years. For this reason, we, the To The Point committee, are seeking an editor to take over as “Lead Editor” of this paper. The person will need to have experience in publication editing, writing and/or journalism.

I will not be pulling out of the mix totally. I will continue to help with advertising, maybe some production and the editorial staff. It is just time that someone else carries the ball.

With a functioning group actively working for change, we now have two sides to the road. Now, To The Point needs to be informative, but try to straddle the middle of the road somewhat. That would be easier to accomplish with another editor doing the coordinating of content.

We will take time finding the right person. If you are interested, please call 379-8961; or email, lewis@olympus.net. Judith Lewis, Editor

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# To The Point

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