



Kala Point News & Views

November 2010

Serving our Community with Information

marine view, a vanishing community asset

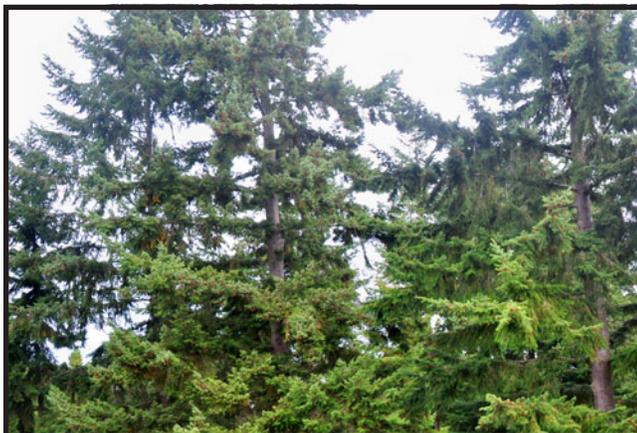
Denial of Property Rights Contributes to the Loss of value

During early development of Kala Point many trees were removed, including clear cutting, to establish dedicated marine view properties in defined areas of the development. Buyers of these marine view properties paid premium prices for what they thought would be

One Example of Our Marine View Disappearing:



View from Timeshare Unit - 1978



View from same Timeshare Unit - 2010

their view forever. They relied on the assurances of the Developer's real estate agents and the implicit and explicit support of the CC&Rs. They were collectively naïve since they did not foretell that the Association, acting through the Board of Directors, would later ignore the Governing Documents and take away their right to maintain their view. How could they be expected to know that their right to maintain a view

would be taken away by the agency charged with the primary responsibility of managing KPOA in accordance with the CC&Rs?

The concept of KPOA as a community of marine view areas and forested areas is not hypothetical. The concept is specifically defined

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Managing Editors:

Jay Burcham
Don Meister

Contributing writers include other named and unnamed individuals, all owners within the community, expressing their own viewpoints in this forum. Articles without a byline are presented by the editorial staff.

Please feel free to participate in any way, from submitting articles and/or opinions to volunteering in some capacity. Thanks and we look forward to your input. Email us at contact@ttnewsletter.com.

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by a map established by the Developer and can be viewed at the KPOA Office. This map, for some reason, is not available on-line at the KPOA website as part of the applicable document.

Maintenance of views is important to all owners of marine view properties. Their properties in many instances represent the culmination of their dreams for an ideal retirement home and community. At a time when they should be able to sit back and fully enjoy the results of a lifetime of work, instead they have to cope with the stresses and frustration of not being able to have a home with the view that once graced their property. They have to address issues and experience expenses associated with trying to achieve their legitimate right to a marine view.

Marine view property owners have for several years been denied their right to maintain their view. They have played by the rules and waited their turn as the Bluff Management Advisory Committee, (BMAC), has taken three years to address the three sections of the bluff. During this time the trees on the bluff have grown at the rapid rate the Northwest Washington weather promotes. The marine views have been seriously impacted by this growth. While the BMAC was supposedly created to manage the bluff in a consistent and fair way, with respect to all the marine view property owners, this does not seem to be the case. Based on the CC&Rs there is no valid reason for denying view maintenance requests except, although not specifically addressed, for considerations of safety for people and property. The CC&Rs charge the Association with the unqualified responsibility to maintain view

corridors in the common areas. The bluff is a common area. The Bluff and Clubhouse grounds are Common Areas requiring view maintenance by the Association, with none being performed to date. The Clubhouse is now a deteriorating community asset due to the total absence of any view maintenance.

Many requests for maintenance of view paths have been denied by the BMAC and subsequently the Board. Using the appeal process has proven difficult and basically non-productive. To have the audacity to challenge a Board ruling has often resulted in harassment, insults and rudeness to the challenging persons and groups by a small group of tree advocates, persons with self interests and persons who resent having the Board challenged. Decisions based on subjective judgments of inexperienced opinions of bluff stability factors, real estate value degradation, effect on wildlife and the worth of specific trees to the community, while not authorized by the CC&Rs as a reason for denying view maintenance, are often used to rationalize a denial.

During the last several years, especially since establishment of the BMAC, a large amount of the originally designated views have been lost because owners of marine views have been denied their right to restore their views through maintenance of the vegetation encroaching on their view. Trees grow at a prodigious rate and can quickly obstruct views. The time shares originally had an unobstructed marine view including Port Townsend; now they have none. Many of the condo owners had marine views; now they have none or greatly diminished views. Many of the homes on

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CedarView Drive once enjoyed excellent views; now they have several view paths obstructed by the growth of trees. At one time there was an expansive marine view to enjoy when driving or walking down Sailview Drive; most of it is now gone. The Club House once had a beautiful marine view, little remains of that view. Individual home owners once enjoyed the views they purchased; much has disappeared.

Besides taking away view property owners' aesthetic enjoyment of their views there are economic consequences of the continuing unauthorized denial of view maintenance. The actions of the BMAC, and subsequent support of the Board, are economically adversely affecting the community as a whole. In these difficult economic times, view property is holding its value better than residential property in general. According to a Seattle Times article, real estate values in the Seattle area had declined 25% but view property only 5% to 10%. Retention of the value of the Kala Point view properties serves the best interests of the whole community. In a community, the value of all property is affected by

all sales. Consequently, the value of marine view property in Kala Point has a positive effect on all property. But it has been estimated by real estate professionals that, for instance, a 30% loss of view can decrease the sales price by as much as 10% for a specific property. Denying maintenance of views not only decreases the value of the marine view property but all property in Kala Point. There is also the reputation factor to consider when the requirements and intent of the CC&Rs are ignored by the agency charged with the responsibility to enforce them. The Kala Point Owners Association does not enjoy a good reputation in the wider Jefferson County community. The actions of the Board which have produced legitimate opposition by Members, including view maintenance issues, have not gone unnoticed outside the gate. The prudent buyer will ask the question: "If one specific requirement can be ignored by the Board, are any of the Governing Documents' protections provided for the Members safe? How many real estate sales have been lost when buyers become aware of the KPOA governance situation? How many sales prices have been decreased?

The KPOA Board has a CC&Rs specifically defined responsibility to maintain view paths. Why is this obligation being restricted in its application to the detriment of not only marine view property owners but all property owners of our Kala Point community? Why isn't our Board of Directors representing all community members rather than favoring a small group of tree preservationists?



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living with wildlife

Some wildlife species are potentially dangerous or can cause problems, especially as Washington's human population continues to expand into traditional habitat. The conflicts that occur with black bears, cougars, coyotes, and just recently a mountain goat, in both residential and recreational situations, are the ones most often reported to WDFW (Washington Department of Fish & Wildlife) with concerns for human safety, pets, or property damage.

With an estimated population of 25,000 statewide, black bears are the most common source of potentially dangerous conflicts. Black bear complaints to WDFW annually averaged 417 statewide from 2003 through 2009, with a high of 493 in 2007 and a low of 292 in 2009. They range from fleeting glimpses of bears to close encounters. Almost all involve bears getting into some kind of food source, from deliberate feeding by humans to unintentional access to garbage, bird feeders, or other attractants.

With an estimated population of 2,000 cougars statewide, confirmed cougar problems are the second most reported. Cougar complaints annually averaged 293 statewide, with a high of 382 in 2005 and a low of 198 in 2009. They range from harmless sightings to attacks on livestock or pets.

At least 50,000 coyotes are estimated to roam Washington, but complaints aren't tracked the same because most problems are in rural areas and handled by U.S.D.A. Wildlife Services. However, urban coyote problems are growing, with the first recorded attack on humans in Washington in 2006 in Bellevue (King County) where coyotes had been deliberately fed.

We live in an area where we enjoy wildlife that includes the list above as well as bobcats and raccoons, Do not approach or try to feed them.

kala point theater lovers

"Nunsense" - Feb. 13th in Sequim



On Sun, Feb. 13th, the "Theater Lovers" group is planning a trip to the 2p.m. matinee at the Olympic Theater in Sequim

to see "Nunsense, a hilarious spoof about the misadventures of five nuns trying to manage a fundraiser. First staged in 1986, Nunsense became a sensation off-Broadway and became a wildly popular attraction on the road, spawning four spin-off shows to date.

Here is what you need to do:

1. First Purchase your tickets. Tickets are \$25 for adults. Call 360-683-7326 or order online- www.ticketturtle.com/index.php?actions=15&p=2 Be sure that on the top left of the page it says "Select seats for Nunsense, Performance at 2/13/10 2:00pm". Select the seat you would like (any of the ones that don't have an X) and follow the instructions on the screen.

2. After you have purchased your tickets, email me if you want to carpool to the show and go to dinner afterwards. Let me know if you would like to be a driver.

If you have trouble getting on the internet to purchase your tickets, I would be happy to walk you through it over the phone or come over to your house and help you make the purchase. Just give me a call if you need help.

Once you have ordered your tickets let me know so we can send out details about carpooling and dinner- suz.garthwaite@infoageservices.com or 344-336. Update: "Vanities" is Sold Out! If you would like to be on a waiting list and/or receive notices for upcoming events let me know.

from michelle at evergreen fitness center:

10 Exercise Rules to Live By:

I'm not a fan of rules and tend to want to break them as soon as I'm told I have to follow them, but rules do make for a civilized society and they may be one of the most important parts of your exercise program.

Without a few rules, we risk exercise anarchy, failure and frustration. The key is to create rules that make sense and help you reach your goals without limiting your ability to be creative and flexible with your program as needed.

Exercise isn't always easy, even under the best circumstances, but what if you could do something to make it easier? There are a few common rules that, when followed, can give you the support you need to make exercise a regular part of your life. These rules may even make exercise so much easier, you actually start to enjoy it. Imagine that.

1. Give Yourself Time

Establishing an exercise program isn't just about having goals or making a plan, it's about time. You need time to invest in the process before you reap the benefits. That time allows you to:

- **Figure out what you like and what you're good at** - Your program may not work right away, so allow time and freedom to practice different activities
- **Work on your schedule** - It takes trial and error to figure out how to fit in exercise and you may not get it right the first time
- **Learn the exercises** - We aren't born knowing how to exercise. You need to learn the moves, the muscles they work and practice good form
- **Build strength and endurance** - Your body needs time to get used to exercise before you can work at a level that stimulates weight loss

2. Plan Ahead

If you already struggle to exercise, anything can derail your plans - a chaotic sock drawer, a missing eyelash, a bad hair day. It's worse if you spend half your morning searching for lost keys, shoes or your MP3 player. Make it easier:

- **Plan your workouts** - Map out a plan for which days you'll go to the gym and the workouts you'll do. Knowing what you'll do and what you need to do it makes it easier to prepare ahead of time
- **Pack up** - The night before, pack your bag with everything you need - Clothes, shoes, water bottle, lifting gloves, etc.
- **Bring snacks and meals** - Being too hungry to exercise is the kiss of death. Keep quick snacks like yogurt, cheese, fruit or energy bars at home, in the car and at work so you're always prepared.

3. Fully Commit to Your Workouts

When you plan a workout, you may *feel* committed at the time, but there's often an "unless" behind it. As in, "I'll do my workout...unless I'm too tired/don't feel like it/something better comes up." Avoid too much mental wiggle room by trying these tips:

- **Schedule it** - Make it official by scheduling it and giving it a name ("6 am PFM (Personal Fitness Meeting)")
- **Make it nonnegotiable** - Show up for your workout, no matter what. Even if you only warm up, you're still showing your commitment
- **Have Something to Look Forward To** - Committing to exercise is easier if you know something good comes after it - A soak in the hot tub, a massage after a week or month of workouts or a getaway once you've been consistent for 6 months

Look for Exercise Rules 4-10 in the coming issues.

concepts of meeting decorum

Is a forceful statement of dissent a lack of decorum?

In the September 2010 issue of the Kala Pointer the KPOA Board President chose to use his message to scold a group of members for “rudeness and unacceptable behavior”. The occasion which caused this divisive and unfounded criticism was a special meeting of the Bluff Management Advisory Committee, (BMAC), convened to receive Member comments regarding its decisions with respect to tree action requests for view maintenance on the northern sector of the bluff common area.

A group of home owners on Cedar View Drive, the Cedar View Group, (CVG), were protesting the BMAC’s decision to deny them their right to remove four trees which had grown up to encroach on their marine views. These CVG Members had paid premium prices for their properties with the expectation that they would be able to retain those views. They went to extraordinary lengths to counter inexperienced opinions regarding bluff stability by paying for site specific evaluations of the specific tree removals they had requested by a reputable geo tech firm. The evaluation determined that removal of the trees would not have an adverse effect on bluff stability. This data appeared to be ignored by some of the BMAC Members. In addition subjective, inexperienced opinions of factors other than bluff stability were being used to deny removal of the trees. The CVG also offered to pay for mitigation of any damages incurred to the bluff during the tree removal and plant low growing trees and other vegetation where the trees were removed.

Were the CVG Members frustrated and angry about the BMAC’s adverse decisions regardless of their efforts to ensure continued safety of the bluff? It became apparent that perhaps some other factors were at work, such as favoritism and personal agendas, the exact factors for which the BMAC was established to prevent them from affecting decisions.

Yes, the CVG Members forcefully pressed their claim that no pertinent issue supported the BMAC’s position. But their response was conducted within the restraints of recognized meeting rules and no specific personal attacks occurred. Although the KPOA Board President considered the CVG Members’ conduct unacceptable to the point of writing an apology to the BMAC Members, the BMAC Chairman who was on the receiving end of some of the criticism did not consider their conduct offensive. It was presumptive for the President to offer an apology. Who was he apologizing for? Certainly not for the CVG Members who had done nothing wrong except apparently to have the audacity to challenge the decisions of a KPOA committee.



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During the special meeting a realtor, who is a long time KPOA member spoke in support of the CVG by offering some insight concerning the historical basis of view maintenance and its importance with respect to property values. This individual then had to endure some derogatory remarks concerning her profession. Will she be receiving a letter of apology from the President?

At a subsequent Board hearing on the BMAC recommendations rules of decorum were passed out to all attendees. One of the rules was to be courteous and respectful to others. All the attendees adhered to the decorum guide lines with one exception. That exception was a Board Member who loudly interrupted and contradicted an audience Member who was explaining established building height restrictions as they

pertained to views. Will this Member receive an apology from the Board President?

At a third meeting addressing the BMAC decisions a Member opposing the CVG requests attacked the CVG in a loud and rude manner. The Board President sat silent and made no attempt to stop this unacceptable behavior or offer an apology to the CVG. Does it make a difference who is the recipient of a lack of decorum at official KPOA meetings?

It certainly is appropriate to remind all Members of acceptable behavior during meetings. But dissent, even forceful dissent conducted within the boundaries of appropriate behavior should not be construed to be inappropriate. Cohesive rather than divisive actions would best serve the Kala Point community.

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schulte pressures bmac to support board

Committee Refuses: BMAC Replacements Likely

Tension is mounting as a faction of the KPOA board struggles to defeat growing opposition to the imposed rule of a small tree-preservationist special interest group blocking members efforts to restore marine views as prioritized in the governing documents.



Having developed a “**Bluff Management Plan**” (BMP) that slows and greatly complicates owner efforts to adjust common property vegetation blocking their views, the board’s hand-picked Bluff Management Advisory Committee (BMAC) has now refused to publicly back the board in it’s opposition to a member-submitted resolution seeking to clarify view maintenance prioritization and entitlement foundational to the CC&R’s.

In an email to BMAC Chair Bill Kaune on October 12th, KPOA Board President Dick Schulte told Kaune... “I am very disappointed that the BMAC committee will not make a recommendation to the membership on this key issue. The Board created BMAC to advise the Board on issues pertaining to the maintenance of the bluff.”

Schulte was replying to BMAC Chair Kaune who, earlier in the day, emailed notice that the

BMAC would make no recommendation on how members should vote on the member resolution coming to ballot in a few weeks.

Schulte continued in his email to express concern that **members might vote in opposition to the tree-preservationists** agenda stating; “This new Member Submitted Resolution regarding “Maintenance of Member Views” could have a devastating effect on the balanced decision process that the authors of the BMP and the Board had envisioned.”

Apparently the BMAC opinion is only valued by Schulte so long as BMAC serves as a puppet of the board, aligning with their direction and interests so powerfully shaped by a tree-zealot special interest group well known and long-active at Kala Point.

The competing interests of marine view homeowners seeking to restore their property rights and values **is belittled by Schulte**, stating in his email to Kaune; “We cannot let the decisions

Unable to force support of the board position from BMAC, and unhappy that members objected to the board acting to influence a matter coming to vote of the membership, a move was launched during a special meeting of the board to sidestep the BMAC through creation of an “AdHoc Committee” to be seeded with persons friendlier to the board’s position.

Continued from previous page

be made by radical approaches advocated by Members with a monetary gain to be made.”

Unable to force support of the board position from BMAC, and unhappy that members objected to the board acting to influence a matter coming to vote of the membership, a move was launched during a special meeting of the board to sidestep the BMAC

through creation of an “AdHoc Committee” to be seeded with persons friendlier to the board’s position. Also discussed was an option to “turn the matter over to professionals”, meaning paid consultants, because members, according to board member Wright and long-time tree activist McNulty, “don’t have the background or knowledge to make right decisions”.

victoria entertainment

Victoria is a wonderful city to visit. Similar to Port Townsend, it offers many cultural amenities for its



size. After departing from the ferry it is a very walkable community with

no need for a car. Ethnic restaurants span from African to Japanese to Greek. Let’s not forget the

high tea European bakeries, used book stores and museums. Yet within a few blocks of downtown are real neighborhoods so it feels more as a small town rather than a city. Victoria has much to offer summer, spring, fall and yes even winter.

Check out the internet site eventsbc.com which summarizes many British Columbia current events including theater, music, festivals, galleries and tours of Victoria.



One of the stone lions that guard the gate at Chinatown.

Examples of some Victoria events:

- November 11-20 Rodelinda, opera at Royal Theatre
- November 14 Barra MacNeil’s Christmas at Alex Goolden Hall. Novia Scotia celtic vocal band and dance. Christmas repertoire.
- December 4-5 The Hobbit at McPherson Playhouse
- December 15-19 It’s a Wonderful Life at McPherson Theatre
- December 16 Great Ladies of Jazz, 4 female jazz vocalists, Christmas repertoire at Victoria Event Centre
- December 17 Handel’s Messiah at University Center
- December 17 Dali Universe, modern dance at Royal Theatre



Royal Theatre opened in 1913

Letters to the editor

Supporting Jefferson County Government

Our county government is expecting a \$1.1 million budget shortfall in 2011. This article is not about whether to vote for or against November's referendum to increase our sales tax rate from 8.4% to 8.7%. Nor does this article address if the county should tighten its budget, reduce staff headcount, compensation or employee benefits.

Regardless of our local and national economic situation, there is one easy thing we can all do if we want to increase county revenues regardless of whether or not to increase any particular county tax.

\$25 a day is all it takes. If each household in Port Townsend unincorporated, Port Ludlow and Nordland would spend \$25 a day in unincorporated Port Townsend rather than in the City of Port Townsend, Clallam or Kitsap County, this would increase Jefferson County sales tax revenue \$1.1 million per year.

Yes we would need to change our buying habits. For example instead of buying gas in town we could purchase it in Chimacum or Four Corners. Whether it be plants, liquor, hardware, cleaning supplies, haircuts or restaurants, each of these items purchased in our neighborhoods outside Port Townsend proper would greatly increase Jefferson County sales tax revenue. Added benefits are supporting local business and buying green by reducing gas travel costs.

For those interested in why this simple change in buying habits would significantly increase

county revenue let's understand where our sales tax revenues go. Our current sales tax rate is 8.4% of which 6.5% goes to the state. For any Jefferson County purchase made outside the City of Port Townsend the remaining 1.9% goes to the Jefferson County government. However if this purchase is made within the City of Port Townsend only .3% goes to the Jefferson County government and 1.6% goes to the Port Townsend government. Any purchase we make outside Jefferson County 0% goes to the Jefferson County government. Thus please consider buying your gas and other items in Port Hadlock, Port Ludlow and Chimacum where possible.

Editorial Response:

Thanks for your letter. Our newsletter is an open forum for members to share their opinions and information with our fellow neighbors.

We like to hear from our readers! If you have an opinion or information you would like to share send to contact@tpnewsletter.com.



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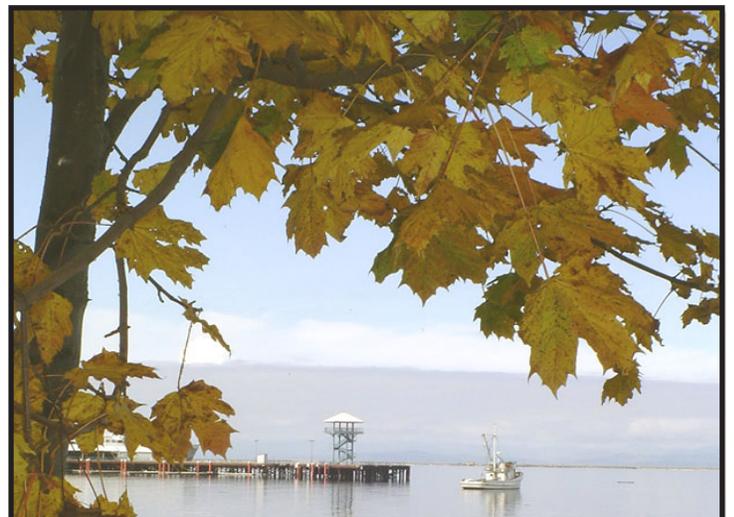
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and Snowshoe. Come
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Enjoying the outdoors with a small group is **safer as well as** being good companions and can also come to each others' aid if necessary. We are an informal group that is interested in enjoying the outdoors and especially the Olympic Peninsula!

We mainly hike, but also bike, snowshoe, and cross-country ski. Snowshoeing and skiing are special trips that will be arranged in addition to the regular hiking day.

Contact Allen Vaa at allenvaa@hotmail.com to be put on the hiking email list and receive hiking schedules and information .

In general, hikes are usually on Wed. at 8am but times can vary so you will need to check for different start times.



Biking on the Waterfront Trail in Port Angeles.