



OCTOBER 2011 BULLETIN

Board Members

President-Mike Jacobs

Vice President-David Fosmire

Secretary-Sue Cox

Treasurer-Pat French

Activities-Ken Beres

Building and Remodel-

Robert Allen

Clubhouse-Harley O'Neil

Grounds-Kathi Peterson

Reserves-Scott Reid

Inside this issue:

<i>Innis Arden V</i>	1
<i>City of Shoreline</i>	
<i>Student Housing @ SCC</i>	2
<i>Beer Fest Rewards</i>	2
<i>Blockwatch</i>	2
<i>Activities Announcements</i>	4
<i>October Meeting Minutes</i>	6
<i>Bulletin Board</i>	8

**HEARING EXAMINER REVERSES CITY OF SHORELINE:
ORDERS APPROVAL OF
CLUB'S BEAR RESERVE APPLICATION**

The Shoreline Hearing Examiner issued a decision on October 20, 2011 reversing the City's denial of the Club's application for removal and replacement of 46 trees in Bear Reserve. The decision is notable for its detailed analysis and its repeated statements that "there is no evidence in the record" to support the City's March, 2011 denial decision.

Also notable is the Examiner's specific legal finding, comparable to those issued by the Courts that have reviewed Club matters, that:

The [Innis Arden] Covenants include provisions that regulate vegetation and have as one of their purposes protection of the community's marine and mountain views. The Club has long managed the Reserves to preserve views, removing trees that were blocking residents' views and replanting the affected area with lower growing tree species.

After this introduction, the Examiner, while expressing herself in circumspet legal language, pulls no punches in condemning the City's denial decision:

- there is "no evidence in the record" supporting the City's decision;
- the Club's expert engineering geologist Ron Free had "made more than a dozen field visits to locations within Innis Arden and at least four field visits to Bear Reserve," while the City's "consulting engineer" had never been there even once;
- the City Department's project manager for the Club's application had only visited Bear Reserve "once, shortly after the application was filed in May of 2010... made no notes and took no photographs during the visit" and "has no qualifications as a surveyor or a geotechnical professional;"
- the Department claim that the Examiner should defer to its expertise because the Code was ambiguous was not appropriate because, in fact, the Code "is not ambiguous";
- although the City said its denial was based on environmental impacts, "no such impacts are identified in the environmental docu-

(Continued on page 3)

**Agenda for the November 8, 2011
7:00 PM Board Meeting**

1. Approve minutes
2. Committee Reports
 - A. Treasurer
 - B. President/Vice President
 - C. Secretary
 - D. Building and Remodels — None Scheduled
 - E. Activities
 - F. Grounds
 - G. Clubhouse
 - H. Reserves
3. Board Agenda
4. Community Comments
5. Adjourn

Reminder



If you plan on changing or adding any structure on your property (deck, garden shed, patio, remodel/addition) contact the Building and Remodels chair Robert Allen at 542-3219. This is your responsibility and obligation as a member of a covenanted community!

Student Housing at Shoreline Community College

As always, the college wants to be mindful of impacts on surrounding neighborhoods, including Innis Arden.

Over the years, the college has periodically looked at student housing. Recently, a local resident and businessman, David Lee, has expressed interest in investing in the college and its students by building a student housing project. SCC President Lee Lambert, David Lee and his partners recently signed a Memorandum of Understanding that would allow more serious talks to occur.

These are just the first steps with much left to do. No contracts have been signed, no applications have been made and there is no timeline for either at this point. I just wanted to contact you and your neighbors to keep you informed about the college.

Here is a link to the college news page that includes a story about this potential project and I'm happy to speak with you further at your convenience.

<http://www.shoreline.edu/OnCampus/blog/default.aspx?id=262&t=Partnership-may-bring-student-housing>

Jim Hills
jhills@shoreline.edu
 206-546-4634

Do you have any new neighbors?

If so, please contact the Hospitality Committee so they can deliver a welcome packet. The hospitality committee is:

Lella Norberg 542-4949

Blockwatch Reminder

Please report criminal activity to police at 911 (emergency) or 296-3311 (non-emergency) as well as to csolle66@gmail.com. For crime reports go to <https://www.crimereports.com/> Enter any Innis Arden address in the search box and a map showing criminal activity will result. Click on the icons for crime details.

10-11: Burglary: On the 177th block of 14th NW, between 9 AM and 2 PM. Front door was kicked in. An Xbox and other items were stolen and papers were rifled.

Representatives of 4-Corners.org holding checks for \$1250 representing the money divided up among the 4 neighborhoods of 4-Corners from the 2011 BrewFest. Pictured L to R are Lisa Surwicz (Richmond Highlands), Afia Menke (Hillwood), Steve Kerr, Chair, (Richmond Beach) and Judy Allen (Innis Arden).



ments.”

- The "independent geotechnical evaluation" cited by the City as support for its claim of impacts “was a short, conclusory e-mail from the City's consulting engineer that appears from the record to have been solicited as support for a predetermined but unsupported” denial condition;
- the Department “had no basis for imposing Mitigation Measure 1 limiting the proposal to removal of 16 trees, and that mitigation measure is clearly erroneous.”
- “The record as a whole lacks substantial evidence to support Condition 1 of the Department's permit decision limiting tree removal to 16 trees within Bear Reserve.”

The Hearing Examiner's painstaking analysis (seventeen pages, single spaced) came after over a year of maneuvers by the City to avoid approving the Club's application, first submitted in May, 2010. The City first denied the Bear Reserve application, without warning, in August 2010. The Club then appealed and Club counsel Peter Eglick began taking depositions of City staff, gathering information demonstrating that the City had no basis for denial. When by October 2010 it became obvious to the City that the Club would win its appeal, the City abruptly withdrew its denial claiming that it needed more information and more time to review it.

As described in the Hearing Examiner's decision, the City then made a series of demands on the Club for additional expert consultant analysis, piling on delay and added expense for the Club. All of the reports demanded by the City at Club expense concluded that the Club's proposal would not harm the environment and should be granted. The City responded with further delay. In one remarkable instance, a City staff person telephoned a stream expert engaged by the Club, trying to convince him to retract his conclusion that there was no cognizable stream in Bear Reserve. In fact, that no stream conclusion had also been independently confirmed by the Washington Department of Fisheries.

When all of its pressure and delay tactics had failed, the City ended up where it had started: in March 2011 for the second time it arbitrarily denied the Club's application. The Club again appealed. At the same time, a delegation from the Club met with City

staff to see if a compromise was possible. The City refused to do so.

Between March and June 2010, the City Attorney's office and Club's law firm, EglickKikerWhited, went through the various prehearing disclosures and preparations typically required in getting ready for a land use appeal hearing. It appeared that there would be no extraordinary prehearing expense involved and that the case would proceed to trial before the Hearing Examiner on a more-or-less routine basis. That changed when, on June 6, 2010, a group calling itself Friends of Bear Reserve (“FOBR”), made up of a handful of Innis residents and others, asked through their lawyer to participate as an “intervening” party in support of the City's decision. This added to the expense and burden of the case, as the Club's lawyers had to respond. On June 10, 2011, the Hearing Examiner said no to the intervention and it appeared that the matter would at last go to trial on June 21, 2011.

Unfortunately fate intervened: a death in Club counsel's family forced postponement of the hearing to August. FOBR wasted no time in taking advantage of that death and, on July 1, 2011, renewed their motion for intervention. This time, because there was more lead time before the (new) August hearing date, the Examiner granted FOBR “Intervenor” status. That status was conditioned on FOBR complying with standard ground rules for prehearing disclosures.

It soon became apparent, however, that FOBR was not doing so. As a result, the Club asked the Hearing Examiner to reconsider her decision. She did so just a few days before the hearing and, on August 22, 2011, granted the Club's request that she revoke FOBR's intervenor status. While this was welcome, FOBR had already inflicted financial damage on the Club through the burden of dealing with its motions and proposed exhibits and witnesses.

The case then went to trial before the Examiner on August 25 and concluded on August 26. The first day of the hearing did not go well for the City. It quickly became apparent in examination of City witnesses by the Club's counsel, Peter Eglick, that the City had no basis – in law or in fact – for its denial. Eglick and his co-counsel, Jane Kiker, advised

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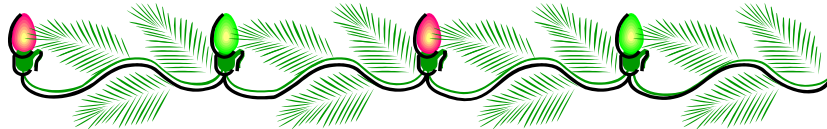
the Club members present that the recording of the hearing's first day (a recording the City is required by law to make) would be powerful evidence in any future court case of the City's cavalier and obstructionist approach to the Club's application.

What happened next is described in the Examiner's decision: "It was reported at the start of the second day of hearing that an error had resulted in the first day's proceedings not ...[being] recorded by the City." The City has yet to provide a convincing explanation for how this recording failure happened. Fortunately, the Examiner was still able to draft a decision on the basis of the detailed notes she had

taken during the first day's testimony.

Club President Mike Jacobs observed after reviewing the Examiner's decision:

The Club has a half century tradition of responsible stewardship of views and of its Reserves. Several years ago, City staff declared war on that tradition. No applicant, no community group should have to go through what the Club has endured to reach this point. And no City should continue in a vein that its own Hearing Examiner so tellingly catalogs as arbitrary and unsupported. It is time for a re-set by the City.



INNIS ARDEN 2011 ANNUAL HOLIDAY PARTY

You and your family and friends are cordially invited to attend the annual Innis Arden Holiday party on Sunday, December 4th at the club house from 5:00-9:00PM.

We've given our annual holiday party a facelift - come and see what's new! Along with our traditional holiday crafts and special red-suited guest, you'll find a crackling bon fire with hot cocoa, caroling and theater where holiday movies will show throughout the evening.

5:00-9:00	Bon fire, activities, food and drinks
5:00-6:00	Movies for small children; Frosty the Snowman, Santa Claus is Coming to Town or similar
6:00	Special guest arrives
6:45-8:45	Movie for 8 + up; The Grinch (2000), Polar Express, or similar

Provided

- Holiday spirits, coffee, cocoa
- Heavy hors d'oeuvre
- Movies, music, bonfire, activities

What to Bring

- Appetizer or dessert to share
- Unwrapped toy for donation to Hopelink
- Holiday cheer

(Continued from page 4)

This is the perfect time to kick off the season, sharing holiday cheer, food and laughter with your neighbors, family and friends.

**HOLIDAY CLUBHOUSE DECORATING PARTY
DECEMBER 1ST AT 6:30PM**

Please come and help us transform the clubhouse into a winter wonderland. The Activities Committee will sponsor a decorating party on December 1st at 6:30PM to prepare for the annual Holiday Party. Cider, wine & treats will be provided. Please contact Randi Fattizzi at 533-0740 if you can help.

**ACTIVITIES MEETING/EXECUTIVE
COMMITTEE**

**November 7th, 7PM
Monica & Ken Beres home
17086 10th Ave NW**

This is an important meeting to attend since we will be accepting nominations for the Activities Executive Committee. All Active Members can run for office. The Executive Committee consists of the President, Chairperson, Treasurer, and Secretary. We currently need to fill the Chairperson position, but all positions are open for nominations. The Chairperson shall attend the Innis Arden Board Meetings and act as a liaison between the Committee and the IA Board. Please contact Randi Fattizzi at 533-0740 for more information

Needed: Rummage! Volunteers! Boxes!

The 2012 Innis Arden Rummage Sale annual fundraiser will be held March, 2012. We need your rummage, volunteers, and empty boxes.

Volunteers:

We are seeking rummage collection volunteers to collect and sort rummage on Monday collection dates from 10am-noon and Saturday collection dates from 2-4pm.

If you are willing to sort and box rummage on even just one of the following collection dates, please contact Jan Schnall

(542-7774 schnallj@yahoo.com)

We need your help!

Rummage Collection Dates

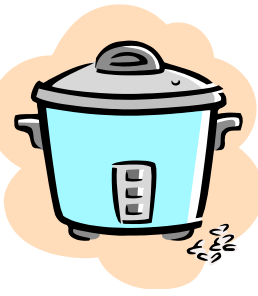
Monday 10 am-noon	Saturday 2-4pm
November 7	October 29
December 5	November 19
January 9	December 17
February 13	January 28
March 5	February 25

What Rummage we collect:

Please note these Rummage Sale Collection Dates and donate items and household goods in clean, sellable condition. We collect clothing (men's women's, children's, infants), bedding, linens, housewares, glassware, collectables, furniture, toys, games, books, stuffed animals, small working appliances, holiday items, tools, paintings, pictures, jewelry (costume and real). Clothing items should be clean, meaning no major spots and freshly laundered.



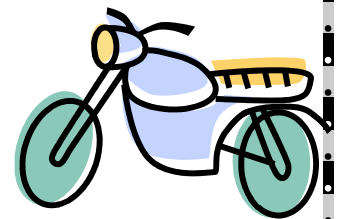
Also note that we cannot accept: computers, monitors, printers, TVs, stereos, speakers, mattresses, box springs, bed pillows, bed frames, adult skis, adult ski boots, washers, dryers, sinks, toilets, microwaves, encyclopedias, car batteries, and copy/fax machines.



Boxes:

Please contact Janet Schnall if you can donate boxes. Or, just drop a few boxes by during collection times.

Last year the rummage sale brought in approximately \$11,000 to fund neighborhood events and updates to our common areas such as the tennis courts and playground. We appreciate your rummage and support!



INNIS ARDEN BOARD MEETING – OCTOBER 11, 2011

The October 11, 2011 Board meeting was called to order by President Mike Jacobs at 7:08 PM. Board members present: Kathi Peterson, Pat French, Dave Fosmire, Scott Reid, Ken Beres, Bob Allen, Mike Jacobs and Sue Cox. Absent: Harley O'Neil.

The minutes of the September 13, 2011 Board meeting were approved as published.

PRESIDENT – Mike Jacobs: In Tronsen II, Judge Jim Rogers entered a judgment in favor of the Club against Mr. Tronsen in the amount of \$78,000 for attorney's fees and fines for his refusal to height-reduce the view-blocking trees on his property. The Club will be enforcing the judgment.

Mike reported receiving a letter from Steve Kerr, 4-Corners BrewFest Chairperson, thanking us for the use of the Clubhouse and noting their \$1250 donation to the IA Activities Committee.

In the matter of Town v. Cook, Peter Eglick is writing to Mr. Cook threatening enforcement action to get Mr. Cook to bring his trees, etc. into compliance and collecting the fines which are being imposed. Mrs. Town says the trees are over roof height now and we may have a new compliance issue.

With regard to the right-of-way lawsuit against the City, the parties have agreed to a 90-day extension to allow for discovery. Mike has received several requests from shareholders to resume the efforts to amend the covenants to allow wells, repeal the one dog/one cat restriction, and to allow sheds to be placed within 25 feet of the rear property boundary. Scott suggested amending the 8-month requirement to complete construction projects. The Board will discuss this further. In response to the Club's request to Peter Eglick for the amount of legal costs incurred by reason of the involvement of Friends of Bear Reserve, Mr. Eglick advised that the fees amounted to nearly \$40,000 of which \$6000 was written off and not charged.

VICE PRESIDENT – David Fosmire: There is a new petition from James Marchisio v. Soderling Family Estate regarding more vegetation out of compliance. Mr. Soderling still has not complied with the September 18, 2009 decision of the Board to bring all non-compliant vegetation into compliance and fines that were imposed on October 31, 2009 have been accruing (roughly \$33,000 at this time). A laurel hedge was pruned at the time and a dogwood was topped. Mr. Soderling had written in October 2009 that he did not intend to comply any further. Dave moved that the Soderling Family Trust fines and lack of compliance be referred to Peter Eglick for legal ac-

tion. Motion seconded and approved unanimously.

In the matter of Wright v Martsof, it was agreed we need to meet and discuss this case at a meeting of the Board when we gather to establish the 2012 budget.

Shannon Martsof informed Dave that Mr. Rusch did top the view-blocking trees and satisfied the Martsof's request.

SECRETARY – Sue Cox: Two individuals came forward stating their willingness to serve on the Council of Neighborhoods: Bill Montero and June Howard. **A motion carried to appoint June Howard and Bill Montero, along with Judy Allen (existing delegate), to serve on the Council of Neighborhoods.** It was agreed to let those individuals work out which two will be delegates and which one will be the alternate.

TREASURER – Pat French: The cash balance on 9/30/2011 was \$161,516, with accounts payable of \$31,000. In October, the board will be meeting to begin the process of preparing the 2012 budget. The budget will be mailed to all shareholders during the month of November. Year to date (YTD) 2011 income \$424,000, is above the annual budgeted amount of \$395,000 primarily due to court ordered legal settlements. The Clubhouse costs are on track to 2011 budget. The clubhouse income through 9/30/2011, \$19,000, has already exceeded the total 2011 budget of \$18,000. YTD grounds costs are \$30,000 under total 2011 budget, primarily with the delay of work on the entrance project. The natural reserves YTD costs of \$9,000 are below 2011 budget of \$52,000. Administration costs are \$206,000 as compared to the annual budget of \$193,000. This is the result of legal costs incurred this year as well as 2010 legal costs paid in 2011.

BUILDING & REMODEL – Bob Allen: Bob moved that the Jones application for a remodel project at 17777 – 13th Ave NW be approved. Motion passed unanimously.

CLUBHOUSE – Harley O'Neil: (Kathi Peterson read Harley's report.) In September the clubhouse generated \$2,300 in revenue and issued a \$300 cancellation return and \$450 in deposit refunds for a total of \$750 in refunds. The club was busy with activities, including the Annual Salmon BBQ, board meetings, the Shoreline Caucus meeting, a wedding reception and an event sponsored by a local ski club. There are still some weekend dates available in October, November and December if you are considering hosting a holiday event! Please contact Shannon Martsof for more information at 206-533-1858 or martsof-shannon@yahoo.com.

(Continued from page 6)

ACTIVITIES – Ken Beres: Oktoberfest: Next Activities event is the 9th annual Oktoberfest on Saturday evening October 29th hosted by Chris Kocher and Tracy Landboe. Come enjoy some fine craft beer along with brats and other favorite German foods. As is now tradition, costumes are encouraged.

Holiday Party: Julie Sanders offered to co-chair the party on Sunday December 4th with her husband Kelly. Randi Fattizzi is looking for a group of volunteers to help decorate the club house prior to the event. It was also decided not to put up the big tree due to the amount of work it takes to set up and take down. Judy Allen may get a group together to set up and take down the tree. Julie also had an idea to show a movie (little kid friendly) during the second half of the party so adults might have more time to socialize. There will be a cookie exchange this year as well.

Rummage Collections: The next collection date is October 29th from 2-4pm. Please encourage people to sign up. Maggie Taber commented that the first collection on October 10th was a tremendous success, thanks to the generosity of several residents.

Ken informed us the \$1250 BrewFest check to Activities was deposited into a separate account and those funds will be used for future Clubhouse improvements.

Judy Allen showed us a plan for posting signs on the fern fronts at the minor entrances. Signs would announce upcoming events, Board meetings, the Annual Meeting. She will get the signs made and post them through the end of this year. **A motion by Ken Beres to approve \$200.00 towards making the minor entrance signs and purchasing miscellaneous sign materials was approved unanimously.**

GROUNDS – Kathi Peterson: The irrigation system will be winterized in the coming weeks and the new dogs-to-be-on-leash signs will be posted. The Board is considering the possibility of renting a chipper for removal of laurel along 15th Ave. N.W., which has become overgrown with roots which are breaking up the retaining wall. Greg Paquette, our landscaper, will begin removing the invasive laurel this fall as part of his regular weekly grounds maintenance duties at the clubhouse. Greg was also able to obtain free woodchips from a local landscaper and has begun spreading them behind the clubhouse. Unlike our previous landscaper, Greg works around the clubhouse almost every day. He's paid on a monthly contract and only charges extra for necessary materials to perform his job such as fertilizer or sprinkler head replacements. He wasn't paid anything extra to water trees this past summer. Dave Fosmire found a great sale on some replacement trees which we planted along 15th Ave. N.W. Unfortunately, the City of Shoreline delayed our ability to begin the

asphalt work on the pathway to the point where the trees became seriously compromised. Despite fertilizers, regular watering and TLC, they eventually died and have been removed. They will eventually be replaced.

Harley, Greg and I have received numerous compliments about the look and condition of the grounds this past year. If you have anything you'd like to put into writing for publication in future newsletters, please mail your thoughts to me. I'd love to share your compliments in newsletters for the benefit of all the shareholders.

If you have any concerns, suggestions or comments regarding the Innis Arden grounds, please contact me at 206-399-5538.

RESERVES – Scott Reid: Bids for hazardous tree work in the Reserves are due this week. A tree in Running Water that was rated as hazardous and approved for snagging by the city snapped about 20 feet above ground and is hung up on an adjacent tree. The top portion will be brought down along with the other 11 approved trees in the next few weeks. The trees are located in Eagle, Blue Heron, Running Water, Grouse, and Bear Reserves.

Shoreline is conducting assessments of all drainage systems in Boeing Creek and Storm Creek basins. Assessments in Eagle and Boeing Creek Reserves will continue through October and possibly into November. Assessments include measuring culvert diameters, clearing any blocked pipes, building data to analyze run-off, and beginning the process of determining possible solutions to erosion problems. The mouth of Storm Creek in Eagle has significant erosion. The assessment work is performed by Windward Environmental.

Regarding Storm Creek, Bob commented that he and Judy have attended Council meetings regarding Storm Creek. The City wants to know we will be cooperating in resolving continuing water damage. Mike will be writing a letter to the City confirming our willingness to help resolve the problem.

Mike suggested the Board take up the Storm Creek issue at the budget meeting being held within the next few days, noting that we also must seek legal counsel regarding making such a contribution for the temporary fix. Mike will call Mark Relph to learn exactly what he wants from us in this letter of intent.

Meeting adjourned at 8:55 PM.

Sue Cox, Secretary.

INNIS ARDEN CLUB
P.O. Box 60038
Richmond Beach, WA 98160



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COMING EVENTS
Activities Meeting
November 7, 7:00 PM
At the Beres'
Board Meeting
November 8, 7:00 PM
Holiday Party
December 4, 5-9 PM
At the Clubhouse

**Deadline for November Bulletin—
November 13th**

Community Notices
(no anonymous items)
Carol Solle, 542-4978
csolle66@gmail.com
17061 12th Avenue N.W.

Remodels—Robert Allen 542-3219

We're on the Web!
www.innisarden.com



Innis Arden Bulletin Board



2012 Annual Meeting

We will soon be dealing with elections, which will take place at the January annual meeting. Volunteers are needed to handle the voting process. Please contact IA Secretary Sue Cox (johnandsuzanne@comcast.net) or 206-524-2468 to sign up for a shift to help with this important function. FREE: Pool table in good condition. Call Ava at 546-6448

Free Design Workshop

Resident Troy Martsolf (with Westhill) is offering a free design workshop Sunday, November 6th, 2011 10AM - 2PM at the IA Clubhouse. An architect and interior designer will be on site to offer free consultation of your home design needs as well as a flooring specialist, and other vendors who offer services for updating your home. Open to all Innis Arden Residents. To reserve consulting time with the architect or designer please RSVP with Troy at 206.371.5361.

Flower Design Classes Available



Have you noticed the flowers at the Salmon BBQ or the Wine Tasting in the last 10 years, and wished you knew how to work with flowers? Sheri Miller has been organizing those events, and is now opening space in her flower design classes for Innis Arden neighbors. The classes are offered in the neighborhood once a month and are hands-on so you will be able to take home the beautiful arrangement you make in class.

With the holidays coming up, it's a perfect time to make your own Thanksgiving or holiday centerpieces while learning more about working with fresh flowers. Call Sheri for more information at 206-533-9277 or email sheri@espritdefleur.com.

Landscaping Work Wanted

Struggling new (local) author looking to earn a few extra dollars tending to your landscaping. It is kind of a hobby of mine. I offer general landscape services for \$25/hr. No weeding. Also available for other grunt work such as power washing, hauling, painting, etc. Extra charges will be incurred for materials. Call John at 206-240-8182 or email me at john_ralls@yahoo.com. References available.

Free Pool Table

Call Ava at 546-6448

