

INNIS ARDEN BOARD MEETING MINUTES
November 8, 2022

The meeting was called to order at 7:03PM Board members present: Cindy Esselman, Omar Nur, Steve Johnston, Mary Ruhlman, Bill Schilling, Maggie Taber

PRESIDENT, Cynthia Esselman –

We are proposing a dues increase for 2023 of **\$245** per year which will make the dues **\$980**. Currently the dues are **\$735**. There has not been an increase in dues in over 6 years, yet over that time costs have increased for the upkeep of grounds, clubhouse and the reserves and covenant enforcement. It is also essential for us to adequately contribute to the asset reserves, which has not been the case for the past few years.

We will be sending out more detailed information along with the proposed 2023 the end of November.

Insurance We renewed our Directors and Officers (D&O) insurance this past month. Over the summer we also increased our coverage for the clubhouse to \$1 million replacement cost, as we were only covered for \$600,000. In the new year we plan to do a more in-depth review of our coverage to verify that we are adequately covered in all areas and make additional changes if needed.

VICE PRESIDENT/LEGAL AFFAIRS, Omar Nur –

Legal Report:

The Swim Club Lease Agreement is in the final stages and hope to be completed soon. As we work through issues, new ones have been uncovered and we will be meeting with the IASC President and Immediate Past President to review and final the new agreement.

By-Law Amendments are in the works on several topics including voting, compliance procedure, and committees to name a few. First, our rules for voting on a budget and dues increases are not in compliance with RCW 64.90.525. Currently our by-laws provide for two votes: one for the budget, and the other on dues increases. However, RCW 64.90.525 provides that the vote on the budget controls an dues increase or special assessments. I.e. one vote, not two. RCW 64.90.080 provides that “64.90.525 supersede existing provisions of the governing documents of all plat communities and miscellaneous communities....” That includes the IAC. For the purpose of 2023’s budget and dues increase, we will provide two separate votes our community as our by-laws provide for. However, for future elections, we will follow the procedure enumerated in RCW 64.90.525.

Also, Compliance will also see some changes to gain oversight of the permitting process as it pertains to compliance and strengthen the enforcement mechanism by increasing fines from \$50 to \$100 per day for non-compliance.

There are other changes in the works. ALL proposed by-law amendments will be published in due time to give the community opportunity to review and comment before a vote is submitted to the board.

Motion to hold an executive session to discuss ongoing compliance issues and bylaw updates was made, seconded and passed unanimously by the Board.

Compliance Report:

Members of the Board and IAC Counsel are continuing to focus on gaining compliance on all properties that the board has received a Compliance Request Form of merit on. The Committee greatly appreciates the efforts of all members that are continually working with their neighbors and keeping all of the vegetation on their properties from blocking any of their neighbors' views of the sound and mountains.

The Compliance Committee wants all IAC property owners to know the following about view protections and compliance:

- Your protected views are of the Sound and/or Mountains and are from your lot in its entirety (e.g. from any floor level in your home, patio, yard, etc...).
- The IAC applies the following provisions: The View Preservation Amendment, Covenant #10. Fences, Hedges, and Covenant #11. Noxious Use of Property: Spite Fences. The View Preservation Amendment sets a maximum not minimum height for vegetation which in any way obstructs the view from a neighboring lot or lots and does not preclude further regulation under Covenant 10 and/or Covenant 11. Therefore, depending on the situation and context, it may be necessary to trim/height reduce vegetation to a height below the average roof height in order to comply with the Covenants, especially in areas of your property where there are not structures. Recent case law, such as the 2017 Carlson Decision, provides additional clarification.
- Your property may have longstanding view compliance issues that were present, or not disclosed to you, prior to purchase and which have not be resolved so as to achieve Covenant compliance. As an Innis Arden property owner, you are required to maintain your property in compliance with all applicable Covenants.
- It's your responsibility to pay all costs to maintain the vegetation on your property in compliance, regardless of the property's size and location.
- Revised planting selections (i.e. smaller and/or slower growing) may help reduce annual trimming costs.
- Depending on the type of vegetation at issue, how quickly it grows, and the height at which has been maintained, etc., annual trimming may be necessary to comply with the Covenants year-round.
- The Board encourages you to get to know your neighbors, to regularly assess the vegetation on your property, and to endeavor in good faith to promptly remedy any violations that may exist on your property.

- Should you be found out of compliance, the board may enforce fines and other penalties (e.g., a lien on your property) until your property becomes compliant.

To learn more about view protections and compliance see [IA-New-Neighbor-Guide.pdf \(innisarden.org\)](#) and *HOA FAQ's "Is Innis Arden a Puget Sound and Mountain view protected community?"* at <http://www.innisarden.org/hoa-faq/>

There still are approx. 11 petitioned (CRF) properties with unresolved compliance issues as follows:

***18760 Ridgfield Rd. NW (Thorne, formerly Schuler):** At the 11/16/2021 Compliance Hearing this property was found to be non-compliant. The property has changed ownership. We have made contact with the new owners who are willing to work with the board to help restore views for their neighbors. We are grateful for their cooperation and look forward to resolving this matter together.

***915 NW RB Road (Chen-Dai, formerly Yu):** At the 11/16/2021 Compliance Hearing this property was found to be non-compliant. On 2/23/2022 the IAC issued a Written Decision concerning the vegetation compliance on this property. The decision notes the owner's failure to submit a compliance plan for review and approval by the IAC along with fines of \$50 per day accruing from the 11/16/2021 Compliance Hearing and up until full compliance has been achieved. This property has changed ownership. The new owners assume the responsibilities for current non-compliance, including fines and/or penalties. We are currently awaiting update from Chen-Dai on their plan / progress to address the non-compliant vegetation.

***1001 NW Richmond Beach Road (Zawtkowski):** The board is reviewing survey records to determine which property any out of compliance vegetation may be on.

***18029 13th Ave NW (Hjelle):** The compliance hearing scheduled for September 19, 2022 to address the Alaskan Cedar tree which has grown past the roof line was cancelled after the board confirmed Hjelle had cut down and removed this tree. We have received another complaint about the Maple trees growing on this property. The board will continue to monitor Hjelle's progress on addressing other vegetation out of compliance on the property.

***17727 17th Ave NW (Lawson):** At the 11/30/2021 Compliance Hearing this property was found to be non-compliant. IAC Counsel and the Compliance Committee have finalized a written decision for the Lawson compliance hearing. This decision takes into consideration the complexities of the property and directs the property owners to provide the club with a proposed plan addressing the out of compliance vegetation within 45 days. A motion was made, seconded and approved to adopt the final written decisions for both properties. Notice will be sent to the property owners.

***17732 17th Ave NW (Bargreen)**: At the 11/30/2021 Compliance Hearing this property was found to be non-compliant.

IAC Counsel and the compliance committee have finalized a written decision on the Bargreen compliance hearing. This decision takes into consideration the complexities of the property and directs the property owners to provide the club with a proposed plan addressing the out of compliance vegetation within 45 days. A motion was made, seconded and approved to adopt the final written decisions for both properties. Notice will be sent to the property owners.

***18770 Ridgefield Rd. NW (McHugh)**: Omar has contacted the McHugh's and followed up with some discussions of the POV photos and impact to neighboring properties. A Compliance Hearing was scheduled for 6/8/22 and then cancelled to allow the McHugh's an opportunity to speak with his neighbors and voluntarily comply. Another follow up has been sent to the McHugh's for update on their progress.

***1250 NW 175th St. (Sullivan)**: A CRF was received on 8/10/2020 for this property. Cindy and Bruce made a site visit on 4/28/2022 to discuss with the Owner. Bruce made another site visit 5/27/22, at the request of the owner, to meet with Ballard Tree and look at trimming options that may be able to restore neighboring properties views. The Board is awaiting additional information to determine next steps with this property.

***17770 14th Ave NW (Tynan)**: A CRF dated 2/12/2022 was received on this property. There is a previous written decision in July of 2017 that found the property not in compliance.

***17037 14th Ave NW (Kirkness)**: A CRF dated 3/24/2022 was received on this property. On 3/29/2022 the Compliance Committee requested more specific information from the Petitioner's before scheduling a site visit with the owner's.

***17747 17th Ave NW (Hauge)**: A CRF dated 09/19/2022 was received on this property. On 10/07/2022 Board Member Bill Schilling met with the neighbors to observe the view blocking vegetation. The Board will reach out to the Hauge's first to meet with them and discuss gaining voluntary compliance.

***933 NW Richmond Beach Road (Shen, formerly Knauer)**: **RESOLVED.** On 2/25/2022 the IAC submitted a written request to the owners for a Compliance Update. A prompt response was received by the IAC, from the Shens, that will be reviewed with those effected properties to confirm full compliance. The Cindy & Bruce met onsite with Grace Shen on 3/17/2022 to review the vegetation identified in the 5/4/2021 written decision and whether or not it is all in full compliance. Based on that site visit, it appeared that about 90% of the vegetation is in compliance, but that will be reviewed with IAC Counsel. During the 3/17/2022 site visit, a number of smaller western red cedars appear to be potentially view blocking an may also require trimming. Since Shen took immediate

action to address the out of compliance vegetation, and because the additional vegetation discovered was not part of the original compliance CRF, we are now finding the Shen property in compliance and proposing a waiver of all unpaid fines and fees that have accrued since the May 4, 2021 hearing. *Motion was made seconded and approved.* Thank you to the Shen family for getting your property in to compliance!

**BUILDING AND REMODEL, Jason Barth –
Building and Remodel Report**

November: Nothing to report

December Meetings:

Kathryne & Ross Shrewsbury
840 NW 180th Street
Shoreline, WA 98177

Daniel Ginsey
18720 Ridgefield Rd NW
Shoreline, WA 98177

TREASURER, Jennifer Mace –

(The treasurer report was given by Cindy Esselman)

At the close of October 2022, our Operating Checking was \$17,595, Collections Savings was \$10,174, and the Asset Reserves Savings was \$441,212.

Bank Account Update We have some residual names on the bank account that need to be removed. Wells Fargo has informed us that we need to make a formal motion at a Board meeting to remove names and to add new ones, before Wells Fargo will officially update the bank account.

The following motion was made, seconded, and passed unanimously by the Board.

I move to remove past Innis Arden Board members, BJ Oneal, Easton Craft, and Jeff Gough from the Wells Fargo accounts ending in #2261, #6400 and #0479. The currently serving Innis Arden Board members Cynthia Esselman, Omar Nur and Jennifer Mace are to be added to the Wells Fargo accounts ending in #2261, #6400 and #0479.

2023 Proposed Budget The 2023 budget was presented. The budget reflects an increase in dues of \$245 per year. The biggest budget increase is \$28,000 to cover the increasing costs to maintain our 52 acres of common property, including the reserves, grounds and

entrances. We also have budgeted an increase of \$8,000 in salaries for our part time employees. Insurance costs are budgeted to increase \$5,000 in 2023.

Legal costs are necessary to uphold our covenants and have been approximately 25% of the total budget. In the 2023 proposed budget, our legal expenses are \$155,000 or 26% of the total. This is a 5.8% increase over our 2021 legal expenses which were less than our 2022 actual expenses. In 2021 we spent \$146,455 on legal expenses. In 2022 the budget for legal expenses was reduced to \$114,500 yet our expense to date have been \$180,947. These expenses are due to an increase in compliance issues, yet in 2023 we are committed to keeping our legal expenses to 26% of the total budget.

It is essential for us to have adequate asset reserves to respond to future maintenance needs, unexpected expenses and for the financial health of the community. Our annual asset reserve contribution has been underfunded for several years. The proposed 2023 budget will restore a financially appropriate annual contribution to the asset reserves.

The following motion was made, seconded, and passed unanimously by the Board. I move to approve the proposed 2023 budget to be presented to and voted on by the community at the January 18, 2023 annual meeting.

The budget will be posted on the secure financial page of the website as well as be mailed to all neighbors by the end of November.

GROUNDS, Bill Schilling –

The clubhouse irrigation backflow preventer was tested, passed and results sent SPU. Annual testing will be required next November (11/23). Winterization of the IA irrigation systems was completed. The clubhouse, clubhouse entrance and property entrance systems were blown down and shut down for the winter. Removal of two dead cypress trees at the south west part of the community entrance were removed by Ballard Tree Service. Thanks to Steve Johnson for helping get this completed. Cleanup and trimming will continue into December by AS Landscaping.

CLUBHOUSE, Mary Ruhlman –

There was one rental in the month of October, and it was not sponsored by the Activities Committee. For the month of November, we have one rental, none of which is sponsored by the Activities Committee.

If you have questions about renting the clubhouse, please contact Joy Griffith at 206-542-5558 or communications@innisarden.org.

NATURAL RESERVES, Steve Johnston –

Trails

Routine maintenance, such as brush trimming and re-graveling occurred in October. Garbage was removed from Grouse Reserves. Steps and a handrail were repaired in Eagle.

Blue Heron

City Engineers surveyed the creek in Blue Heron Reserve near Springdale Court, and were asked to take note of the erosion along the streambank. This activity is part of a funded initiative to replace the Heron Creek culvert at Springdale.

Invasive Control and Fall Planting

Our contractor, Garden Cycles, has continued seasonal invasive control and has been planting native shrubs and low growing native trees, mostly in needy areas of Blue Heron and Eagle

Hazardous Trees

A large deciduous tree fell onto the trail in Boeing Creek Reserve near the stairs at the halfway point. I will meet with Ballard Tree to remove it tomorrow.

There are two dead alders near the top of Eagle that threaten the upper footbridge and the trail. These will be removed in the next few weeks.

ACTIVITIES, Maggie Taber –

Save the Dates:

Holiday Decorating Party - Tuesday, November 29th.

Holiday Party - Sunday, December 4th.

Santa's Sleigh Ride - Thursday, December 22nd.

New gardening events for 2023 - Saturday, February 4th, Saturday March 4th and Saturday, April 3rd.

The weather was (mostly) kind for the Halloween Costume parade on Sunday, Oct 30th with around 50-75 children attending. We had increased participation in the neighborhood trick or treat map.

The Holiday Decorating Party will be Tuesday, November 29th, 7-9pm. Community volunteers will gather at the Clubhouse to decorate for the Holiday Party. Contact Frieda Magin friedac98@yahoo.com

"Jingle & Mingle", this year's Holiday Party, is set for Sunday, December 4th, starting at 4pm. Signup Genius for the party has been sent to the neighborhood to gather a head count for this free winter community event. There will be a special gift for the children and Santa plans to stop by. We have also sent out Signup Genius seeking volunteers for the party. We especially need help with a few more clean-up spots. Teens can get community service credit for volunteering during the event. Chair is Frieda Magin friedac98@yahoo.com

Santa's Sleigh Ride will be going through the neighborhood on Thursday, December 22nd starting at 5pm. A tentative schedule will be sent out in December.

New Gardening Events for 2023, Diane O'Neill, Lead. More info to follow, we will use Signup Genius for registration.

- (1) Winter Sowing and No-Transplant Winter Sowing Workshop. Saturday February 4th. Event limit 20 people
- (2) Soil Blocking Workshop. Saturday, March 4th. Event limit 16 people.
- (3) Square Foot Gardening on Saturday, April 3rd.

There seems to be great interest in (re)starting a Gardening Club for IA residents. Please let us know what you think!

2023 IAAC Officers. The vote for new officers will occur on Monday, December 5th at the next activities meeting. Please join us at 7pm in the clubhouse.

Meeting was adjourned at 8:23PM

If you are new or have changed your phone number and/or email address, please email updates to communications@innisarden.org and be sure to include your address!