

**Seahurst West Addition
Community Meeting on Covenants
September 27, 2004**

Meeting Summary

The meeting was called to order at 7:05 pm by Vicky Fisher, who chairs the committee established by the last annual meeting to review the covenants. The committee consists of Vicky, Jay O'Donnell and Knut Ringen.

According to Article VIII of the existing covenants, the covenants may only be revised every ten years, so if revisions are not made in 2006, they will have to wait until 2016. Also according to Article XIII, the adoption of new or revised covenants requires approval by three-fourths of the "residents" voting, so for practical purposes in order to create new covenants will require a general consensus in the community.

Vicky noted that to perform its work, the committee adopted a three-phase approach. The first was to conduct a little survey of the community, to get a view of their philosophy regarding covenants and their ranking of the current restrictions. The second phase was to conduct community meetings to discuss these issues. The third was the drafting of proposed covenants (if needed) for submission to the annual meeting in the spring of 2005. Vicky noted the purpose of this, the first of three planned meetings, was to get feed-back from the community, which the committee will use to draft its report. The report will be submitted to the Board. She also said the main purpose of this meeting was to determine if there was a general consensus on: (1) whether we need to change the covenants; (2) a philosophy that should govern the covenants, and (2) specific restrictions that should be included in the covenants.

Each participants was asked indicate their views on these issues and then there was a general discussion.

Should the Covenants Be Changed?

There seemed to be agreement that although we can live with the current covenants, they should be changed, either for the sake of clarifying them, updating them, or revising them. It was noted that the covenants go back to 1966, and had been established mainly for the purpose of governing the construction of the houses in the Addition. The issues of maintenance and renovation that we are concerned with today are not reflected well. The County and City of Burien have adopted many rules and regulations since the covenants were adopted, including building codes and zoning requirements which may take the place of covenants in certain areas. In addition, the covenants are not well written, are not easily enforceable, and some restrictions may be out of sync with today's values and culture.

Is there Agreement on the Underlying Philosophy?

Vicky noted that according to the survey, we were fairly evenly divided between minimalists, middle-of-the-roaders and traditionalists. This seemed to be reflected in the discussion. The

discussion fell into three broad areas: what we need covenants for; how we govern ourselves under the covenants, and how we resolve disputes. Some of the discussion anticipated topics for future meetings.

- a. **Why We Need Covenants.** The discussion of this issue divided into two distinct areas: common responsibilities, and common interests.

Common Responsibilities: Clearly, we need covenants, if for no other reason than to find a way to manage ourselves in terms of our common responsibilities and for the road and common ownership of the community and beach lots. For these purposes, monies have to be collected and spent. This requires a set of rules that everyone will abide by, and a system for enforcing the rules and managing the funds.

Common Interests: There was agreement on the fact that we have common interests that we want to protect, which was expressed in three somewhat different terms:

- Preserving property values
- Maintaining quality of life
- Protecting health and safety

Everyone agreed that we do not want to infringe on what is good in our community, like privacy, peace and quiet, security, etc. Discussion of this came down to trying to define the minimal amount of restrictions that are needed to meet these objectives, and how they should be enforced. Review of the discussion of restrictions follows, below.

- b. **Governance.** This will be the subject of discussion at the second meeting, on October 14. It was noted that currently Seahurst West Addition is not a formal "Association" and it does not need to be, and it does not have to have a "Board"; it could be managed by a committee of some kind. The majority felt we should consider ourselves an

"Association" with a formal board with clearly designated positions for officers and director(s), whose members are elected in accordance with a clearly defined procedure for nomination, election and terms. It was also felt that there should be specificity in terms of what the Board must enforce, and how it must perform the enforcement. It was noted that according to Article V any property owner in the Addition can enforce the covenants by going to court if necessary, so technically enforcement by the Board is not needed.

- c. **Dispute Resolution.** This is the subject of the third community meeting, to be held on November 17. The current covenants do not provide for "alternative dispute resolution," although there seem to be a trend in which homeowner associations adopt such procedures and at issue is whether the Seahurst West covenants should do so as well. Vicky noted that in the survey this was a high priority issue, but that could mean that people felt strongly either for or against the covenants, including a dispute resolution procedure. Two different kinds of disputes were discussed:

Between Owners and the Addition/Board. Areas where there are common responsibilities also create a direct relationship between owners and the

Addition/Board, including the levying and collection of assessments, which can lead to disputes. In this case, the Board is an inherent party.

Between owners. Disputes between owners (e.g., views) are generally resolved by the owners, but there are instances in which the Board may be a party to such disputes, including a number of the current specific restrictions (e.g., Articles IX, X, XI, XII), which require or authorize the Board to act on issues concerning individual properties. It was suggested that we might try to find a way for the Board to serve in an “advisory” capacity in disputes between homeowners.

|| There seemed to be a clear majority view that we should try to come up with some type of mediation or arbitration procedure.

What do We Want in Terms of Specific Restrictions?

Vicky noted that according to the survey, the following restrictions were given a high priority: new construction, views, and single family occupancy. Things like pets and signs were low on the list. In the course of the discussion, it seemed that the covenants might include a general restriction covering “nuisances,” if such an article could be drafted with sufficient specificity to be understood and enforceable.

There seemed to be a consensus that enforcing safety should not be an association responsibility.

Specific duties or restrictions raised that might be included in covenants in one form or another included (here referenced with the most approximate current Covenant article):

- Views, both construction/renovation and trees (Article X)
- Roads and utilities (Article XIV)
- Lot maintenance (Article XIV)
- Safety, incl. traffic and parking/obstruction of road (e.g., road has to be open to emergency vehicles) (Not covered explicitly)
- Drains/water runoff and soil erosion onto road (Article XVII)
- Occupancy/renters (Article IX)
- Nuisance (sort of dealt with in Article XII, Article XI)
- Assessments (Article XV)
- Enforcement and Dispute resolution (Article V; Article XVIII)

It was agreed that will discuss each of these at the beginning of the next meeting, before going on to governance issues. Existing restrictions are attached.

Next Meetings: Note Change of Time!

Date	Place	Topic	Time
10/14	2610 SW 151 st Pl (Jacky and Knut)	Restrictions & Governance	7-8 pm
11/17	2655 SW 151 st Pl (Ann El-Moslimany)	Dispute Resolution	7-8 pm