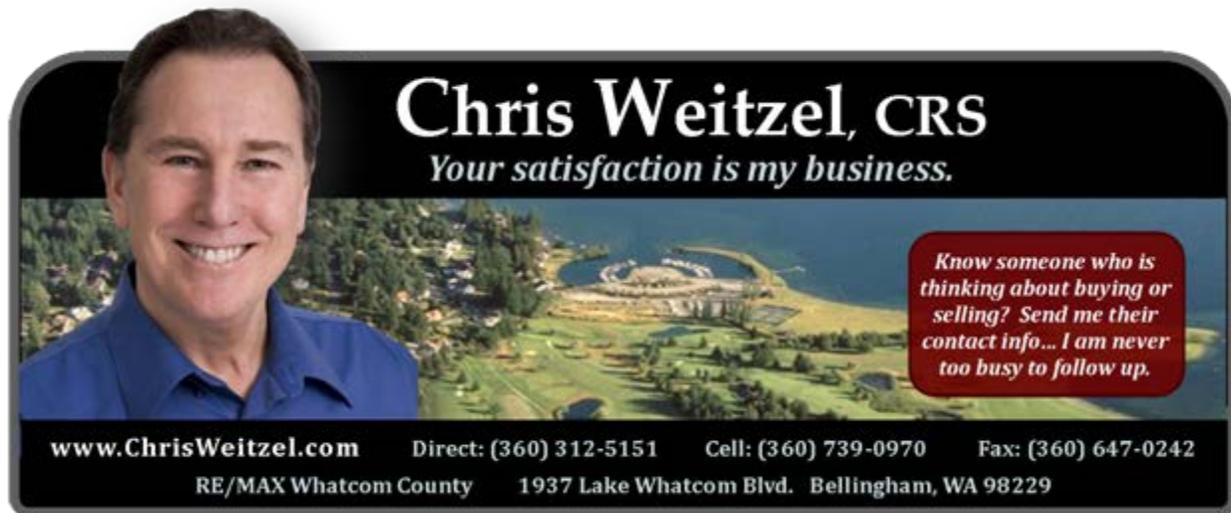


From: Chris Weitzel [<mailto:chrisweitzel@nwhomes.net>]
Sent: Tuesday, June 04, 2013 5:27 PM
To: Kathy Kershner; Bill Knutzen; Pete Kremen; Ken Mann; Sam Crawford; Carl Weimer; Barbara Brenner
Cc: 'callruss@msn.com'; 'lwbrown_svca@icloud.com'; Greg Paul(EX)
Subject: RE: New Water Shed regulations

Sorry, here is the attached which should have been on the last e-mail I sent you.

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A banner advertisement for Chris Weitzel, CRS. On the left is a portrait of a smiling man in a blue shirt. To the right of the portrait is a scenic view of a golf course with a lake. The text 'Chris Weitzel, CRS' is prominently displayed in white, with the tagline 'Your satisfaction is my business.' below it. A red call-to-action box on the right contains the text: 'Know someone who is thinking about buying or selling? Send me their contact info... I am never too busy to follow up.' At the bottom, contact information is listed: 'www.ChrisWeitzel.com', 'Direct: (360) 312-5151', 'Cell: (360) 739-0970', 'Fax: (360) 647-0242', and 'RE/MAX Whatcom County 1937 Lake Whatcom Blvd. Bellingham, WA 98229'.

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Chris Weitzel, CRS & CDPE
Managing Broker | RE/MAX Whatcom County, Inc.
Call me at (360) 312-5151 or visit www.ChrisWeitzel.com

From: Chris Weitzel
Sent: Monday, June 03, 2013 3:40 PM
To: 'lwbrown_svca@icloud.com'; 'bod@suddenvalley.com'
Cc: 'gm@suddenvalley.com'; 'gregpaul5@comcast.net'; 'Perry Eskridge'
Subject: FW: Developing Sudden Valley Lots

Hi Larry,

I understand from Greg Paul that you have been involved in discussions with the County regarding the new development regulations which the County Council will soon vote on regarding the attempt to keep phosphorous out of Lake Whatcom. Thank you for your time, interest and efforts on this matter. I believe it is critically important the SVCA Board of Directors(BOD) stands up for the financial well being of our community and all Members. I have addressed this e-mail to you but it's meant for the BOD as a whole. Please don't take what I have to say personally.

As a Sudden Valley property owner I am very concerned that should the County impose new regulations that restrict building in the water shed and more specifically Sudden Valley, that it will have a negative effect on ALL Sudden Valley property owners. According to information I've been given, the cost to a vacant lot owner could be as high as \$20,000, see attached. This would be for a sloped lot so flat lots, which we don't have many left, would be less. Unfortunately, the vast majority of vacant lots owned by SVCA are the very sloped therefore, the cost would be expensive which will make them undesirable to prospective buyers. Which means that SVCA and All Members will get less money for our investment. I brought this to the attention of the SVCA BOD at a public meeting over a year ago and now it sounds like it may be too late to stop it.

From reading the e-mails between you and Greg, it sounds like Sudden Valley lots will be exempt from the new regulations. However, after reading the highlighted e-mail below from County Council Member Sam Crawford, that doesn't seem to be what will actually happen.

(Chris, I confirmed the ordinance being put forward would allow for future community systems to be formed and utilized, but meanwhile there would not be exemptions from the proposed stormwater design and installation standards for any parcel.

Sam Crawford
Whatcom County Council Member
360 676-6690

NOTE: In nearly all cases, email communications with any county council member are subject to public disclosure, and are considered public documents.)

Who will be paying for the "future community systems"? What is the cost? Why would we consider such a thing if we don't even know the cost or who is going to pay for it? Are only Members who have vacant lots that have not caused the problem paying or each and every one of us who resides in Sudden Valley? This is not the first time that Members that own vacant lots have been singled out to pay the total price for a community wide benefit.

Do you know if any estimated value has been put on the marketable lots owned by SVCA? Because if this goes thru as Sam believes it will, the lots will need to be re-evaluated. Even now, Keith Willnauer the County Assessor is voluntarily lowering the value of vacant lots due to what he feels will be a negative consequence of restricting development in Sudden Valley. I have never heard of a tax assessor voluntarily doing such a thing but he must feel that it's a fact that once the public is aware of the additional difficulties and expense of building in Sudden Valley, lot values will suffer! County employees are currently telling prospective builders to be aware that they may have to pay an extra \$20,000 to build in the Valley. Wow, bad news travels faster than the "whole truth", since nothing has been decided or has it and we just haven't been told by the County. Just think what will happen to home values if these half truths and misleading comments continue and someday get reported by the Bellingham Herald. It's tough enough overcoming the majority of Realtors who are not familiar with our community who accentuate our negatives and minimize the positive attributes

of living in Sudden Valley. It's too far, it's too wet, it's going bankrupt??????
Now I must admit the last one started from within for what reason I will never comprehend. But it was repeated numerous times which once again had a negative impact on our real estate values. I don't think it's possible or even legal to go bankrupt when you don't owe any money and have over \$1,000,000 in the bank.

According to my information, only 1 teaspoon of phosphorus per year will be kept out of Lake Whatcom should our Members have to put in the new system. The system will also require annual inspections which our Members will have to pay for. Currently the Nooksack Diversion, controlled by the City of Bellingham I believe, currently dumps approximately 2,000 lbs or one ton of phosphorus per year into Lake Whatcom. That is equal to 64,000,000 teaspoons, if my calculations are correct. Is there anything SVCA can do to work with the City or pressure them, to reduce that source of phosphorus infiltration into the lake? May be we should work closer with the County Council on something like this.

Since all Whatcom County residents both in and out of the water shed will benefit from keeping Lake Whatcom healthy, why not include everyone in the cost of solving the problem? It's not the vacant lots that have caused the problem and for them to have to pay \$10,000-\$20,000 to keep one teaspoon of phosphorus out of the Lake is unjust, unfair and just not right! Has anyone discussed connecting a very inexpensive drain system to the existing sewer system. Yes, it will cost more to treat the water when it gets to Bellingham. But, then ALL who benefit will be able to pay pennies to make the Lake a safer drinking source for our future generations. And, the City can keep dumping phosphorus into the Lake while actually helping solve the real problem by treating it.

It's my opinion, should the SVCA BOD not do everything in its power both politically and legally to stop the unfair treatment of our Members who own vacant lots, the residents/home owners will be effected next! Discussions have already begun to make any home owner in the watershed who adds on to their property put in the same \$10,000-\$20,000 system as a provision of getting a permit. This addition could be as small as adding a deck, walkway, driveway, etc. We must protect ALL members of the Sudden Valley Association or we are ALL at risk. Think it can't happen—remember the 6 month sewer moratorium which ended 10 years later and devastated our home, lot and condo values not to mention the huge delinquent dues account which was a direct result of the SVCA BOD not taking a strong enough stance against those who would have preferred that we were never able to build another home in our community. At that time certain BOD members were pleased that there would be “no more building on MY street”. Please don't let that kind of self serving thinking keep the BOD from doing what's best for ALL SVCA Members.

There are currently about 700 vacant lots owned by Sudden Valley members. At \$60/month it equals \$720/year. Now imagine 10% of those accounts going delinquent because they can't afford to sell their vacant lots due to the extra \$10,000-\$20,000 added to the cost for the buyer when they build. That's \$50,400 that will have to be made up by you and me as members. The following year another 10% go delinquent, that's \$45,360 we as Members will have to make up. This also means that we have 133 less Members to pay any new “special assessments” which may come in the future. Looking ahead it could easily reach 50% delinquency which is \$252,000 in lost revenue. Not to mention no more \$3,500 building fee's imposed on

a Member who's lot has generated dues and "special assessments" for over 44 years. With little if any benefit.

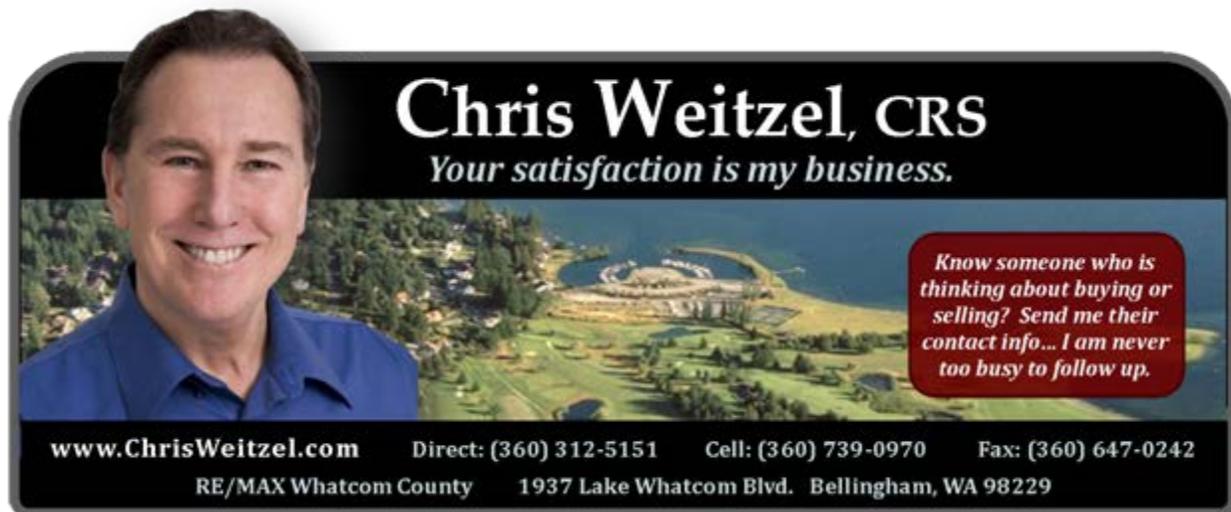
Density reduction was a "great idea" that in my view went too far and we will be paying dearly for it forever! Please don't see this issue as someone else's problem! Because it's NOT. It's our association, it's going to be a problem for ALL of us, FOREVER, if nothing is done.

Your thoughts? What can Members do to help the BOD with this issue?

Thank you in advance for your time and cooperation with this matter.

Respectfully,
Chris Weitzel

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Chris Weitzel, CRS
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Chris Weitzel, CRS & CDPE
Managing Broker | RE/MAX Whatcom County, Inc.
Call me at (360) 312-5151 or visit www.ChrisWeitzel.com

From: gregpaul5@comcast.net [<mailto:gregpaul5@comcast.net>]

Sent: Wednesday, May 29, 2013 3:53 PM

To: Chris Weitzel

Subject: Fwd: Developing Sudden Valley Lots

See attachment....

Greg Paul
RE/MAX Whatcom County, Inc.
913 Lakeway Drive

Bellingham, Wa, 98229
www.SuddenValleyProperties.com
360-647-5050
360-739-7354

From: "Laurence W Brown" <lwbrown_svca@icloud.com>
To: gregpaul5@comcast.net
Cc: "Jeff Schlaack" <gm@suddenvalley.com>, "Scott Wagter" <bodwagter@suddenvalley.com>
Sent: Wednesday, May 29, 2013 3:29:55 PM
Subject: Re: Developing Sudden Valley Lots

Greg-

I did, and attached is my report to the SVCA Board of that Council Committee meeting. The Council did not vote that evening, as the plan is to vote next Tuesday evening. As I hope is demonstrated by the attached, the additional cost (above what is currently charged) could be, on average, and only as a very rough estimate, as much as another 20K\$, but that is highly unlikely to be the level of requirement picked from the several alternatives being considered by them. The Council seems much more likely to both (1) pick a less expensive treatment method applicable generally to lots developed after next year or so, and (2) exempt Sudden Valley lots, subject to some to-be-developed written agreement recognizing both what SVCA already does, and what it will do in the future. Of course we won't know for sure until the next Committee meeting Tuesday, and the Council vote that night, but it looks for the moment as if any SV lot owner will stay under the current rules for a good deal of time. Stay tuned, but not for too long, I hope.

-Larry

On 29. May, '13, at 2:21 PM, gregpaul5@comcast.net wrote:

Hi Larry,

I'm just checking to see if you went to the County Council meeting on Tuesday, May 21st, at 9:30AM? Or if you know of someone that did go? Unfortunately I was out of town down in Tacoma, WA - two of my kids were playing in the State High School Championships that week.

The main reason that I ask is that I just received a phone call from a very concerned builder, whom has a Sudden Valley vacant lot under contract. He went in to talk to the staff at the desk at the County Planning & Development office today, and they told him to prepare for additional costs to develop Sudden Valley lots of up to \$20,000 for a water retention system. Yikes! I thought the County Council was considering exempting small lots in the watershed?

Do you have any information? Is the County, or Dept. of Ecology not giving us any credit for green-belting a third of our community over the past 20 years? Please let me know if you know anything, as I may need to get several people out of lot purchases. There has been no news at all on this very important subject.

Greg Paul
RE/MAX Whatcom County, Inc.
913 Lakeway Drive
Bellingham, Wa, 98229
www.SuddenValleyProperties.com
360-647-5050
360-739-7354

Begin forwarded message:

From: Laurence W Brown <lwbrown_svca@icloud.com>
Subject: Fwd: Sudden Valley's Suggestion for County Legislative Consideration
Date: 22. May, 2013 3:33:46 PM PDT
To: BOD Valley <bod@suddenvalley.com>
Cc: Jeff Schlaack <GM@SuddenValley.com>, CSD - Richard Davis <rdavis@chmelik.com>

Colleagues-

Below are two emails and a document for your information.

The oldest email is a brief summary I gave you regarding the likelihood of new development regulations being discussed yesterday by the County Natural Resources Committee.

The later email is the suggestion I made to the Committee to assist in getting recognition for what SVCA has already done to help prevent or better control phosphate runoff.

The PDF attachment is the County staff's best estimate of the cost, to new home builders, of various levels of increased phosphate management measures that may be necessary to meet the County's state requirements as likely to be approved early September (revised date estimate).

Given the relatively low cost of all but the most expensive measures - the ones that would be, so to speak, "better than natural forest runoff" in order to help clean the Lake instead of just prevent additional pollution - the Committee members did not seem eager to merely allow all small lots (most of which are here) to stay at the currently required level of mitigation (which is already about twice what SVCA used to require).

The Committee then turned to the alternative I proposed, and were quite pleased with that approach. To summarize, my proposal would allow SVCA lot developers to stay at the current level of requirements in recognition of all SVCA's other community-wide runoff management practices. However, that would nonetheless require those practice to be gathered into a formal program to be evaluated by County staff. An additional upside to this is it gives SVCA the opportunity to work with the County as SVCA develops its culvert replacement program - by doing so SVCA may get financial assistance because the County will be getting less expensive runoff treatment than if it did work outside the Valley. At least, tho, SVCA will get enough additional phosphate management to ensure that new homes can either rely totally on the present requirements, or combine together with close neighbors or even lots elsewhere in the community, and thereby avoid the more expensive requirements which will be imposed on lots outside the Valley.

Given the favorable reception the proposal received, it will now go to counsel for review and perhaps rewording (which we will have to look at closely, of course). Their timeline is still to have the Committee look at the entire package in the morning, and for the full Council to vote on it that evening, at their next meetings on June 4.

If you have any questions, and given the fast time frame, we should discuss this either in the Exec.Cmmt., or at a Special Board meeting.

-Larry Brown

Begin forwarded message:

From: Laurence W Brown <lwbrown_svca@icloud.com>
Subject: Fwd: Sudden Valley's Suggestion for Tuesday
Date: 17. May, 2013 4:49:53 PM PDT
To: Council@co.Whatcom.WA.US
Cc: pGill@co.Whatcom.WA.US, cesm <cesm@suddenvalley.com>, Jeff Schlaack <gm@suddenvalley.com>, CSD - Richard Davis <rdavis@chmelik.com>, Scott Wagter <bodwagter@suddenvalley.com>

To the Whatcom County Council:

I would like to discuss at next week's Natural Resources Committee meeting, the encouraging results of the discussion I and Sudden Valley staff had with County staff responding to your suggestion during the Committee meeting last week.

The basic premise behind the discussion was that Sudden Valley already provides a great deal of phosphorus mitigation given its strategic location within the Lake Whatcom watershed, and could assist the County to achieve even more, to our mutual benefit. As I mentioned at the meeting last week, since all Sudden Valley owners, including the owners of undeveloped lots, are in law owners of all of the land and fixtures within Sudden Valley, it is my belief that they should all receive some tangible recognition of the benefits they already provide, as well as future benefits that Sudden Valley may be able to provide on a community-wide basis.

To that end, and to continue the high level of mutual phosphorus mitigation that Sudden Valley has already worked to provide with the County, the City of Bellingham, and the Water District (such as prohibiting any development on certain platted lots owned by Sudden Valley), I have discussed the following proposal with County staff. I believe it will help achieve both (1) the present and future phosphorus mitigation responsibilities of the County, as well as (2) the Council's desire to protect citizen investment in the property value of smaller undeveloped lots in the County, the great majority of which are located within Sudden Valley. Staff has commented on the following suggestion, and I believe it fully reflects staff input and comments.

- do *not* put a lot-size exemption into Section 20.51.030, because that merely displaces responsibility for phosphorus mitigation onto others, and means that future mitigation likely to be required could be exceedingly onerous;

- rather, leave that section as-is, and instead, put the following clause into a new subsection numbered 20.51.420 (2)(a)(3), right after the off-parcel mitigation section:
For parcels

(i) located within the platted boundaries of, and in general belonging to, an incorporated homeowners association,

(ii) which association has a community-wide stormwater runoff management and mitigation plan, and ongoing implementation program, applicable to all newly developed parcels within that association's boundaries, as well as to the association as a whole, and

(iii) which plan and program have been approved by the county as an appropriate mechanism that provides to the entirety of land within the boundaries of said association at least the same level of overall protection from and mitigation of phosphorus contamination to Lake Whatcom by means of stormwater runoff as would the application of the remainder of WCC 20.51 to any of the individual parcels therein that may be developed,

any proposed project shall follow the applicable NPDES standards in WCC 20.630 and in 20.71 Water Resource Protection Overlay, WCC 20.80.635 Stormwater Special Districts, and WCC 20.80.735 Water Resource Special Management Areas.

Although somewhat wordy, the language demonstrates clearly that the exemption should (a) be very specific by (b) clearly stating the three "layers" of applicable conditions:

(1) legal incorporation as an HOA under state law,

(2) requiring both a mitigation plan on paper *plus* an active, effective program, and (3) continual county oversight/approval.

Also, this language is intended to make clear that the current mitigation requirements *still apply* to each individual lot, just as the original exemption proposal would do, but does so *in addition to* the HOA's own program, so that additional and future phosphorus abatement can occur in the HOA on an overall basis, and do so much sooner than might otherwise occur.

If the Council prefers to have a broad small-lot exemption, Sudden Valley would be happy to accept that benefit. However, I recognize that other parties will have to pick up the burden that small lot owners will thereby avoid, and believe that future mitigation needs, such as expensive retrofitting, will only be increased thereby.

While Sudden Valley at this time does not have such a plan as I propose, it has for decades already required engineered mitigation activities on developed lots. Further, Sudden Valley has throughout its existence had extensive vegetated areas, and otherwise has managed its property and holdings in such a way as to dramatically reduce phosphorus loading in rainwater runoff (such as by limiting some, and prohibiting other, potential development). I firmly believe that, once properly and thoroughly evaluated by appropriate experts, Sudden Valley's current activities, plus proper collaboration with the County on already contemplated future road and drainage projects within Sudden Valley, will go quite a long way toward meeting, and perhaps very much exceeding, the mitigation of any phosphorus runoff for which Sudden Valley may be responsible without undue expense or other burden on the community as a whole.

Thank you for your consideration of this suggestion. I look forward to addressing any questions you may have next Tuesday.

Sincerely,
Laurence W. (Larry) Brown,
President, SVCA Board of Directors

On Fri, May 17, 2013 at 3:17 PM, Laurence W Brown <lwbrown_svca@icloud.com> wrote:

Colleagues-

...

The development regulations applicable to smaller undeveloped lots in the Lake watershed (mostly in SV) will be next discussed by the Council Natural Resources Committee this coming Tuesday morning (9:30), and are likely to be voted on at the first Council meeting in June (no promises).

Cost estimates for various levels of applicable mitigation measures will be presented Tues.

It looks as if some form of exemption for such smaller lots is likely to be accepted, but again no promises, and there is some discussion of restricting exemptions to SV lots, since SV already has a good deal of pollution mitigation benefits to offer, and can develop even further mitigation programs on a community-wide basis that will somewhat lessen the potential burden on any single future lot development.

-Larry Brown, Pres.

Phosphorus Neutral Stormwater BMP Cost Estimates for Small Lots

County Council has asked staff to provide design and cost estimates for stormwater systems on parcels smaller than 10,000 ft². Staff from the County, City, and Conservation District framed up an approach, and the Engineering Services Division has drawn up detailed designs and review sheets to facilitate the review.

Private engineering firms (Jones Engineers, Wilson Engineering, 2020 Engineering, Freeland & Associates, RH2 Engineering) have volunteered their time to evaluate the proposed designs and provide budget level cost estimates for each of the four phosphorus neutral designs, and one design that meets the existing NPDES stormwater standard. Table 1 is the cost to design and build the five different stormwater systems reported as an average of the estimates provided by the private engineering community.

These estimates will help inform County Council's decision to on whether or not to exempt small lots from the proposed new development phosphorus neutral ordinance that would apply within the County's portion of the Watershed.

Table 1. ALL PHOS. NEUTRAL

No:	Stormwater System					Landscaping, \$/SF		
	1	2A	2B	3	4	Min	Max	
Description:	Current Standard¹	Zero Runoff		Matched Runoff	Treated Runoff			
Phosphorus Neutral:	NO	YES						
Average Cost:	\$ 9,220.00	\$29,080.00	\$20,040.00	\$19,920.00	\$17,300.00	\$ 1.82	\$ 4.92	
System Cost as % of average home Value²:	3%	8%	6%	5%	5%	Na	Na	

(1) The NPDES 2012 WSDOE SWMMWW Minimum Requirement No 5 applies

(2) \$363,450: 2013 average assessed value of a home on a 10,000ft² lot in Sudden Valley

Lot Description:	Sudden Valley D10 L11
Land area:	7,865 SF
Average slope:	40%
Roof Area:	2,100 SF
Driveway area:	400 SF
Lawn area:	0 SF

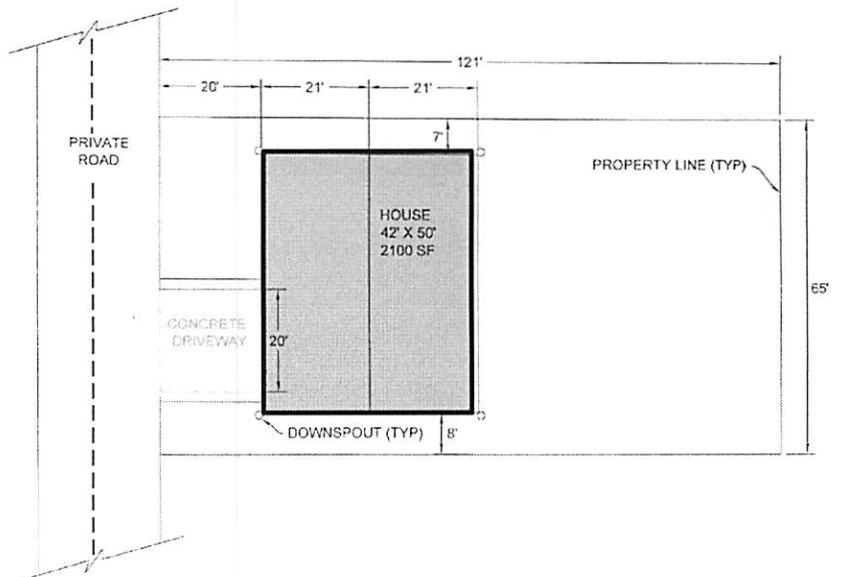


Exhibit D - County Council Natural Resource Discussion May 21, 2013

The respective cost estimate for each individual stormwater system design reflect:

- "Budget level" accuracy (i.e., +/- 15%), and

- All costs, including those for:
 - Geotechnical engineer or equivalent consulting services for site evaluations and corresponding report preparation (i.e., for sites with steep slopes and/or landslide hazard areas), and

 - Engineered design document preparation (including but not limited to, site visits, alternatives analysis, and necessary modeling (i.e., for System Nos 2B, 3, and 4), as if you were designing the corresponding system for a client), and

 - *Stormwater Site Plan* (per 2012 WSDOE SWMMWW definition) preparation, and

 - Construction costs (labor and material).