

Surfside Homeowners Association

Ad Hoc Environmental Committee

February 5, 2022

Ocean Park Retreat Center

Zoom participation available for Committee members only

<https://us02web.zoom.us/j/86335542738> or <https://tinyurl.com/SurfsideAdHoc020522>

Meeting ID: 863 3554 2738



Agenda

February 5, 2022

		Time
Welcome	Agenda Plan Meeting Protocol	5
Proposal Reviews	Line of Sight (SteveF)	10
	Tree Management Costs (SteveF)	10
	Tree Management Fund (Annette/Jane)	10
	Parcel Review Process (SteveW)	10
	View Covenants (Sheri)	10
Discussion		30
Vote	Proposals to Pursue	~30

Reminder: Google Drive fileshare available at <https://tinyurl.com/SurfsideAdHoc>.



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Today's Decision:

Which to further consider?

****Not** final recommendation(s)**

Reminder: Google Drive fileshare available at <https://tinyurl.com/SurfsideAdHoc>.



Which to Consider Further (Feb 18) ?

	Proposal	Vote
1	Retain Covenant 2.16, as is	
2	Delete Covenant 2.16	
3	Limit vegetation height to 24' for all parcels	
4	Line of Sight	
5	Tree Management Fund	
6	Parcel Review Process	
7	View Covenants	
	Other?	



For Today...

- ✓ Speaker option re accepting questions/comments
- ✓ Individual comments/feedback limited to 2 minutes:
 - ✓ Comments and questions focused on content
 - ✓ Explain reasoning and intent
 - ✓ Seek to clarify and fully understand

... a “safe space” for civil discourse



Robert's Rules of Order

The Right Not to be Interrupted

Once a member is recognized by the chair and allowed to address the assembly, then that member has the right to not be interrupted.

Only under the following situations does any member have the right to interrupt the speaker:

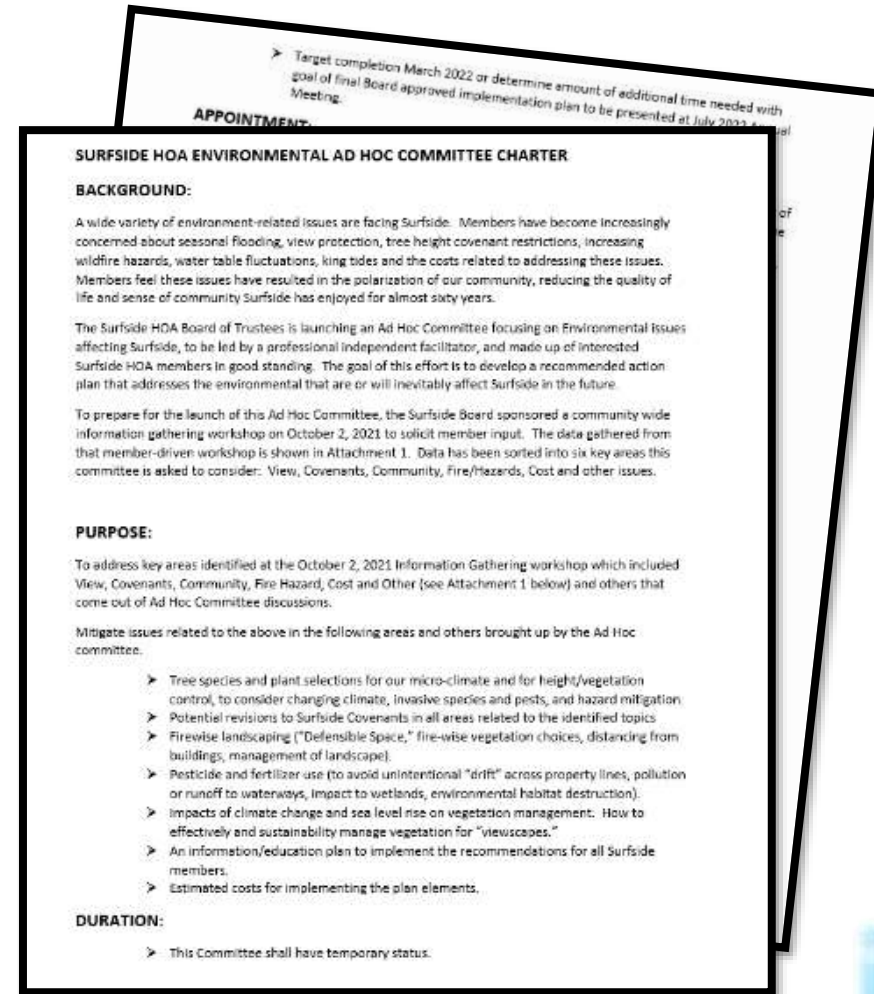
- **Point of Order:** If rules are being violated.
- **Parliamentary Inquiry:** If question related to parliamentary procedure while a member is speaking
- **Long speech:** If a participant exceeds time allotments.
- **Question of Privilege:** If a member is speaking when the society needs something to continue with meeting logistics.
- **Rowdy Member:** If a member is speaking or behaving in a fashion unacceptable to your organization's standard "Call the Member to Order".



Ad Hoc Environmental Committee Charter...

Provide Recommendation(s)

- State each Problem
- Recommend action(s)
- Note associated cost(s)



Workplan

Oct

Nov

Dec

Jan

Feb

Mar

Apr

May

June

July

Kickoff

Board Updates

Kickoff: Oct 22

Nov 6

Nov 19

Dec 4 (10am)

Dec 17 (1pm)

Jan 8 (10am)

Jan 21 (1pm)

Feb 5 (10am)

Feb 18 (1pm)

Final Recommendations

Annual Meeting



Workplan

Oct *Nov* *Dec* *Jan* *Feb* *Mar* *Apr* *May* *June* *July*

Kickoff

Board Updates

Kickoff: Oct 22

Nov 6

Nov 19

Dec 4 (10am)

Dec 17 (1pm)

Jan 8 (10am)

Jan 21 (1pm)

Feb 5 (10am)

Review and Vote which proposals should advance further

Feb 18 (1pm)

Final Recommendations

Annual Meeting



Workplan

Oct

Nov

Dec

Jan

Feb

Mar

Apr

May

June

July

Kickoff

Board Updates

Kickoff: Oct 22

Nov 6

Nov 19

Dec 4 (10am)

Dec 17 (1pm)

Jan 8 (10am)

Jan 21 (1pm)

Feb 5 (10am)

Feb 18 (1pm) Refine proposal(s) for Board submission

Final Recommendations

Annual Meeting

✓

✓

✓

✓

✓



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Path Profile: Line of Sight Proposal

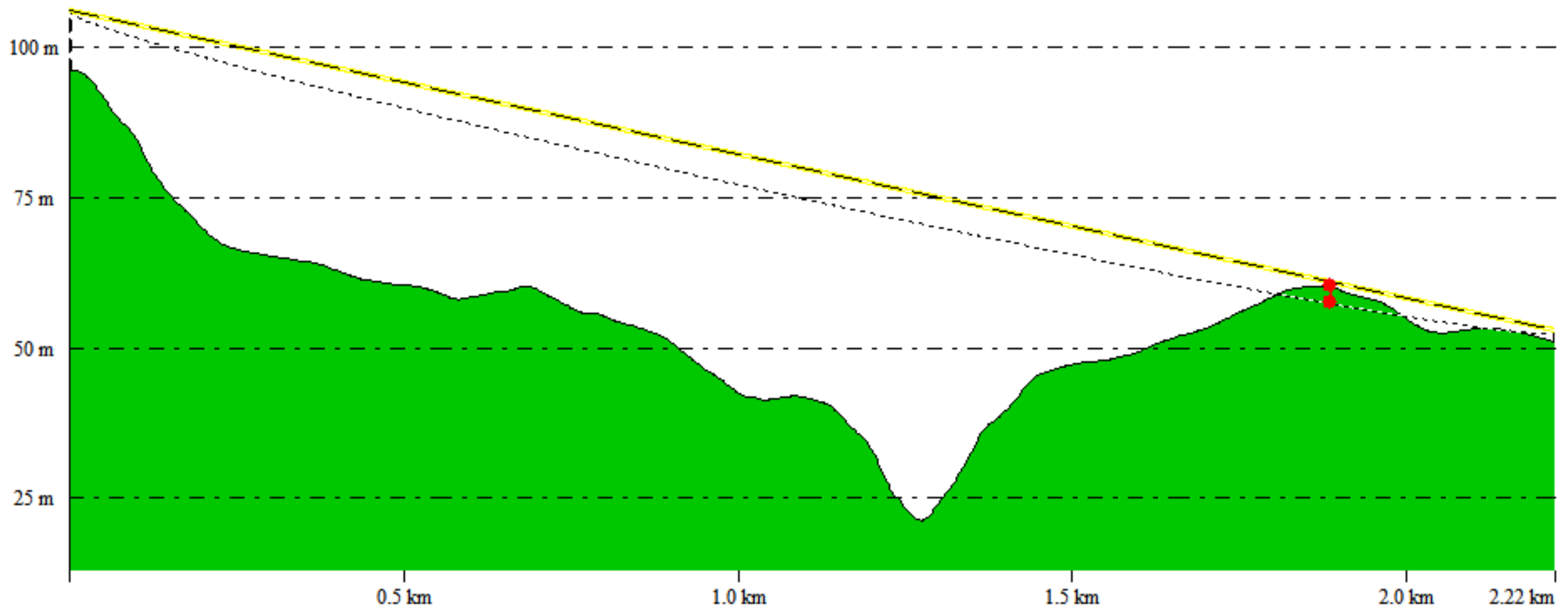
Example of How Line of Sight Works

(from www.bluemarblegeo.com)

From Pos: 436046.735, 4897365.987

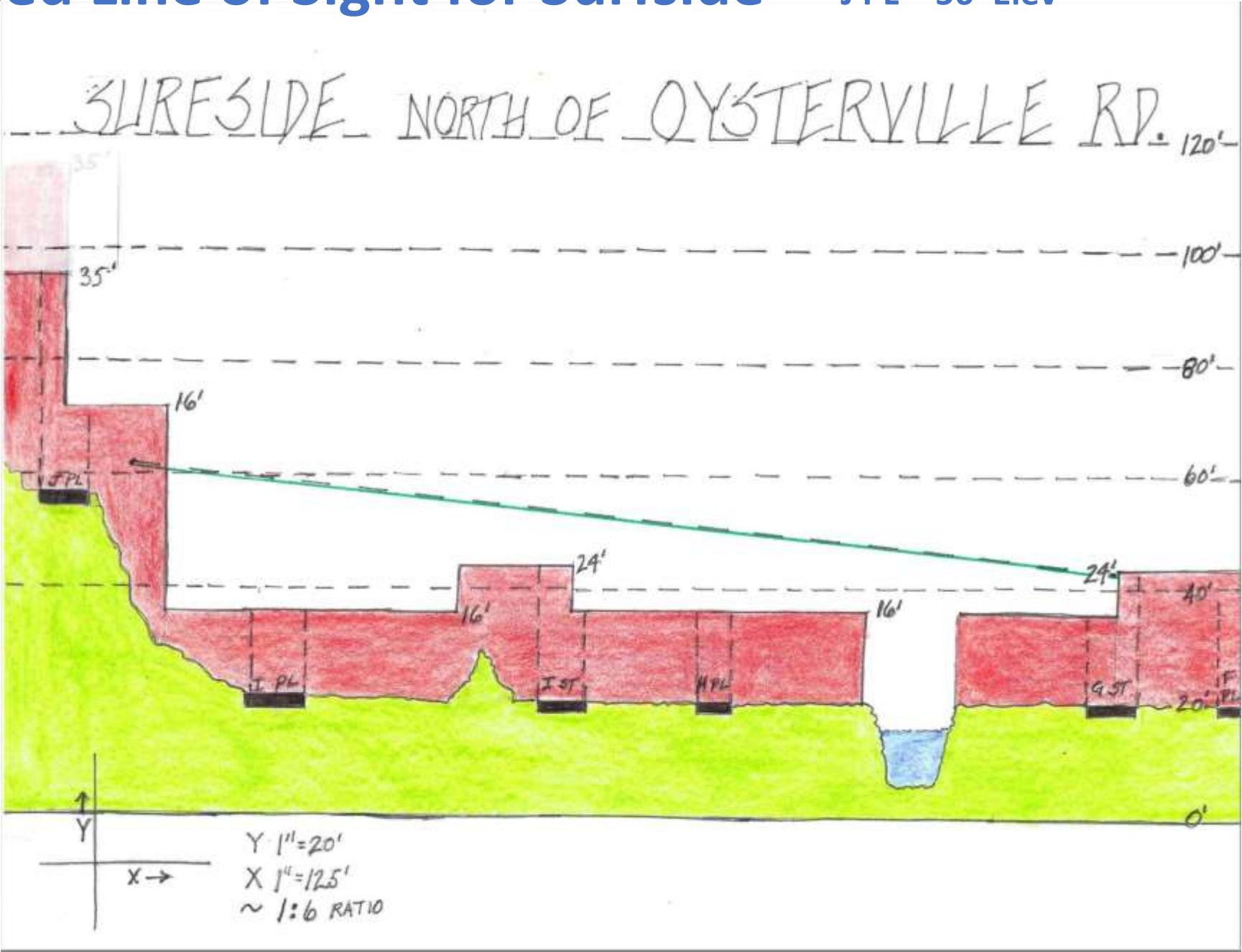
To Pos: 438145.846, 4896638.664

Minimum Clearance: -2.8 m at 437829.851, 4896748.153



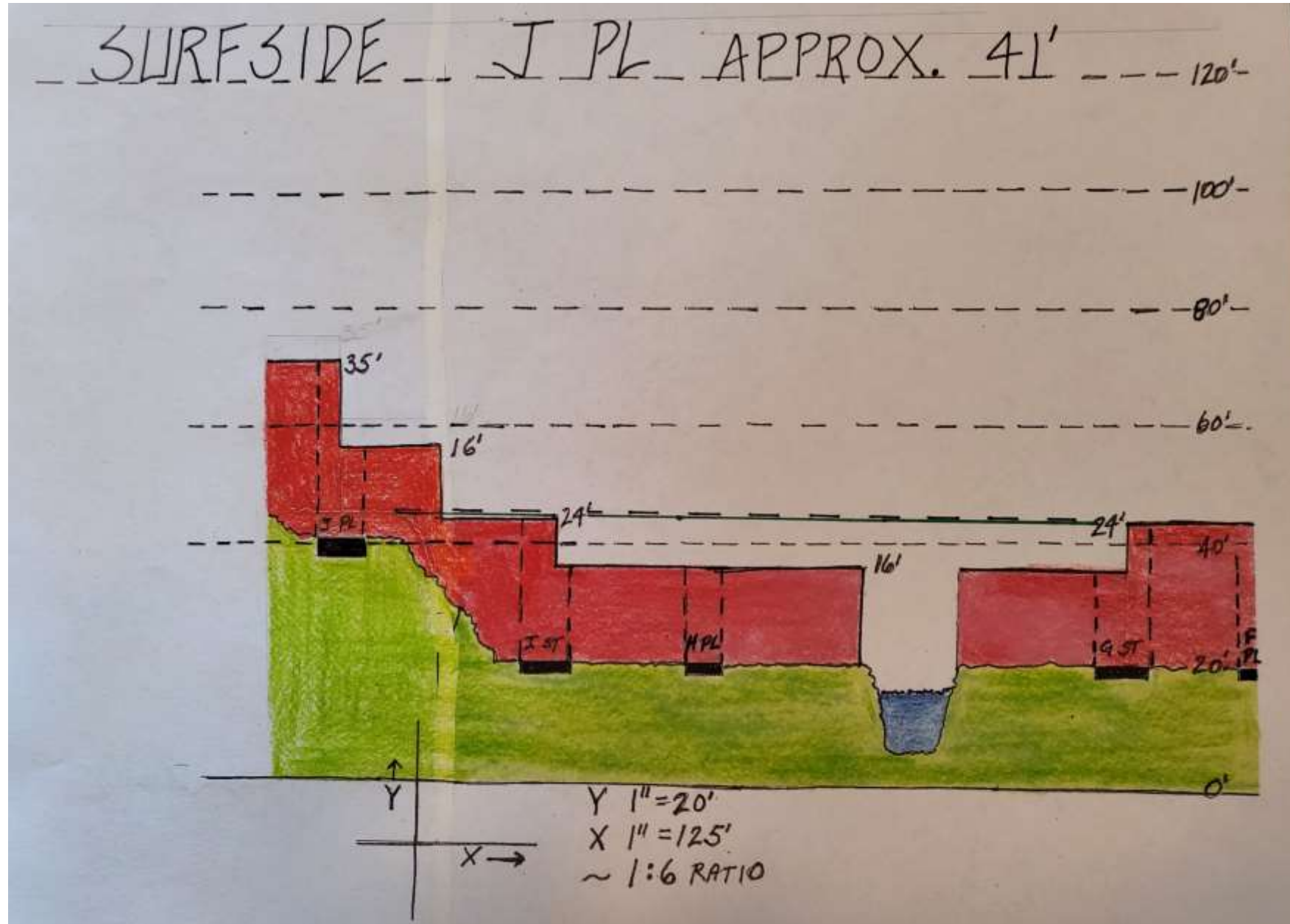
A Proposed Line of Sight for Surfside

J PL ~ 56' Elev



A Proposed Line of Sight for Surfside

J PL ~ 41' Elev



GIS Technology Data on Line of Sight

1. “Using Path Profile Line of Sight GIS technology, revise the existing lot by lot “tree height = building height” restriction to allow vegetation heights to limits determined by a line/path of sight projections from higher elevations on the east at xyz pre-determined points” (e.g., particular elevation above J PL or K PL (whichever higher or other generally agreed upon geo-posts) to the west at 24 feet above F PL or G ST (whichever Street is located farther west or other generally agreed upon geo-posts). Record the height limit for each lot directly west.
 - Option 1: All 179 lots plus/minus a couple; west side of J PL from 300th to 357th
 - Option 2: 57 points of measurement = 1 every block; West side of J PL from 300th to 357th
2. Revise Table A of Covenant 2.16
 - A. Review all data from each lot I Place west to G Street or F Place
 1. Each side of a street, Block by block, Determine an average vegetation height allowed. Determine vegetations heights allowed, and assign colors for each height. Perhaps, 24’, 27’, 30’, 33’, 36’, 40’. 1.1 Exception – no height in existence reduced by this study; e.g. If lot has a 28’ height, and Line of Sight measures 25’, that lot keeps the 28’ designation.
 - a. Results in ribbons of color for perhaps 2, 3, 5, 10+ blocks showing Vegetation Heights allowed; similar to our existing color maps.
 - b. Rework Table A.

GIS Technology Data on Line of Sight

- **BENEFITS**

- High elevation J PL lots get unobstructed visibility directly west to the Ocean
- Lower elevation lots, from F PL & G ST east to H ST & H PL, I ST & I PL get allowance to grow vegetation from 24' minimum up to 35-40', depending on the GIS technology data on line of sight
- Win-Win/Compromise

- **COSTS**

- \$5,000 to \$10,000 ballpark, contract with Professional GIS company
- Possibility to be done for free by a Surfside Member, with volunteers help to record individual lot data

TREE MANAGEMENT COSTS REPORT

TREE MANAGEMENT COSTS ESTIMATED

ORIGINAL 11-15-2021

The number of New Tree Height violations written in:

2019 **214** January through October (+ unknown # for November & December 2019);

2020 **233** 2019 & 2020 averaging = 223, rounded to **225**.

2021, well on way to 200 +; January through August 2021 is 107 New Violations.

The cost to have a company Trim/Top your trees is \$5,000 + per lot. (Speaking with neighbors who have received quotes, I have typically heard between \$5,000 - \$7,000 per lot.)

\$5,000 x 225 lots = \$1,125,000 total cost ./ 2,058 members = **\$546.65** special assessment

\$4,000 x 225 lots = \$900,000 total cost ./ 2,058 members = **\$437.32** special assessment

\$3,000 x 225 lots = \$675,000 total cost ./ 2,058 members = **\$327.99** special assessment

It needs to be understood that this would not be a ONE year assessment, but would be annually. The above New Violations numbers are over 3 years, trees grow, and would need re-trimmed every three to six years; therefore an annual assessment for tree trimming every year. These figures show that this suggested solution is unsustainable.

These figures are for Overheight Tree Trimming/Topping only. Please recall that at the Jan 21 Ad Hoc meeting, Ric Minich, President of the BOT, said that the \$30 annual special assessment to all members, resulting in \$61,740, would be about half of the Budget just for Land & Buildings alone.

TREE MANAGEMENT COSTS LEGAL CONCERNS

- I have heard that there are state Regs, RCW's?, RCW Homeowners Associations?, that do NOT allow the HOA to assess every Member for the benefit of a minority of Members. The Ad-Hoc committee should investigate this and receive professional advice to verify or refute this thought.

Below added 2-2-2022 information from Steve Wallace

- RCW 64.38.020 (10)

RCW's

64

Title

64.38

Chapter Homeowners Associations

64.38.020

Section Association Powers

Unless otherwise provided in the governing documents, an association may:

"(10) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common areas."

Association may NOT collect payments to maintain Private areas (owners/members lots). That is a power NOT given to HOA and an impermissible use of HOA funds.

- Regarding whether HOA funds can be used for any non-common area in any way. Please see from IRS "R. HOMEOWNERS' ASSOCIATIONS UNDER IRC 501(c)(4), 501(c)(7) AND 528 :“

These are rules that apply to Non-Profits, which Surfside HOA is.

Please see the additional supporting text provided in the handout.

So if you do this, the IRS takes away our HOA.

TREE MANAGEMENT COSTS LEGAL CONCERNS CONTINUED

Below added 2-2-2022 Steve F

- In light of this information, in order to preserve the integrity of the BOT Board of Trustees of Surfside HOA, I strongly recommend that any Ad-Hoc Tree Plus committee proposal that involves the raising of funds through a special assessment, be Withdrawn from consideration and not be forwarded out of committee to the Surfside HOA BOT Board of Trustees.

Please see the additional supporting text provided in the handout.

Proposal:

Surfside Vegetation Management Plan (SVMP)

PROBLEM: Disagreement regarding Surfside Restrictive Covenants related to the cost, convenience appearance, and safety issues required to manage tree height and vegetation on members' property.

Discussion:

- Surfside members are unhappy with the appearance of inconsistent and unfair application of the tree and weed covenants.
- Members are concerned about safety issues of dead, dying, structurally compromised and leaning trees throughout Surfside.
- Some members do not have the funds necessary to maintain their property in compliance with Surfside covenants.

SOLUTION: Establish an HOA funded Pilot Program. Board to set the funding ceiling.

- No Change to existing covenants
- Work to be done by a licensed and bonded contractor.
- Members have the CHOICE to participate in the program or do the work themselves.
- Work to be done ONLY with member's approval
- No cost to member for removal of out-of-compliance trees, hazard trees and noxious weeds.
- Costs for SVMP will be shared by ALL members
- The Program coordinates with the member to work as a TEAM with the contractor to bring their property into compliance.
- The Program will negotiate a member discount with local nurseries for replacement trees and shrubs.
- The Program will provide education on use of appropriate vegetation for our area.
- The Program will GREATLY REDUCE the Fire Hazard in our area.
- Common areas will continue to be maintained by the HOA. A member will be notified of common area maintenance adjacent to their property.

Cost Comparisons and Ranking

Price comparison of Surfside homes sold in 2021*

View	Average per sq/ft Sale	1600 sq/ft home Sale
With	\$333.56	\$ 533,696
Without	\$204.46	\$ 327,136

→ Views add value to homes. If blocked, homeowners will lose an average of \$206,560

* Reference: Data provided by Realty One pulling comparisons from Surfside homes sold using similar age, size then contrasting location.

Tree removal costs**

→ Average cost per tree **\$100 = \$300** (20-30 ft, easy access, no obstacles, includes chipping & hauling)

** Reference: Local: AJ Tree Service and Wooly's Tree Service

Ranking - 1,2,3,4,5 +



Positive Impact
No Change impact
Negative Impact

Recommendations/ Criteria	View Protection	Covenants	Community	Fire Hazard	Education	Costs
See Solution above	5 +	5 ○	5 +	5 +	5 +	Pilot Project – Board to Set Limit +

Proposal:

Procedural Pocket Review

→ Implement Procedural Path to petition for height adjustment covenant change for individual parcel or contiguous single-owner parcels.

- Such individual tree height change application will be submitted through standardized HOA-generated form.
- Such tree height change opportunity will be available to each individual owner by Pro Forma petition and subject to approval by Tree and Architectural Committees.
- Such petition to be subject to challenge for Cause or Community Benefit limitations.





Proposal:

Add View Protection Language to Surfside's Restrictive Covenants

PROBLEM: Controversy in the Surfside community over current Restrictive Covenants related to view protection.

BACKGROUND: View protection and preservation language, in various forms, has been a part of Surfside's restrictive covenants for decades. Many members have purchased property or invested hundreds of thousands of dollars in building homes with ocean and other water views that they understood were protected by Surfside covenants, either by specific language or building height limitations. Current community controversy is occurring because of lack of clarity in view protection language.



Proposal:

Add View Protection Language to Covenants

SOLUTION: Recommend to the Surfside Board of Trustees that the following Sections of the August 18, 2018 Surfside Restrictive Covenants be revised to add a definition of view and to reference view protection in specific sections.

Section 1.0 - Definitions

1.19 (new)

View shall be defined as a view that is visible to the naked eye from any direction from inside or outside of one's house or parcel. Views include the ocean and other water such as lakes and canals.

Section 2.0 - Restrictions on Use of Platted Parcel

2.16. Tree heights shall conform to the same maximum heights as the building established in Exhibit "A" of the covenants to preserve views of other parcels.



Proposal:

Add View Protection Language to Covenants, continued...

3.0 Restrictions on Type of Structures Permitted

3.3a. Generally, all single family residences shall not exceed 16 feet in height to preserve views of other parcels. Specific exceptions to the 16 foot restriction are detailed in Exhibit "A" of these covenants

4.0. Restriction Regarding Construction

4.7 Height

4.7a. All construction must adhere to Exhibit "A" regarding heights to preserve views of other parcels.

5.0 - Owners Responsibilities

5.3. Owners shall restrict the height of trees and vegetation so that the view of other property owners shall be preserved. Tree and vegetation heights shall not exceed allowable building heights for a structure which may be built on that property as shown in Exhibit "A" of the covenants. See restrictive covenant enforcement Section 6.0

Exhibit "A" -- Under the section, Note: "All parcels not specifically listed have a height limitation of sixteen (16) feet to preserve the view of other parcels as defined in Section 1.19."





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Backup



Creative

The parties look for ways to break impasses, or find even better solutions to those they have already explored.

Breakthrough

Propose, conditionally...

Make trades

Test and summarize

Make demands

Ask open questions

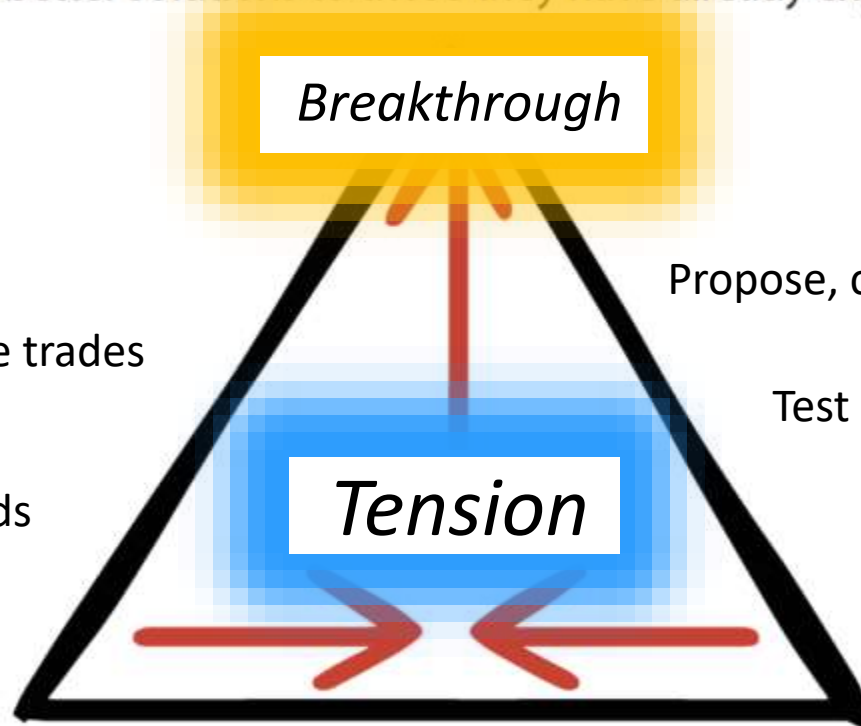
Tension

Collaborative

The parties attempt to find common ground, build their relationship, and discover mutually acceptable solutions.

Competitive

The parties look out for their own interests.



Surfside Building Heights Interactive Map

Catalog Favorites Results Legal Disclaimer

- LiDAR Bare Earth Hillshade 2009
- LiDAR Contours
- LiDAR Slope Model
- Average Bare Earth Minimum
- Average Bare Earth Maximum

- Original Surfside Plat Maps**
- County Air Photos**
 - 2013 Color Aerial
 - 1996 Color Aerial
 - Commercial Backgrounds**
 - OpenStreetMap - Mapnik
 - Carto - Dark Matter
 - Surfside Covenant Map Overlays**
 - Maximum Building Height



Topographic Slope

Zoom to Full Extent Measure Print Identify Select Parcels Search Parcels Bookmark Start Over

Catalog Favorites Results Legal Disclaimer

Tsunami Highest Risk Areas 2019

Surfside Topographic Data Layers 2009 - 2019

LIDAR 2019 Bare Earth Spot Elevation

LIDAR 2019 Highest Hit Spot Elevation

LIDAR Highest Hit Hillshade 2009

LIDAR Bare Earth Hillshade 2009

LIDAR Contours

LIDAR Slope Model

Average Bare Earth Minimum

Average Bare Earth Maximum

Original Surfside Plat Maps

County Air Photos

Commercial Backgrounds

OpenStreetMap - Mapnik

Carto - Dark Matter



To access maps...

1. Surfsideonline.org, Scroll to bottom
2. Select "[Tsunami & Disaster Info](#)" tab
3. Choose hyperlink:
Building: "[Open Map with Building Heights On](#)"
Topographic: "[Open Map with topographic contours...](#)"

Click Overlay options for each map to add/remove details

