

Minutes of the 202nd Port Ludlow Drainage District
 Regularly Scheduled Meeting
 Thursday, June 11, 2015 10:00 AM
 ~ Approved ~

The June 11, 2015 Port Ludlow Drainage District (PLDD) Meeting was Called to Order in the Bay View Room at the Beach Club, 121 Marina View Drive, Port Ludlow, Washington at 10:00 a.m. by Commissioner Jim Boyer.

Roll Call: Commissioner Boyer, present. Commissioner Uyeda, present. Commissioner Wilcox, present. A quorum was reached.

Attendance: Engineer Nancy Lockett, Attorney Shane Seaman. Guests included: Alison Arthur (Port Townsend Leader reporter), Brian Belmont, Walt Cairns, Ron Gregory, Lyle Newlin, Mel & Katie Smith, and Elizabeth Van Zonneveld.

Minutes: Commissioner Wilcox made a motion to approve the minutes of the May 14, 2015 Regular Meeting as written. Commissioner Uyeda seconded the motion. Commissioner Boyer carried the motion. Motion approved 3-0.

Expenses: Commissioner Boyer reviewed expenses, explaining each charge for guests. Commissioner Boyer made a motion to approve the vouchers from May 12, 2015 to June 7, 2014 for a total of \$3,162.43. Motion was seconded by Commissioner Uyeda. Motion was carried by Commissioner Wilcox. Motion approved 3-0.

Commissioner Boyer noted that Engineer Lockett has spent extra time in facilitating moving forward with the Cascade project, meeting with neighbors, changing easements, and meeting with the Ludlow Maintenance Commission on behalf of the PLDD.

Voucher Summary:

Voucher Number	Item Description	Amount
15-040	Glessing & Associates	\$1,358.93
15-041	Yard Dog Landscaping	\$1,270.36
15-042	Susan Bartkus	\$533.14

Financial Summary:

PLDD CASH ACCOUNT	\$284,110.18
PLDD RESERVE ACCOUNT	\$ 40,000.00
PLDD INTEREST INCOME RESERVE FUND	\$ 6,366.95
EXPENSES – CURRENT MONTH FROM ABOVE	<u>\$ (3,162.43)</u>
 NET TOTAL ALL ACCOUNTS	 <u>\$327,314.70</u>
 SEPCIAL ASSESSMENT 2015	 \$123,000.00
PAID TO DATE	<u>\$ (67,980.76)</u>
 UNPAID (REMAINING)	 \$55,019.24

Old Business:

1. Engineer Lockett reported that the new owners of property on Cascade Lane were amenable to the alternate solution for the **Cascade** project area and the agent said they were willing to grant an easement on their property. Patrick Wakefield, a certified arborist with Treeguy had said he would prepare a report of his assessment of the trees and the impact of their removal, but has not submitted one as yet. During a walkthrough last month, the arborist made suggestions which will be implemented. A tree that neighbors, the Torres family, wanted to remain will not be removed. An unhealthy Hemlock will be removed. Commissioners asked Nancy to visit the upcoming Ludlow Maintenance Commission (LMC) board meeting to revise the Greenbelt easement with them by an additional 10 to 15 feet. Bid procedures for the project were discussed. Gray & Osborne will advertise the project through the Port Townsend Leader and the Daily Commerce; there will be a two week bid period and a pre-bid walk through. Engineer Lockett estimated that the project could start as soon as September. Commissioner Wilcox made a motion to go ahead with opening the bid for Cascade Lane. Commissioner Uyeda seconded the motion. Commissioner Boyer carried the motion. Motion approved 3-0.
2. Engineer Lockett reported that retainage for the **Trader Lane** project cannot be released until 60 days after the completion of the project. Easements will be filed by G&O after that.
3. Commissioner Boyer reported that the PLDD had come up with a draft resolution to accept Condominium owners as taxpayers eligible to run and hold a seat on the PLDD Board. Attorney Seaman attended this day's meeting to help Commissioners to refine the PLDD resolution language. Attorney Seaman read RCW 85.38.010 which reads in part that "Qualified voter must be registered to vote in Washington State". As a junior taxing District, PLDD is subject to Washington State laws and regulations regarding the voting process. Commissioner Boyer noted that the Resolution would be refined and voted on during the July PLDD meeting.

New Business:

1. Engineer Lockett and Commissioner Uyeda visited the property of Schuyler Seeley, resident of 85 **Goldfinch Lane** (lot # 4-0-031), after the May PLDD meeting when Mr. Seeley informed Commissioners that he had an erosion problem and he was concerned about a proposed trail being cut into the bank of the Greenbelt area by the Trails Committee, possibly creating a hazardous situation. Nancy reported that surface water was not responsible for sloughing in the area, but rather seepage. Her recommendation would be that LMC hires a Geotech Engineer to assess the proposed trail. LMC General Manager, Brian Belmont noted that at this point he didn't know if LMC will hire a Geotech, or build a trail.
2. Commissioner Wilcox reported receiving a letter from Mr. Mackie on **Pathfinder**, which involved Mr. Mackie fixing a problem with a pipe previously installed by PLDD. Nancy will review the situation and report back to PLDD.
3. Commissioner Boyer addressed inquires that PLDD had received about logging off of Oak Bay Road done by Keith Guise who owns a 5 acre parcel. He noted that the owner had permits from the Department of Natural Resources and that the runoff resulting from the logging would go into Jefferson County ditch right-of-ways and facilities, not PLDD structures. Commissioner Boyer read part of a 2004 Environmental Impact Statement about the area. Additionally, he read into the record a summary that he prepared. This reads as follows:

Background:

In May 2014 an inquiry was brought regarding a cut being performed by Keith Guise on a 5+ acre parcel on Oak Bay Road. Drainage permits are normally submitted as part of the Architectural Control Committee package completed before home construction is approved by the LMC. Guise was not building a home and his property is not in the LMC, so an application was not completed and notice was not forwarded to PLDD in conjunction with his permit application. The DNR application did not require a drainage plan because no roads were being built and stumps and ground cover vegetation were to be left in place. A seasonal run off area on the eastern side of the property drains into the ditch along the Oak Bay Road right of way and feeds into a culvert which dumps into a catchment basin behind the village market and subsequently feeds into another county right of way ditch on Paradise Road. PLDD did not intervene or object to the permit issued, nor to conditions set by DNR.

In April 2015 local residents protested logging activity being performed by PLA under DNR permits. Resulting to the many allegations about illegal and damaging activity associated by those cuts and specifically the one on Oak Bay Road, PLDD received questions about potential problems arising from both erosion and an alleged oil spill which could damage Ludlow Creek. Although the property being cut is not in the PLDD boundary follow up investigation was conducted for informational purposes.

A question was raised about concerns for the fish bearing creek below Oak Bay Road. This issue was addressed in an environmental report filed in 2004.

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Fish -

A description of marine fish and invertebrates known to use Port Ludlow Bay can be found in the Port Ludlow Marina Expansion Draft SEIS (Reid Middleton, 2002a). Small populations of coho and chum salmon spawn occasionally in the lower 1,800 feet of the creek but are blocked from migrating further upstream by a waterfall during most years. A representative of Wild Olympic Salmon noted recently that these spawning populations are not large but are self-sustaining and contribute to the overall populations of Puget Sound (Garton, 2003). Resident cutthroat trout utilize habitat above the falls, which is characterized by numerous small lakes, such as Ludlow, Horseshoe and Teal, and many unnamed tributaries and wetlands (Correa, 2002). It is unlikely that bull trout occur in the area as Ludlow Creek does not provide suitable spawning habitat nor are there any river basins in the vicinity that are known to support bull trout.

(Reid Middleton, 2002a).

Pursuant to inquiries and complaints about logging activity resulting in slide danger, run off erosion or blockage and an oil spill possibly damaging lands or waters in PLDD jurisdiction interviews were conducted with:

Ross Goodwin, Department of Natural Resources

Charles Toal, Department of Ecology Forest Practices Division

Jim Sachet, Department of Ecology, Supervisor, Spill Response

Christi Fielder, Jefferson County Environmental Health

Cliff O'Brien, Project Supervisor Port Ludlow Associates

The following comment summaries are informational only and draw no conclusion.

Ross Goodwin (DNR). Inspected the area and commented that the cutting was done by the book. He had been shown an area of alleged spill that he felt did not pose a serious threat. He referred it to DOE. He said there are no issues with the field practices employed by Cederland. Saw no indications if slope instability or slide potential.

Charles Toal (DOE) – Inspected alleged spill site. He said liquid evidence was not sizeable and he did not make any estimates of quantity because he is not a spill engineer. He referred the matter to Spills division. In his job of supervising forest practices, he said the cut was A-1 and by the book; “As good as I’ve seen”, he added. There are no potential slide conditions and the fallen trees with root balls intact in the drainage areas are beneficial to slowing runoff, promoting pooling and preventing erosion.

Jim Sachet (DOE). He said spills or leaks are common in logging operations where large equipment is operating and evaporate as much as 50% in the first day. This incident was a minor concern because it was on dry dirt and would not likely make it to the Ludlow Creek. What does not evaporate early on seeps into surface soils and is degraded by bacteria and other natural processes. He said no estimate of spill quantity was made and he felt no need to visit the site. He accepted DNR report that slopes were stable and the cut was competently performed. He contacted Christi Fielder at Jefferson County Environmental Health to perform a final inspection after remediation work is completed.

Christie Fielder (JCEH) said because DOE saw this as a small item of concern it does not warrant a written report or field supervision during remediation. JCEH is leaving it to the owner who requested DOE action and volunteered for clean up responsibility. When owner notifies county of completion, she will inspect and issue a statement of completion. There is no formal estimate of the amount of spillage and none will likely be made.

Cliff O’Brien (PLA) met with local residents and governmental officials before and after cutting. Following complaints he made contacts with DNR and DOE requesting site inspections and reports and volunteered to provide equipment, materials and labor for mandated clean up. O’Brien noted that to control the site for regulatory inspections, the property was posted with No Trespass signs and letters were sent to people in the area. However, these lawful requests have been ignored by neighboring property owners, media and county commissioner Kathleen Kler.

This issue is referred to as: Environmental Report Tracking System (ERTS) Report 656800, records and documents will be forwarded to PLDD by Suzie Baxter, records manager at DOE.

Public Forum:

Katie Smith commented that the PLDD minutes for April should be corrected when it states that the Cascade project could be divided into two schedules split for approximately \$80,000.00 each. The estimate given by the Engineer was \$180,000.00 per schedule. Commissioners noted that this would be amended.

Walt Cairns asked whether Condominium owners who are registered voters in the State of Washington will be notified that they are eligible to run for the PLDD Board.

Alison Arthur, a reporter for the Port Townsend Leader, noted that an Executive Session was not advertised and what will the PLDD tell the public about what exemption will be used to go into executive session. Why do you need to close the meeting to the public? Commissioner Boyer noted that if that was the case, they would just forgo the executive session and discuss it with the attorney now.

Consequently, prolonged discussion regarding the language to be used in the Resolution for the PLDD position regarding Condominium owners voting and holding positions on the PLDD Board was held. Attorney Seaman noted that the Attorney General opinion mirrored the PLDD decision. Commissioners agreed to final Resolution language. The final draft was approved by a motion made by Commissioner Wilcox. Motion was seconded by Commissioner Uyeda. Motion was carried by Commissioner Boyer. Motion approved 3-0. The final Resolution will be signed and enacted during the next PLDD meeting.

Commissioner Wilcox made a motion to adjourn the June 11, 2015 PLDD Regular Meeting at 11:37 a.m. Commissioner Uyeda seconded the motion. Commissioner Boyer carried the Motion. Motion approved 3-0.

The next regularly scheduled meeting of the PLDD will be held on Thursday, July 9, 2015 in the Bay View room at the Beach Club at 10:00 a.m.

Respectfully Submitted by: Susan Bartkus, Administrative Assistant

Approved:

Approved:

Approved:

Dwayne Wilcox
Drainage District
Commissioner

Allen Uyeda
Drainage District
Commissioner

Jim Boyer
Drainage District
Commissioner