

# Port Ludlow Drainage District

Post Office Box 65261  
Port Ludlow 98365

Minutes of the Jefferson County/Port Ludlow Drainage District  
Public Hearing  
7:00 PM, 18 August, 2003

**Jefferson County Commissioners Present:** Dan Titterness, Glen Huntingford, and Judi Mackey.

**PLDD Commissioners Present:** Richard Regan, Lee Amundson, and James Laker.

**Call to order:** The meeting was called to order by the Chairman Dan Titterness at 7:00 PM. Commissioner Titterness explained that public hearing was called together to hear public testimony with regards to the PLDD assessment change proposed by the PLDD Commissioners. A change of assessment presentation was made prior to the taking testimonies. Mr. Barry Baker P. E., Gray and Osborne Inc., made the presentation.

## **Assessment Methodology Change Proposal:**

Mr. Baker started his presentation with a brief history of the District. He noted that PLDD was established in the year of 2000 and PLDD assessment method was set by the County Commissioners in August of 2001. Present assessment method is based on a combination of two assessments: an area assessment based on the parcel's acreage in proportion to the total acreage within the District and an impervious surface assessment based on the parcel's impervious surface area in proportion to the total impervious surface area within the District. The acreage assessment is 10 percent of the total assessment and the impervious area assessment is 90 percent of the total assessment. Three zones are in place. Zone 0 parcels are the areas permanently held in reserve that cannot be developed. Zone 1 parcels are or can be developed. Zone 2 are five acre residential parcels west of Osprey Ridge Drive. Zone 1 pays full gross residential charge, while Zones 0 and 2 get 75% reduction on the gross area acreage charge.

The PLDD Commissioners requested that Jefferson County reconsider the assessment method adopted in 2001 based on the results of the recently completed Comprehensive Plan Study. They recommended that 10/90 split is replaced with the originally proposed 35/65 while Zone 2 rate reduction is lowered to 50%.

## **Public Hearing:**

At 7:15 PM the floor was opened for technical comments and questions.

1. Mr. Baker defined impervious areas as buildings and driveways, gravel or otherwise. Information was collected from aerial photographs.

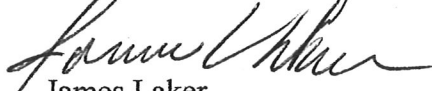
At 7:20 PM the floor was opened for comments on proposed assessment change. Written public comments from the individuals spoken at this meeting are filed with these minutes. The list of those individuals is given below:

1. Bruce Halvorson, Lot 2 Division 6
2. Gary A. Hilbert, Lot 3 Division 6
3. Ron Gregory, 22 McCurdy Lane
4. Horst Frychel, Lot 2 Division 6
5. Ingeborg & Bruce Barlett, Lots 4 & 7 Division 6
6. Bert Loomis, Loomis Properties, 9500 Oak Bay Road

After the testimonies were completed, Chairman Titterness reminded the audience that written comments could be submitted for Board consideration until 5 PM on Friday, 22 August 2001. The PLDD assessment methodology changes will be discussed, and adopted, rejected, or amended at the County Commissioners meeting on Monday, August 25, 2003.

Public Hearing adjourned at 7:55 P.M.

Respectively Submitted:



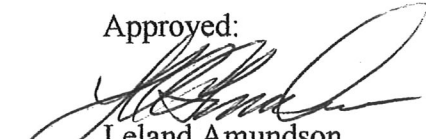
James Laker  
Drainage District  
Secretary

Approved:



Richard Regan  
Drainage District  
Chairman

Approved:



Leland Amundson  
Drainage District  
Treasurer

u. rw  
PLDD } 8/19/03

Glen Huntingford, Chair  
Jefferson county Board of Commissioners

Cc: Jim Pearson

RECEIVED

AUG 18 2003

Re: Proposed Assessment for Port Ludlow Drainage District

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

We are sending this to voice our opposition to the proposed assessment methodology. We feel the proposal for assessment currently being considered is unfair to the 5-acre lot owners. We would be required to pay approximately 5 times the amount the remainder of the residential community would pay.

According to RCW (Revised Code of Washington) 85.38.150 assessment zones within the District are to be established according to relative ratio of benefit. These zones would require the properties receiving the greatest benefit be assessed the most and properties receiving the next greatest benefit be assessed a lesser amount and so on. Those properties receiving no benefit be designated "non-benefit". Although the code does not explain what assessment non-benefit properties would pay, one can only assume there would be no assessment or an assessment of substantial reduction.

Simply viewing a topography map or seeing the terrain of the 5-acre lots relative to the remainder of the drainage district would show the following.

- We do not contribute to the existing drainage problems in the community.
- We will not benefit from any future changes in the drainage system.

Under the proposed assessment for our 5-acre lots to pay any more than other lot owners is simply unfair and unwarranted. We are not asking to be exempt from assessment. We are in total agreement a drainage problem exists for our neighbors and the community. We are committed to supporting our community, but on an equal basis with other lot owners.

We would recommend a flat assessment for an unimproved lot and a flat assessment for an improved lot. Other communities have adopted this method of assessment; Bainbridge Island, King County and Kitsap County to name a few.

Bruce Halvorson  
Judy Halvorson  
Owners Lot 2  
5 Acre Lot

PLDD 8/19/03

Gary and Kathleen Hilbert  
501 Osprey Ridge Drive  
Port Ludlow, WA 98365

July 9, 2001

Board of County Commissioners  
1820 Jefferson Street  
P.O. Box 1220  
Port Townsend, WA 98368

RECEIVED

AUG 18 2003

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

Re: Port Ludlow Drainage District Assessment

Board Members:

We are the owners of Lot 5, Port Ludlow #6 and commercial property located at the corner of Oak Bay and Paradise Bay Roads in Port Ludlow.

Your recent notification of a proposed assessment for the Port Ludlow Drainage District stated that the proposed assessment for our residence on Osprey Ridge Drive is \$4.5820 per \$1,000.00 of assessed value while the commercial property is \$4.5082.

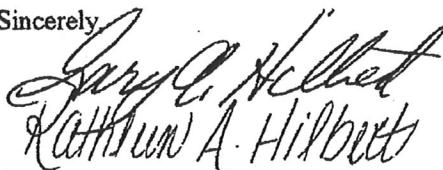
Our neighbors across the street on Osprey Ridge Drive received the same letter stating their proposed assessment is \$0.9190 per \$1,000.00 of assessed value.

There appears to us to be a HUGE discrepancy in the equitability of our assessments versus theirs. We believe there is no logical reason to assess our properties at a higher rate than others in our same neighborhood. We have more pervious property, our drainage does not run to an area in Port Ludlow where there have been any problems in the past or will be in the foreseeable future. Only once in the eleven years since we have owned our property have we ever witnessed runoff water in the drainage ditch along Osprey Ridge Drive.

There can be no reasonable explanation as to why our proposed assessments are approximately five (5) times higher than our neighbors. Percentage wise we have far more ground that will absorb water than the vast majority of owners in the community. There is no way you can justify any difference in the drainage assessment for our properties versus theirs.

We are vehemently opposed to any assessment levied against our properties that is at a higher rate per thousand dollars of assessed valuation than that of other property owners in Port Ludlow, be it residential or commercial. We are willing to pay our fair share, but a rate that is five times higher is certainly neither fair nor reasonable.

Sincerely,



Gary A. Hilbert  
Kathleen A. Hilbert

PLDD 8/17/03

August 18, 2003

RECEIVED

AUG 18 2003

BOCC  
Jefferson County Courthouse  
Port Townsend, WA

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

Subject: Port Ludlow Drainage District Comprehensive Plan

I have several questions that relate to the statutory authority of the PLDD. The Drainage District is authorized under RCW 85.38.180, this RCW provides for drainage control and other related activities. **What specifically are these other related items?**

The Ludlow Maintenance Commission (LMC) has entered into an interlocal agreement, see PLDD resolution 8, whereby the PLDD participates in the LMC's review and approval of any development plans with the LMC. **What underlying statutory authority allows the PLDD to contract with the LMC for drainage review on individual tax parcels. Moreover, what authority allows the PLDD in concert with the LMC to engineer drainage on individual lots?**

Currently The Department of Community Development requires a storm water management program to be submitted with the application for a building permit on a building lot within the boundaries of the PLDD. The current plan went into effect in July of 2003. **Who has the right of review for the issuance of a building permit, the DCD or the PLDD?**

Respectfully submitted,



Ron Gregory  
Home Associates Builders, Inc  
22 McCurdy Lane  
Port Ludlow 98365

D. R.W. 8-12-03

<sup>MDD</sup>  
Horst Frychel

421 Woodridge Drive, Port Ludlow WA. 98365 Tel. 360 437 4147

RECEIVED

AUG 12 2003

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

## Board of Commissioners

Re: Revising the Port Ludlow drainage district assessment system.

Dear Commissioner!

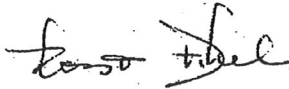
I am Horst Frychel owner of lot #3 Port Ludlow #6. Lot #3 is a 5 acre lot without improvements ( no impervious surface ).

During the rainy season, water flows in a natural creek through my lot, down to Oak Bay road, through culvert #93, then into Ludlow creek and into Ludlow Bay. All the way it followed a natural path. There has never been a penny spent on the drainage of my lot.

The drainage assessment is at present at \$33.86 for my lot. And now the assessment for my lot is planned to be increased.

I appeal to your sense of fairness, and not adapt the new drainage district assessment system in its present proposal.

Cordially,



P.W. 58-14-05  
PLDD

Bruce H. & Ingeborg M.S. Bartlett  
P. O. Box 10918  
Bainbrigde Island, WA 98110  
(360) 437-0899

August 14, 2003

Board of Commissioners  
Jefferson County Washington  
1820 Jefferson Street  
Port Townsend, WA 98368

RECEIVED  
AUG 14 2003

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

RE: Letter August 4, 2003  
Ordinance Revising the Port Ludlow Drainage District  
Assessment System - Zone 2 5 acre parcels

To: Dan Titterness, Chair  
Glen Huntingford, District 2  
Judi Mackey, District 3

Commissioners,

The PLDD Commissioners' claim that the "new evidence" justifies a more than 100% increase for the developed and a 700% increase for the undeveloped 5 acre parcels west of Osprey Ridge Drive needs to be seriously questioned. And here is why:

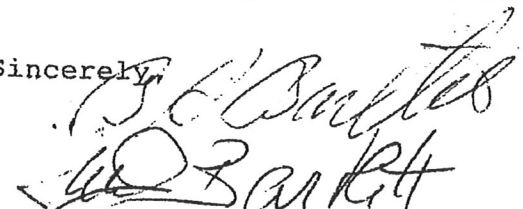
- 1) Only lots 5 & 6, and less than 1/4th to 1/2 of lots 1,4,7,9, and 10 drain into Basin A which empties into the right-of-way of the county on Osprey Ridge Drive. The county then diverts the run-off thru diagonal culverts to the east side of Osprey Ridge where it, together with further run-off from the road and lots in Basin M1, is led into the naturally existing ravine in basin M1, finally exiting into the bay. The majority of the 5 acre parcels (lot 2,3, over 1/2 of lot 4 & 7, and part of lot 8) drain totally outside the PLDD, while the rest (lot 8, 9,10,11,12) drain into Basin L1, exiting mostly thru 2 natural ravines and minutely thru Basin L2 all through the county right-of-way on Oak Bay Road. (Drainage Basin Map attached.)
- 2) Most of the 5 acre parcels are still undeveloped and covered by forested and brushy areas. Three lots are presently used for keeping horses and are all covered by open grassy areas. The contiguous 5 acre lots of grass, brush, and trees have a higher water retention factor than the much smaller 1/4 to 1/3 acre parcels surrounded by high impact impervious surface area of homes, driveways, concrete patios, etc. as is the case in the northern part of the PLDD where the drainage problems that called for the creation of this special district exist.

- 3) According to the 1998 Jefferson County Comprehensive Plan, our 5 acre lots represent the rural lifestyle of a low-density neighborhood that is valued by District residents. If our 5 acre lots had a land classification of MPR-SF 4:1, as the majority of Port Ludlow lots do, there would be 272 lots on the 68 acres. Under the proposed new assessment of 50%, we are asked to pay for 136 building sites. That means each of the 12 owners of a 5 acre parcel pays approx. 11 times the fair share of an owner in the rest of the PLDD.
- 4) Your letter of 8/4/03 shows a dollar value of benefit to the 5 acre lots of \$0.35082 per acre. We are at a loss to see what this benefit entails. We stated in the past and we need to state it again, the 5 acre lots do not contribute to an existing or potential drainage problem, nor is there any evidence in the forward planning in the Comprehensive Stormwater Management Plan where the PLDD is expensing any dollar amount on our behalf. We seem to derive zero benefit. Actually, in reverse, the PLDD is benefiting from the uninterrupted overall absorption ratio of the 5 acre lots.
- 5) The 5 acre lot owners have already paid far more into the PLDD's formation and general expenses than the rest of the individual district members. Now that specific projects have been identified, specific benefit zones need to be established. The 5 acre lots are by all evidence a zero benefit zone and should not be charged more or even the same than members in higher benefit categories. To ask us to pay 50% of our total acreage at 35% is not only highly unfair, it is most probably even illegal.

We appeal to you, as County Commissioners, to uphold the requirements of the RCW 85.38 of a fair and equitable rate structure and to direct the PLDD Commissioners to revise their recommendations and present you with an assessment methodology that is ethically and morally acceptable to you. You already have an assessment methodology in place which can be continued "as is" until such time as an agreeable alternative can be chosen.

Thank you for your consideration.

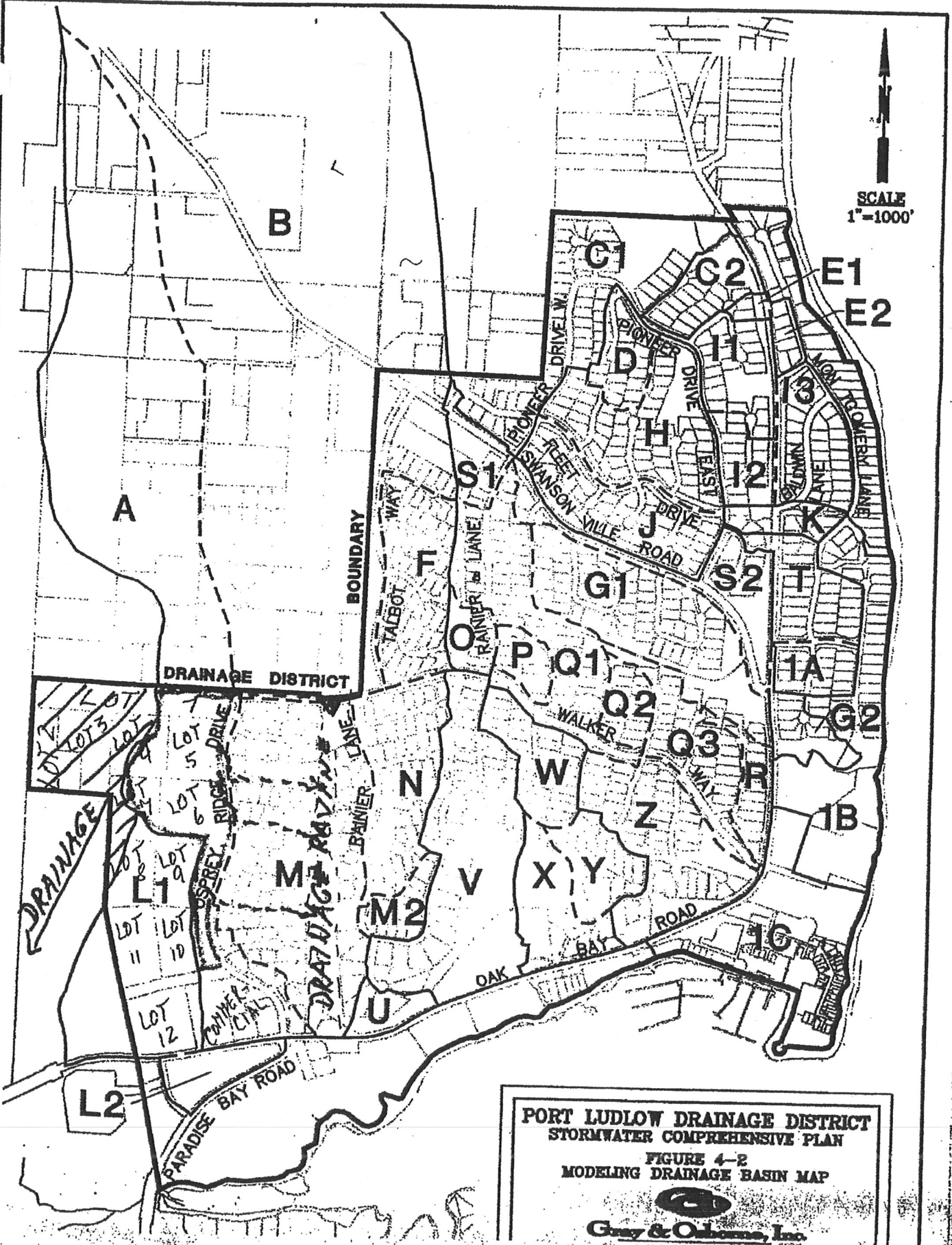
Sincerely,



Bruce H. & Ingeborg M.S. Bartlett



CREATED JAN 09 2001 12:01:55 UPDATED FEB 10 2003 12:43:18 PLOTTED F 0 2003 14:06:40 FILED H:\PORTLUDLOW\MAPPING\BASEWORK.DWG



PORT LUDLOW DRAINAGE DISTRICT  
 STORMWATER COMPREHENSIVE PLAN  
 FIGURE 4-2  
 MODELING DRAINAGE BASIN MAP  
 Gray & Osborne, Inc.

August 14, 2003

Dear Commissioner Mackey:

Since you were not on board 2 years ago when the 5 acre lot owners had to fight the same battle, I have taken the liberty of attaching copies of some of the correspondence reflecting our views at that time.

The PLDD Commissioners would not see the special circumstances of the 5 acre lots then & they still cannot see them now. Nothing has changed. We claimed in appeal that we do not contribute to the drainage problem existing in Pond 4 and we still claim the same now 2 years later and this claim has been confirmed by the last completed comprehensive stormwater management plan.

cc: Pub 3 8/19/03  
PLDD 3 8/19/03

We hope you can see the injustice in the new proposal by the PLDD Commissioners and will be guided in your decision by a fair and equitable approach.

Thank you.

Sincerely,

Gregory Parrell  
Lot 4

RR E I V E D

AUG 18 2003

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

cc: PW  
PLDD } 8/19/03  
July 27, 2001

I.M.S.&B.H. Bartlett  
P.O. Box 10918  
Bainbridge Isl., WA 98110

RECEIVED

AUG 18 2003

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

Board of Commissioners  
1820 Jefferson Street  
Port Townsend, WA 98368  
Fax: (360)385-9382

Re: Port Ludlow Drainage District Assessment System

Board Members,

In your final decision-making process, please question the consultants:

- a) Why no consideration was given to the fact that 44 cities and 8 counties in our neighbourhood, incl. Bainbridge, Poulsbo, Port Townsend, & unincorp. Kitsap County, use impervious surface only as the base for their storm drainage water assessment;
- b) Why NO ONE uses undeveloped land in their assessment in our immediate neighbourhood;
- c) Why they had to come up with a methodology from a community (Lake Stephens) which is not homogeneous to us;
- d) Why even in their latest proposal which includes zones 0 and changes the 5 acre lots to zone 2, they still do not meet the requirements of RCW 85.38.150 where any zone outside zone 1 should be charged less than 100% in TOTAL assessment but according to the spreadsheet the 5 acre lots still pay twice the amount of zone 1. In our case, we would still pay 4 times the amount on our total 10.84 acres of undeveloped forest land with only a 2100 sq.ft. building on it.

Please urge the consultants to provide you with the facts for an impervious surface only assessment with means to provide credits to those who have with their own funds installed extensive water management facilities.

Thank you.

  
Ingeborg & Bruce Bartlett

August 19, 2003

Al Scalf  
Director of Community Development  
621 Sheridan Street  
Port Townsend, WA 98368

via email

Subject: Port Ludlow Drainage District

Dear Al,

There were some interesting question raised at last night's public hearing on the PLDD proposed revision for system of assessments. Two questions that I think call for further reviews by County staff before any action is taken by the BOCC are:

- 1) The Ludlow Maintenance Commission (LMC) has entered into an interlocal agreement, see PLDD resolution 8, whereby the PLDD participates in the LMC's review and approval of any development plans with the LMC. What underlying statutory authority allows the PLDD to contract with the LMC for drainage review on individual tax parcels? Moreover, what authority allows the PLDD in concert with the LMC to engineer drainage on individual lots?
- 2) Currently The Department of Community Development [DCD] requires a storm water management program to be submitted with the application for a building permit on a building lot within the boundaries of the PLDD. The current plan went into effect in July of 2003. Who has the authority for approving drainage systems on private property within PLDD boundaries, the DCD or the PLDD?

I look forward to your response.

Thanks,

Bert

Loomis Properties  
9500 Oak Bay Road  
Port Ludlow 98365

C: BOCC  
PLDD  
David Goldsmith  
Julie Dalzell  
David Alvarez