



District No. 1 Commissioner: Dan Titterness
District No. 2 Commissioner: Glen Huntingford
District No. 3 Commissioner: Judi Mackey

County Administrator: David Goldsmith
Clerk of the Board: Lorna Delaney

MINUTES

Week of August 18, 2003

Chairman Dan Titterness called the meeting to order at the appointed time. Commissioner Glen Huntingford and Commissioner Judi Mackey were both present.

APPROVAL OF MINUTES: Commissioner Huntingford moved to approve the minutes of the August 11, 2003 meeting as presented. Commissioner Mackey seconded the motion which carried by a unanimous vote.

Discussion: "On the Road" Meeting in Port Ludlow: Commissioner Huntingford explained that this informal meeting with the Port Ludlow community is scheduled for Thursday, September 11 at 7 p.m. at the Beach Club. He suggested that other Elected Officials and Department Heads may want to join them and asked that they be invited.

Budget Extension Request from Superior Court: (Also see minutes of August 4, 2003.) County Administrator David Goldsmith explained that a budget extension/appropriation request by the Superior Court was advertised and a public hearing was held on August 4. This request would have transferred the administration of State Drug Court funding from the Health Department to Superior Court. One of the conditions of the grant is that the funding be administered through the Health Department. The extension request was tabled until representatives from the Courts, the Health Department, and the Drug and Alcohol Division of the Department of Social and Health Services could meet. At the meeting, the Health Department agreed to administer the grant and defer the administrative costs. The extension is no longer required.

Commissioner Huntingford moved to take the budget extension request from Superior Court off the table and deny the request. Commissioner Mackey seconded the motion which carried by a unanimous vote.



UPDATE ON THE GATEWAY VISITOR CENTER PROJECT: Public Works Engineer Bob Turpin and Project Coordinator Debbie Berreth updated the Board on the estimated costs of the Gateway Visitor Center project. There are 6 phases to the project:

- Acquisition/Preliminary Engineering
- Conceptual Master Plan Design/Engineering
- Architectural Design/Transportation Engineering/Construction
- Survey, Pavement, Restrooms, Utilities
- Visitor Center, Water Tower, Exhibits/Furnishings
- Trails, Signage, Landscaping

The total project cost estimate is \$6,500,000 with a projected completion date of 2008. Phase 1, acquisition of the property and preliminary engineering is completed, and Phase II, the conceptual master plan design and engineering, is scheduled to begin this fall. To date, they have received a Transportation Enhancement grant and a Scenic Byway Grant and are applying for another Scenic Byway Grant in 2004. County lodging tax funds have been used as the local match for grants. The goal is to rely on grant funding for 80% of the total cost of the project.

Several other agencies have expressed an interest in supporting this project including Jefferson Transit and the Port Townsend Lodging Tax Advisory Committee. Debbie Berreth added that Clallam Transit and the Clallam County LTAC may also want to be involved. Commissioner Huntingford asked that a list of interested agencies be compiled and staff contact them to ask for a commitment. He mentioned going out for a bond, but Public Works does not recommend this option for funding in the near future because they want to use as much grant money as possible for the project.

Bob Turpin stated that he has contacted the State Department of Transportation about the possibility of doing the design work for the access off the highway and the circulation within the site. It was suggested that the intersection at SR104 and SR19 could be addressed at the same time, but currently the improvements at this intersection are not listed on any of the DOT's plans.

Chairman Titterness expressed concerns for the high cost of the estimate. Bob Turpin replied that there is a 15% contingency on the overall costs and \$1 million set aside for offsite mitigation on the highway. The project will be done in phases and the funding will be acquired for each phase. Commissioner Huntingford pointed out that other agencies who would contribute to the project funding may be concerned about the high cost estimate. Debbie Berreth will get project costs from other tourists centers that have been constructed in rural areas in the past few years to compare with the estimate.

Commissioner Mackey suggested that staff may want to put a note on the information documents about the costs for the project to let people know that these are projected estimates and refining them is an ongoing process.



PUBLIC COMMENT PERIOD: The following comments were made: a suggestion that the County ask Fred Hill Materials for a copy of the transportation study on the Highway 104 corridor that was required for their mining application; the Western Washington Growth Management Hearings Board remand on technical issues is common and in the document they complimented the Jefferson County Planning Staff on their professionalism and this speaks highly of the County Commissioners' support; the Hearings Board findings stated that some aspects of the Fred Hill Materials' future "Pit to Pier" project are appropriate for environmental review at this time including the need to transport the extracted material under the new mineral resource overlay designation because a conveyor project of some kind will be involved; both the Hood Canal Coalition and Fred Hill Materials were pleased with the Hearings Board's findings; and a cartoon was submitted from the *North Kitsap Herald* regarding the "Pit to Pier" project.

COUNTY ADMINISTRATOR BRIEFING SESSION: David Goldsmith submitted several documents to the Board for their review.

- The final order from the Western Washington Growth Management Hearings Board on the Fred Hill Materials mineral land overlay designation has been received. After staff reviews the document, they will schedule a time to meet with the Board.
- He gave the Board a draft staff proposal on the future role of the Gateway Visitor Center Corporation. The Corporation is a non-profit organization that evolved over the last few years from the original Tourism Coordinating Council. The TCC was originally formed to develop a tourism marketing strategy for the unincorporated areas of the County.
- The Sheriff will be asking the Board to reconsider the current freeze on out-of-state travel for employees. He feels that the people in his Office will need to go out of state to get the kind of professional training they need.
- He will respond to *The Leader* regarding information that they sent to him on the NED (Neighborhood Electric Vehicle) proposal in the County. The proponent still hasn't applied for a permit.

APPROVAL AND ADOPTION OF THE CONSENT AGENDA: Commissioner Huntingford moved to approve all of the items on the Consent Agenda as presented. Commissioner Mackey seconded the motion which carried by a unanimous vote.

1. **RESOLUTION NO. 48-03** re: Updating the Official County Road Log; Adding Timber Heights Drive
2. **AGREEMENT** re: Northwest Straits Project; Jefferson County Marine Resource Committee Year 4 Action Grant #G0300137; Task 2, Olympia Oyster Restoration; Jefferson County Cooperative Extension - WSU; Puget Sound Restoration Fund
3. **AGREEMENT** re: Technical Assistance and Consulting Services for the Jefferson Civic Engagement Project; Jefferson County Health and Human Services; Jefferson General Hospital



4. **AGREEMENT #0363-28816** re: Foster Care Passport Program; Jefferson County Health and Human Services; Washington State Department of Social and Health Services

At 10:05 a.m. the Board interviewed Dan Cable who expressed an interest in serving on the Jefferson County Substance Abuse Advisory Board.

Advisory Board Appointment; Substance Abuse Advisory Board: Commissioner Huntingford moved to appoint Dan Cable to a vacant position on the Substance Abuse Advisory Board. Commissioner Mackey seconded the motion which carried by a unanimous vote. His term will expire on August 19, 2006.

The Board met in EXECUTIVE SESSION from 10:30 to 11:00 p.m. with the County Administrator and Clerk of the Board/Human Resources Manager regarding labor/management matters.

The Board recessed at the close of business and reconvened on Monday evening at 7 p.m. at the Port Ludlow Beach Club for a hearing on the Port Ludlow Drainage District assessment methodology. All 3 Board members were present.

HEARING re: Port Ludlow Drainage District Assessment Methodology: Chairman Titterness opened the public hearing. Consultant Barry Baker, Gray & Osborne, gave a brief history of the drainage district process. His firm was originally hired by Jefferson County and they are now working for the Port Ludlow Drainage District. In 1999, a petition was submitted to the County Commissioners regarding the formation of a drainage district in Port Ludlow. In 2000, property owners voted and approved the district's formation. The County Commissioners held a public hearing in July, 2001 on the assessment method. The current assessment method addresses 3 zones. Zone 0 is the area permanently held in reserve or greenbelt areas that can't be developed. Zone 1 comprises the majority of the district and can be developed. Zone 2 is an area of 5 acre residential parcels west of Osprey Ridge Drive. In the current assessment method, 90% is based on impervious surface and 10% on parcel size. Zone 1 pays the full gross acreage charge and Zone 0 and Zone 2 pay 25% of the gross acreage charge.

The Drainage District Commissioners have requested that the County Commissioners reconsider the adopted assessment method as the result of new information in the Comprehensive Stormwater Management Plan. It appears that the majority of the 5 acre tracts west of Osprey Ridge Drive actually drain into the district and the standard Equivalent Residential Unit (ERU) is 3,000 square feet and the 5 acre tracts have 10,000 to 15,000 square feet of impervious surface, but are only assessed at 1 ERU. The majority of the capital facility improvements required are based on inadequate or improperly maintained drainage improvements rather than specific problems within the district.



The assessment is the District's only source of direct funding. The Drainage District Commissioners are asking the County Commissioners to consider a change to the current assessment to 65% for impervious area and 35% for gross area.

A question was asked about how impervious surface is determined. Barry Baker replied that they review aerial photographs and draw a line around houses, buildings, and all driveways, which are all impervious surfaces. Is the consulting firm aware that there are streams running through the 5 acre parcels into the district? Barry Baker stated that these are drainage ways and not streams.

The Chair opened the public testimony portion of the hearing.

Bruce Halvorson, Zone 2, Lot 2, stated that this is the same discussion that took place at the last hearing. Changing the methodology on the 5 acre parcels will not substantially increase the district's funding. There are drainage problems that need to be addressed and it is right that the 5 acre parcels share in the assessment, but it is not appropriate for them to bear an increased assessment because they will never receive the benefits of the Drainage District that the property owners below them will receive. The law stipulates that those that receive the greatest benefit need to pay the most.

Kathleen Hilbert, Osprey Ridge Drive, Lot 5, has lived there for fourteen years and has only seen the drainage ditch full once and it was not overflowing. One of the photos shown by the consultant in his presentation was a neighbor's property that was very recently excavated and planted. This is not a fair representation of the stormwater runoff from a rainstorm.

Ozzie Basora, commented on the assessed value of his home and property.

Ron Gregory, 22 McCurdy Lane, submitted and read his statement. (See permanent record.)

Horst Frychel, Lot 3, Port Ludlow #6, stated that during the rainy season, water flows through a natural creek on his property into Ludlow Creek and then into Ludlow Bay. The water follows a natural path. He is not in favor of the proposed assessment.

Ingeborg Bartlett, Walden Way, owns lots 4 and 7 in Port Ludlow #6. She does not feel that increasing the assessment for the 5 acre parcels is fair, especially on undeveloped property that doesn't have impervious surface. Her property doesn't contribute to the runoff problem and it will not benefit from the assessment.

Bert Loomis, 9500 Oak Bay Road, explained that in 1994 when he developed a 5 acre piece of property at the corner on Oak Bay Road, he installed 2 on-site systems that keep the stormwater on the property. Anyone who has invested in this type of improvement should be excluded from the assessment or given a significant reduction to their contribution.



Commissioner Huntingford asked if anyone has made an analysis of "grandfathered" systems that were built to contain water on a property or retention ponds? Barry Baker answered that the 2001 Stormwater Manual that the district operates by has stricter regulations and Bert Loomis' systems would not meet those requirements. Retention ponds are considered temporary. There was a discussion relating to systems that were constructed per code at the time they were built.

Bob Phinizy, Lot 10, a 5 acre parcel, stated that 99% of his property is the same as when he built his house 11 years ago because the runoff follows the natural topography into drainage streams and into the Port Ludlow storm drains.

Bruce Halvorson, reiterated that his property is located so far away from the stormwater problem areas that it will not benefit from any improvements to the drainage system. According to the statute, the properties that don't benefit, shouldn't be assessed.

Ingeborg Bartlett, stated that she pays property taxes on acreage and she shouldn't have to pay more than anyone else on the drainage district assessment.

Bruce Bartlett, pointed out that many of the cities and counties in Washington use impervious surface only as the base for their stormwater drainage water assessment.

Hearing no further comments, Chairman Titterness closed the public hearing. The Board will be accepting written comments until 5 p.m. on Friday, August 22.

MEETING ADJOURNED

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

A handwritten signature in black ink, appearing to read "Dan Titterness".

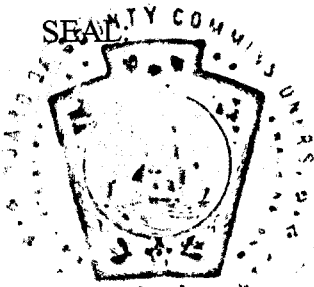
Dan Titterness, Chair

A handwritten signature in black ink, appearing to read "Glen Huntingford".

Glen Huntingford, Member

A handwritten signature in black ink, appearing to read "Judi Mackey".

Judi Mackey, Member



ATTEST:

A handwritten signature in black ink, appearing to read "Lorna Delaney".

Lorna Delaney, CMC
Clerk of the Board

**JEFFERSON COUNTY BOARD OF COMMISSIONER
NOTICE OF PUBLIC HEARING
ADOPTION OF AN ORDINANCE AMENDING ORDINANCE NO. 04-0815-01
ESTABLISHING AN ASSESSMENT SYSTEM
FOR THE PORT LUDLOW DRAINAGE DISTRICT**

NOTICE IS HEREBY GIVEN that the Jefferson County Board of Commissioners will hold a Public hearing to take testimony from all affected persons in favor of or against an ordinance amending ordinance No. 04-0815-01 establishing an assessment System for the Port Ludlow Drainage District, pursuant to the requirements of Chapter 85.38 Revised Code of Washington. The hearing will be held on Monday, August 18, 2003 at 7:00 p.m. at the Port Ludlow Beach Club, 121 Marina View Drive in Port Ludlow, Washington.

The following is a summary of the amendment to Appendix 1 of the ordinance:

Appendix 1. Assessment System:

The proposed change would revise the formula to have an acreage assessment that is 35 percent of the total assessment and the impervious area assessment that is 65 percent of the total assessment and Zone 2 would pay 50% of the gross acreage assessment rate.

Copies of the Ordinance can be obtained from the Jefferson County Public Works Department, Second Floor U.S. Post Office Building, 1322 Washington Street, P. O. Box 2070, Port Townsend, WA 98368.

Written comments will be accepted until 4:30 p.m. on Monday, August 18, 2003 at the Jefferson County Board of Commissioners Office, Jefferson County Courthouse, 1820 Jefferson Street, P.O. Box 1220, Port Townsend, WA 98368. Written comments may also be submitted at the public hearing.



1820 Jefferson Street
P.O. Box 1220
Port Townsend, WA 98368

Dan Titterness, District 1 Glen Huntingford, District 2 Judi Mackey, District 3

August 4, 2003

RE: Notice of Jefferson County Board of Commissioners Public Hearing;
An Ordinance Revising the Port Ludlow Drainage District Assessment System

Dear Port Ludlow Drainage District Property Owner:

The purpose of this letter is to notify you that the Jefferson County Board of Commissioners will hold a public hearing to take testimony regarding an ordinance revising the Assessment System for the Port Ludlow Drainage District. The hearing will be on Monday, August 18, 2003 at 7:00 PM at the Port Ludlow Beach Club, 121 Marina View Drive in Port Ludlow, Washington.

Included with this letter are a description of the revised Assessment System and a list of the parcels owned by you within the Port Ludlow Drainage District. The list shows the amount that would be assessed on each parcel if the total assessment collected by the Drainage District were \$1,000. The actual assessment levied on your property will be determined by the District budget adopted by the Drainage District Commissioners. If, as an example, the District budget were \$70,000, the actual assessment on your parcels would be the assessment shown on the list multiplied by 70.

The following is a summary of the Amendment to Appendix 1 of Ordinance No. 04-0815-01:

Appendix 1. Assessment System

The proposed change would revise the formula to have an acreage assessment that is 35 percent of the total assessment and the impervious area assessment that is 65 percent of the total assessment and Zone 2 would pay 50% of the gross acreage assessment rate.

Effective Date:

If adopted, the new Assessment System would be effective with tax payments for 2004.

A copy of the complete amendment to the Ordinance can be obtained from the Jefferson County Public Works Department, Second Floor U.S. Post Office Building, 1322 Washington Street, P.O. Box 2070, Port Townsend, WA 98368. Telephone (360) 385-9160.

Written comments will be accepted until 4:30 PM on Monday, August 18, 2003 at the Jefferson County Board of Commissioners Office, Jefferson County Courthouse, 1820 Jefferson Street, P.O. Box 1220, Port Townsend, WA 98368. Written comments may also be submitted at the public hearing.

If you have questions regarding this matter, please contact the Public Works Department.

Sincerely,

Dan Titterness, Chair
Jefferson County Board of Commissioners

**RE: Notice of Jefferson County Board of Commissioners Public Hearing;
Port Ludlow Drainage District Assessment System Ordinance
Appendix 1: Assessment System Calculation Method**

As provided for in Chapter 85.38 Revised Code of Washington, the Port Ludlow Drainage District Assessment System is designed to generate \$1,000 in revenue for the District. The Assessment System determines the amount that each parcel within the District will be assessed per \$1,000 of District revenue. The District Commissioners will determine the total annual District assessment and the total amount assessed on each individual parcel through the adoption of the annual District budget. If, as an example, the District budget were set at \$70,000, the actual assessment on any parcel would be the amount assigned in the Assessment System multiplied by 70.

The Assessment System is based on a combination of two assessments. The first is an assessment on the parcel's acreage in proportion to the total acreage within the District. The second is an assessment on the parcel's impervious surface area in proportion to the total impervious surface area within the District. The proposed assessment would have 35 percent of the total assessment based on gross area acreage and 65 percent of the total assessment based on impervious area. 35% of the assessment, or \$350.00 of the \$1,000, is assigned to the land area within the District.

The gross area acreage system of assessments for the District shall consist of a three zone classification system (Zone 0, Zone 1, and Zone 2). Zone 0 are the areas permanently held in reserve or greenbelt areas that cannot be developed. Zone 1 are areas that can be developed and comprise the majority of the District. Zone 2 are parcels in Port Ludlow No. 6 five-acre residential lots. Zone 0 will pay 25 percent of the standard gross acreage assessment. Zone 1 will pay 100 percent of the standard gross acreage assessment. Zone 2 will pay 50 percent of the gross acreage assessment.

Based upon areas in Zone 0 of 120.6 acres, Zone 1 of 434.7 acres and Zone 2 of 68.0 acres the associated dollar value of benefits for a \$1000 hypothetical assessment is:

Zone 0 = \$0.175401 per acre
Zone 1 = \$0.701642 per acre
Zone 2 = \$0.350821 per acre

In addition, parcels in each zone will be assessed for impervious area based on Equivalent Residential Units (ERU). An Equivalent Residential Unit is defined as a single-family residence or 3,000 square feet of impervious surface. Multi-family residences are assigned 0.75 ERU.

65% of the assessment, or \$650.00 of the \$1,000, is assigned to the impervious surface area of the District. There are approximately 70 acres of impervious surface in the District. Based on a random sample of residences, a residence is assumed to have 3,000 square feet of impervious surface. 3,000 square feet of impervious surface is an Equivalent Residential Unit (ERU) of impervious surface. A multi family residence is assigned 0.75 ERUs. Based upon a total of 986.1 ERUs within the District, the associated dollar value of benefits for a \$1000 hypothetical assessment is:

Improvement assessment = \$0.659190 per ERU

The rates shown in this appendix have been rounded. The assessment database uses the actual data entered into the database, not the rounded rates shown in this example.

Parcel Assessment Formula per \$1,000 of District Revenue

A parcel's assessment per \$1,000 of District revenue is based on the parcel's area and the area of impervious surface measured in Equivalent Residential Units.

Parcel Assessment = (area rate x parcel area) + (ERU rate x ERUs on the parcel)

PLACE: Port Ludlow Beach Club

[illegible]

Port Ludlow Drainage District Public Hearing 18 August 2003

[illegible]

STATE OF WASHINGTON
County of Jefferson

DRAFT

In the Matter of Amending Ordinance }
No. 04-0815-01 to Revise the }
Assessment System for the Port Ludlow }
Drainage District }

ORDINANCE NO. _____

WHEREAS, the Port Ludlow Drainage District was established by the voters of the proposed drainage district in the year 2000 and the assessment method for the District was established by adoption of Ordinance No. 04-0815-01 in August of 2001; and,

WHEREAS, the Commissioners of the Port Ludlow Drainage District submitted a letter to the Board of County Commissioners dated June 28, 2003 asking that the County Commissioners review and revise the assessment methodology for the Drainage District which requires that a public hearing be held; and,

WHEREAS, the public hearing was properly advertised, the District property owners were individually notified by mail and the hearing held on August 18, 2003 at 7:00 p.m. at the Port Ludlow Beach Club, 121 Marina View Drive in Port Ludlow, Washington; and,

WHEREAS, through the development of the Comprehensive Management Plan for the Drainage District it was found by the Drainage District Commissioners that the amount of reduction for the gross area assessment for the five acre parcels is unjustified and capital improvements required are general in nature and do not provide a greater benefit to developed lots than to undeveloped lots.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Jefferson County, Washington, that Appendix 1. Assessment System of Ordinance No. 04-0815-01 is hereby amended as indicated in the attached Appendix 1.

APPROVED AND ADOPTED this _____ day of _____, 2003.

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

SEAL:

Dan Titterness, Chair

Glen Huntingford, Member

ATTEST:

Judi Mackey, Member

Lorna Delaney, CMC
Clerk of the Board

APPROVED AS TO FORM:

David Alvarez,
Deputy Prosecuting Attorney

Port Ludlow Drainage District Assessment System Ordinance

Appendix 1: Assessment ~~Calculation~~System Calculation Method

As provided for in Chapter 85.38 Revised Code of Washington, the Port Ludlow Drainage District Assessment System is designed to generate \$1,000 in revenue for the District. The Assessment System determines the amount that each parcel within the District will be assessed per \$1,000 of District revenue. The District Commissioners will determine the total annual District assessment and the total amount assessed on each individual parcel through the adoption of the annual District budget. If, as an example, the District budget were set at ~~\$80,000, \$70,000~~, the actual assessment on any parcel would be the amount assigned in the Assessment System multiplied by ~~80.70~~.

The Assessment System is based on a combination of two assessments. The first is an ~~area~~ assessment ~~based~~ on the parcel's acreage in proportion to the total acreage within the District. The second is an ~~impervious surface~~ assessment ~~based~~ on the parcel's impervious surface area in proportion to the total impervious surface area within the District. The proposed assessment would have 35 percent of the total assessment based on gross area acreage and 65 percent of the total assessment based on impervious area. 35% of the assessment, or \$350.00 of the \$1,000, is assigned to the land area within the District.

Area Rate

~~10% of the assessment or \$100.00 is assigned to the land area within the District. There are 611 acres in the District. The standard area assessment rate is \$0.22 per acre per \$1,000 of District revenue. The Jefferson County Board of Commissioners has determined that 142 acres of undeveloped Reserve Area owned by Ludlow Maintenance Commission provide stormwater conveyance and mitigation. The Reserve Areas are assigned to Zone 0 and assessed at 25% of the standard area assessment rate. The Jefferson County Board of Commissioners has determined that the single family residential parcels within Port Ludlow No. 6 that are five acres or larger have unique characteristics that include a low proportion of impervious surface with a rate and direction of runoff with minimal impacts to the District. These parcels are assigned to Zone 2 and assessed at 25% of the standard area assessment rate. The reduced area assessment rate for parcels in Zones 0 and 2 is \$0.06 per acre per \$1,000 of District revenue.~~

Impervious Surface Rate~~The gross area acreage system of assessments for the District shall consist of a three zone classification system (Zone 0, Zone 1, and Zone 2). Zone 0 are the areas permanently held in reserve or greenbelt areas that cannot be developed. Zone 1 are areas that can be developed and comprise the majority of the District. Zone 2 are parcels in Port Ludlow No. 6 five-acre residential lots. Zone 0 will pay 25 percent of the standard gross acreage assessment. Zone 1 will pay 100 percent of the standard gross acreage assessment. Zone 2 will pay 50 percent of the gross acreage assessment.~~

~~Based upon areas in Zone 0 of 120.6 acres, Zone 1 of 434.7 acres and Zone 2 of 68.0 acres the associated dollar value of benefits for a \$1000 hypothetical assessment is:~~

~~Zone 0 = \$0.175401 per acre~~

~~Zone 1 = \$0.701642 per acre~~

~~Zone 2 = \$0.350821 per acre~~

~~In addition, parcels in each zone will be assessed for impervious area based on Equivalent Residential Units (ERU). An Equivalent Residential Unit is defined as a single-family residence or 3,000 square feet of impervious surface. Multi-family residences are assigned 0.75 ERU.~~

~~90% of the assessment or \$900.00 65% of the assessment, or \$650.00 of the \$1,000, is assigned to the impervious surface area within of the District. The following information regarding impervious surface area within the District is based on information from the Jefferson County Assessor's database and actual measurement There are approximately 70 acres of impervious surface in the District. There are 561 single family residences in the District. Based on a random sample of residences, a single family residence is assumed to have 3,000 square feet of impervious surface. 3,000 square feet of impervious surface is an Equivalent Residential Unit (ERU) of impervious surface. There are 137 multi-family residential units in~~

~~the District. One multi-family residential unit is assumed to have 2,250. A multi family residence is assigned 0.75 ERUs. Based upon a total of 986.1 ERUs within the District, the associated dollar value of benefits for a \$1000 hypothetical assessment is:~~

~~square feet (0.75 ERU) of impervious surface. There are 103 ERUs of multi-family residential development. There are 25.4 acres of impervious surface related to non-residential development in the District. At 3,000 square feet of impervious surface per ERU, this is equal to 369 ERUs. There are 1,033 ERUs of impervious surface in the District. The impervious surface area assessment rate is \$0.87 per ERU per \$1,000 of District revenue. This rate will decrease as additional impervious surface is constructed in the District.~~

Parcel Assessment Formulas

~~The following formulas are intended to demonstrate how the assessments for various typical parcels are calculated. The formulas are based on current information from the Jefferson County Assessors parcel database and the assessment factors listed above. The assessment rates will change if additional areas are annexed into the District, if additional impervious surface is constructed in the District, or if there are revisions to the Assessor's database. Actual parcel assessments will be determined by applying the assessment calculation method at the time that assessments are made.~~

~~Improvement assessment = \$0.659190 per ERU~~

The rates shown in this appendix have been rounded. The assessment database uses the actual data entered into the database, not the rounded rates shown in this example.

Standard Parcel Assessment Formula per \$1,000 of District Revenue

~~A parcel's assessment per \$1,000 of District revenue is based on the area rate times the parcel's area in acres plus the impervious surface rate times the parcel's impervious surface area and the area of impervious surface measured in Equivalent Residential Units.~~

~~Parcel Assessment = (area rate x parcel acres) + (ERU rate x ERUs on the parcel)~~

~~Parcel Assessment = (\$0.22 x parcel acres) + (\$0.87 x ERUs on the parcel)~~

Single Family Residence Parcel Assessment Formula per \$1,000 of District Revenue

~~The assessment on a parcel with a single family residence (SFR) per \$1,000 of District revenue is based on the area rate times the parcel's area in acres plus the impervious surface rate times 1 ERU of impervious surface.~~

~~SFR Parcel Assessment = (area rate x parcel acres) + (ERU rate x 1 ERU)~~

~~SFR Parcel Assessment = (\$0.22 x parcel acres) + (\$0.87 x 1 ERU)~~

Multi-Family Residence Parcel Assessment Formula per \$1,000 of District Revenue

~~The assessment on a parcel with one multi-family residential unit (MFR) per \$1,000 of District revenue is based on the area rate times the parcel's area in acres plus the impervious surface rate times 0.75 ERU of impervious surface.~~

~~MFR Parcel Assessment = (area rate x parcel acres) + (ERU rate x 0.75 ERU)~~

~~MFR Parcel Assessment = (\$0.22 x parcel acres) + (\$0.87 x 0.75 ERU)~~

Zone 0 Parcel Assessment Formula per \$1,000 of District Revenue

~~A parcel in Zone 0 (Ludlow Maintenance Commission undeveloped Reserve Area) has an assessment per \$1,000 of District revenue based on the reduced area rate for Zone 0 times the parcel's area in acres.~~

~~Parcel Assessment = (reduced area rate x parcel acres)~~

~~Parcel Assessment = (\$0.06 x parcel acres)~~

Zone 2 Single Family Residence Parcel Assessment Formula per \$1,000 of District Revenue

A parcel in Zone 2 (Port Ludlow No. 6 five acre residential lots) with a single family residence (SFR) has an assessment per \$1,000 of District revenue based on the reduced area rate for Zone 2 times the parcel's area in acres plus the impervious surface rate times 1 ERU of impervious surface.

$$\text{Parcel Assessment} = (\text{reduced area rate} \times \text{parcel acres}) + (\text{ERU rate} \times 1 \text{ ERU})$$

$$\text{Parcel Assessment} = (\$0.06 \times \text{parcel acres}) + (\$0.87 \times 1 \text{ ERU})$$

Zone 2 Vacant Parcel Assessment Formula per \$1,000 of District Revenue

A vacant parcel in Zone 2 (Port Ludlow No. 6 five acre residential lots) has an assessment per \$1,000 of District revenue based on the reduced area rate for Zone 2 times the parcel's area in acres.

$$\text{Parcel Assessment} = (\text{reduced area rate} \times \text{parcel acres})$$

$$\text{Parcel Assessment} = (\$0.06 \times \text{parcel acres})$$

Port Ludlow Drainage District Assessment System Ordinance

Appendix 1: Assessment System Calculation Method

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Zone 1 = \$0.701642 per acre

Zone 2 = \$0.350821 per acre

In addition, parcels in each zone will be assessed for impervious area based on Equivalent Residential Units (ERU). An Equivalent Residential Unit is defined as a single-family residence or 3,000 square feet of impervious surface. Multi-family residences are assigned 0.75 ERU.

65% of the assessment, or \$650.00 of the \$1,000, is assigned to the impervious surface area of the District. There are approximately 70 acres of impervious surface in the District. Based on a random sample of residences, a single family residence is assumed to have 3,000 square feet of impervious surface. 3,000 square feet of impervious surface is an Equivalent Residential Unit (ERU) of impervious surface. A multi family residence is assigned 0.75 ERUs. Based upon a total of 986.1 ERUs within the District, the associated dollar value of benefits for a \$1000 hypothetical assessment is:

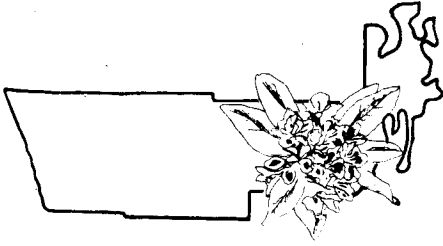
Improvement assessment = \$0.659190 per ERU

The rates shown in this appendix have been rounded. The assessment database uses the actual data entered into the database, not the rounded rates shown in this example.

Parcel Assessment Formula per \$1,000 of District Revenue

A parcel's assessment per \$1,000 of District revenue is based on the parcel's area and the area of impervious surface measured in Equivalent Residential Units.

Parcel Assessment = (area rate x parcel area) + (ERU rate x ERUs on the parcel)



JEFFERSON COUNTY DEPARTMENT OF PUBLIC WORKS

P.O. Box 2070
1322 Washington St.
Port Townsend, WA 98368
(360) 385-9160

Frank Gifford, Public Works Director
Robert G. Turpin, P.E., County Engineer

MEMORANDUM

To: Jefferson County Board of Commissioners

Thru: Frank Gifford, Public Works Director *FG*

From: Robert G. Turpin, P.E., County Engineer *RT*

Date: August 12, 2003

Re: **County Engineer's Report, Port Ludlow Drainage District
Proposed Revision for System of Assessments**

Introduction

The County's role in this process is to establish the system or systems of assessment, authorize issuance of special assessment bonds or notes, if any, and collect the special assessment. The Drainage District has control over budget and activities. The Board of County Commissioners (BOCC) is not required to review and approve the District's budget.

Under provisions of RCW 85.38.160 (2) a report on the assessment system is to be submitted to the BOCC, and the BOCC must conduct a public hearing and adopt an ordinance "finalizing" the system of assessment.

The attached ordinance sets forth a system of assessments to be levied on properties within the Port Ludlow Drainage District. RCW 85.28.160 directs the Council to adopt a system of assessments for the District following notification of property owners and a public hearing. The BOCC may make any changes they deem necessary, and the decision of the BOCC is final unless appealed.

The proposed action is time sensitive. Approval of an ordinance establishing a system of assessment by August 25, 2003 will allow the ordinance to be effective prior to September 1, 2003, and would thus assure the District is able to receive the necessary assessment revenues during 2004.

Legal Authority and Responsibility

Jefferson County's role in establishing a special assessment system is defined in RCW 85.38. The statutory procedure for the alternative financing method for special districts, codified as Chapter 85.38, was adopted in 1985.

Under RCW 85.38, the County Engineer has the responsibility for proposing a preliminary system or systems of assessment for a special district. The BOCC then holds a public hearing on the preliminary system or systems of assessments proposed by the County Engineer and adopts an ordinance finalizing the system or systems of assessment, including any changes deemed necessary by the BOCC. The system or systems of assessment must be finally adopted by the BOCC on or before September 1st of the year that the assessment is finalized for use in preparation of the district's budget for the succeeding calendar year. Thereafter the County Engineer shall develop a system of assessment that shall be approved by the BOCC, and the assessment method must be reviewed every four years. The County may review the assessment method more frequently than the four-year cycle.

On or before December 1st the governing body of the special district must adopt a budget for the succeeding year and impose special assessments, pursuant to the system established by the County, in an amount sufficient to finance the budget. The district must immediately forward a copy of the resolution and budget to the BOCC and the County Treasurer. Although the BOCC receives an informational copy of the district's budget, the BOCC is not required to review and approve the district's budget.

The County Treasurer collects the special assessment, which must be due at the same time the property taxes are due. The County Treasurer can, but is not required to, mail the notice of the special assessment on the property tax statement or in the same envelope with the notice of property taxes.

The costs to the County in establishing the system or systems of assessment, which includes the costs to the County in reviewing and approving any system proposed by the district, may be charged to the special district. The County Treasurer may also impose a fee for collecting the special assessment, however the treasurer's fee may not exceed one (1) percent of the dollar value of the special assessments collected.

Although the BOCC does not approve the district's budget, only the BOCC can authorize the issuance of special assessment bonds or notes to finance costs related to providing, improving, expanding, or enlarging improvements and facilities of the special district.

District Background

The Port Ludlow Drainage District, located in Jefferson County, was formed by a vote of property owners in year 2000. In July 2001, the Port Ludlow Drainage District Commissioners submitted an assessment method to Jefferson County. As required by RCW 85.38, the Jefferson County BOCC held a public hearing on the assessment method on July 24, 2001.

Expenditures and Assessment Levels

Each year the Port Ludlow Drainage District has adopted an annual budget for the coming year and advised the County Treasurer of the amount to be charged to each property within the district. The District budget for 2003 was \$188,200 requiring an assessment of \$133,200. Additional funds in the form of loans for the Comprehensive Stormwater Management Plan and carryover from the previous year provided the balance of revenues (\$55,000).

Present Assessment Method

In July 2001, the Port Ludlow Drainage District submitted to Jefferson County a proposed assessment method. The proposed assessment system was based on a combination of two assessments. The first was an area assessment based on the parcel's acreage in proportion to the total acreage within the District. The second was an impervious surface assessment based on the parcel's impervious surface area in proportion to the total impervious surface area within the District. The District proposed two zones. Zone 0 comprised areas that cannot be developed and include greenbelt tracts and permanent open space. This zone paid 25 percent of the acreage assessment rate. Zone 1 would be the remainder of the District. The District recommended the acreage area assessment be 35 percent of the total assessment and the impervious area assessment be 65 percent of the total assessment.

In August of 2001, the Board of County Commissioners (BOCC) adopted an assessment method. An additional zone (Zone 2) was created to provide a reduced area assessment for parcel owners in Port Ludlow No. 6 five-acre residential lots. 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 or greenbelt areas that cannot be developed. Zone 1 are areas that can be developed and comprise the majority of the District. Zone 2 parcels are five acre residential parcels west of Osprey Ridge Drive. Zone 1 paid the full gross acreage charge, Zone 0 and Zone 2 paid 25 percent of the gross area acreage charge.

Need for Change in Assessment Method

The Port Ludlow Drainage District Commissioners requested Jefferson County reconsider the assessment method adopted in 2001. The Drainage District has completed a public review draft of the Comprehensive Stormwater Management Plan. The Comprehensive Stormwater Management Plan shows the following:

1. Public testimony submitted in August 2001 stated that the Port Ludlow No. 6 five-acre tracts west of Osprey Ridge Drive did not drain into the District and would receive no benefit from the District. Aerial topographic survey and LIDAR topographic mapping completed since the original assessment method was adopted show that all but a very small part of the area west of Osprey Ridge Drive does drain into the District. These parcels have been cleared and private

- drainage facilities installed to direct flow to the District. See the attached map of the district showing drainage basin boundaries and flow direction.
2. The developed lots in Port Ludlow No. 6 five-acre tracts have between 10,000 and 15,000 square feet impervious area based on 2002 aerial mapping. The impervious area assessments for these parcels are based on one Equivalent Residential Unit (ERU) although the impervious areas on these parcels are three to five times the standard ERU of 3,000 square feet.
 3. The majority of capital facility improvements required are based on inadequate or improperly maintained drainage improvements for the entire platted area rather than specific problems within the District. Just as all lots in a plat should share the cost of developing the entire plat, so all parcels within the District should share the cost of maintaining a system to serve all the parcels. The existing 90%/10% split unfairly places the majority of the cost for improvements to the overall system on the existing homeowners.

Proposed Assessment Method

Under RCW 85.38.150 (2), special assessments imposed upon real property, other than improvements, shall be a function of the dollar value of benefit or use per acre and the assessment zone in which the real property is located. Special assessments imposed upon an improvement shall be a function of the dollar value of benefit or use assigned to the type or class of improvements and the assessment zone in which the improvement is located.

Under RCW 85.38.160 (2) the engineer of the county shall prepare a preliminary system or systems of assessment for each special district. Each system of assessment that is prepared for a special district shall be designed to generate a total of one thousand dollars in revenue for the special district. The proposed three-zone classification assessment and the impervious area assessment are detailed below.

The system of assessments for the District shall consist of a three zone classification system (Zone 0, Zone 1, and Zone 2). Zone 0 are the areas permanently held in reserve or greenbelt areas that cannot be developed. Zone 1 are areas that can be developed and comprise the majority of the District. Zone 2 are parcels in Port Ludlow No. 6 five-acre residential lots. Zone 0 will pay 25 percent of the standard gross acreage assessment. Zone 1 will pay 100 percent of the standard gross acreage assessment. Zone 2 will pay 50 percent of the gross acreage assessment.

In addition, parcels in each zone will be assessed for impervious area based on Equivalent Residential Units (ERU). An Equivalent Residential Unit is defined as a single-family residence or 3,000 square feet of impervious surface. Multi-family residences are assigned 0.75 ERU.

The total assessment is proportioned between gross area acreage assessment and impervious area assessment. The proposed assessment would have 35 percent of the total assessment based on acreage and 65 percent of the total assessment based on impervious area.

Based upon areas in Zone 0 of 120.6 acres, Zone 1 of 434.7 acres and Zone 2 of 68.0 acres the associated dollar value of benefits for a \$1000 hypothetical assessment is:

Zone 0 = \$0.175401 per acre
Zone 1 = \$0.701642 per acre
Zone 2 = \$0.350821 per acre

Based upon a total of 986.1 ERUs within the District, the associated dollar value of benefits for a \$1000 hypothetical assessment is:

Improvement assessment = \$0.659190 per ERU

Proposed Expenditures and Assessment Levels

Property owners are to be provided an indication of the amount of assessment on each lot or property that combined with all other properties or improvements would raise a hypothetical assessment of \$1,000.

Prior to December 1, 2003, the District will submit to the BOCC and County Treasurer the budget for the coming year. The acreage assessment will be the total budget for the year divided by the total assessment acreage. The rate for each zone will be applied to the parcel.

The total assessment then is two parts: a rate per acre based on zone and a rate per ERU based on impervious area. Based on the 2003 budget, the rates are shown below

Total 2003 District Assessment Budget	\$133,200
Acreage Assessment (35%)	\$46,620
Impervious Area Assessment (65%)	\$86,580
Total Zone 0 Acres	120.6
Total Zone 1 Acres	434.7
Total Zone 2 Acres	68.0
2003 Zone 0 rate per acre	\$23.3647
2003 Zone 1 rate per acre	\$93.4588
2003 Zone 2 rate per acre	\$46.7294
2003 Total District ERUs	986.1
2003 Impervious Area Assessment / ERU	\$87.80

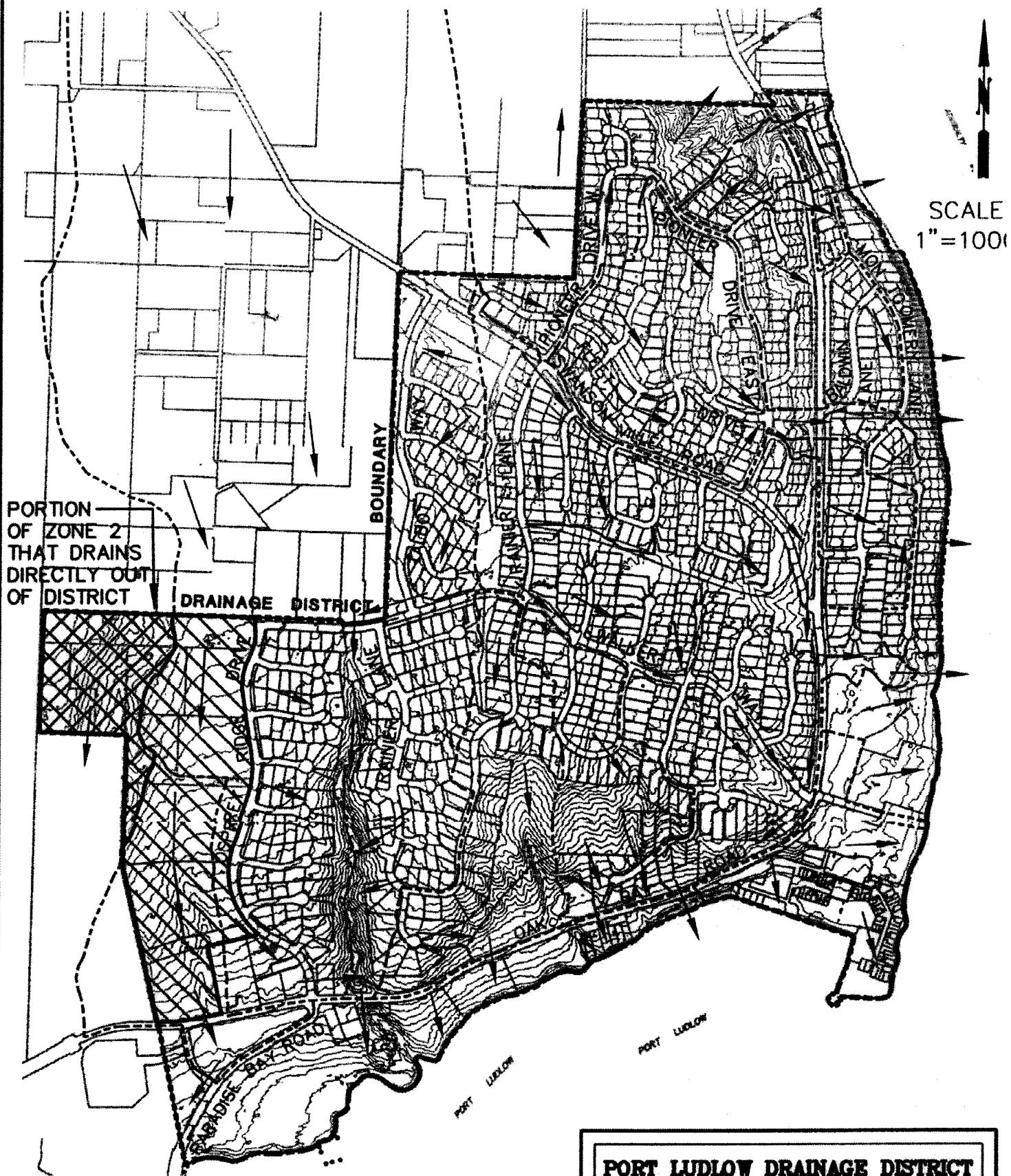
Assessment Roll

The Port Ludlow Drainage District has prepared an assessment roll of all properties in the District. The roll lists hypothetical assessments, based on revenues that would be need


for a \$1,000 budget for each assessment system. Under each proposed method, for each \$1,000 that the District raises through assessments, the property owner would pay the amount listed.

Recommendation

The Public Works staff review has found the assessment method is acceptable under the statutory requirements, and that the assessment roll is equitable. It is recommended that the BOCC adopt the attached ordinance finalizing a system of assessments for Port Ludlow Drainage District pursuant to RCW 85.38.



LEGEND:

- FLOW DIRECTION
- - - - - BASIN BOUNDARY
-  EXISTING ZONE 2

PORT LUDLOW DRAINAGE DISTRICT

2003 ASSESSMENT METHOD REVISION



Gray & Osborne, Inc.
CONSULTING ENGINEERS

Lorna Delaney

From: David Alvarez
Sent: Wednesday, July 09, 2003 12:32 PM
To: Lorna Delaney
Subject: RE: Request from Port Ludlow Drainage District for revision of their assessment methodology

This is in response to a letter from the Port Ludlow Drainage District dated June 28, 2003.
See my answers below.

Many of your questions are expressly answered by the language of RCW 85.38.160, a portion of which is repeated below:
The PLDD cannot force the County Commissioners to reexamine the assessment system, meaning that they BoCC can put off this task if Public Works cannot handle it right now, BUT

The assessment system has to be reexamined within four years of its initial adoption, for us that would be on or before August 15, 2005. (Subsection 4 of the RCW)

If a reexamination of the system does occur it all has to be done by September 1 of any given year. (subsection 4)

If a reexamination of the system does occur the County Engineer has to review the work before sending it on to the elected County Commission for the Commissioners' consideration. (subsection 4)

But is another public hearing required?

This particular state law is silent on whether a revised assessment system would need a public hearing.

Yet logic suggests a hearing is required.

Since the first assessment system must go through a public hearing, presumably because the assessment system will have an impact on the "pocketbooks" of the landowners and thus the landowners are entitled to attend a hearing, it is most logical to presume that any new assessment system, which also will have financial impacts on the landowners, must also be subject to a public hearing. (refer, generally to subsection 2)

Here is a the statute, in part.

(2) The engineer of the county shall prepare a preliminary system or systems of assessment for each special district. Each system of assessment that is prepared for a special district shall be designed to generate a total of one thousand dollars in revenue for the special district.

The preliminary system or systems of assessment shall be filed with the county legislative authority. A public hearing on the preliminary system or systems of assessment shall be held by the county legislative authority.

Notice of the public hearing shall be published in a newspaper, in general circulation in the special district, for two consecutive weeks with the final notice being published not less than fourteen, nor more than twenty-one days, before the public hearing. Notice shall also be mailed to each owner or reputed owner, as shown on the assessor's tax rolls, of each lot or parcel subject to such assessments. The mailed notice shall indicate the amount of assessment on the lot or parcel that, together with all other assessments in the system of assessment, would raise one thousand dollars. The mailed notice shall indicate that this assessment amount is not being imposed, but is a hypothetical assessment that, if combined with all other hypothetical assessments in the system of assessment, would generate one thousand dollars, and that this hypothetical assessment is proposed to be used to establish a system or systems of assessment for the special district. Where a special district currently is imposing special assessments and a property owner's property is subject to these special assessments, the mailed notice to this property owner also shall use the hypothetical special assessment in conjunction with the total special assessments imposed by the special district in that year to provide a comparison special assessment value to the property owner. This notice shall indicate that the comparison special assessment value is not being imposed, and should be considered for comparative purposes only. Where a special district is not currently imposing special assessments, the mailed notice may include, if deemed appropriate by the county engineer and if such figures are available, an estimated special assessment value for the property owner's property using this hypothetical special assessment in conjunction with special district-wide level of special assessments that

Geo 4601056

*Co. Eng. Dick Regan
427-5153*

possibly would be imposed in the following year. Where a county is imposing rates and charges for storm water or surface water control facilities pursuant to chapters 36.89 or 36.94 RCW, the county shall credit such rates and charges with assessments imposed under this section by a special district to fund drainage facilities and the maintenance of drainage facilities.

(3) The county legislative authority shall hold a public hearing on the preliminary system or systems of assessment on the day specified in the notices. Persons objecting to the preliminary system or systems of assessment may present their objections at this public hearing, which may be continued if necessary. The county legislative authority shall adopt an ordinance finalizing the system or systems of assessment after making any changes that in its discretion are necessary. The county legislative authority shall have broad discretion in establishing systems of assessment. The decision of the county legislative authority shall be final, except for appeals. Any person objecting to the system or systems of assessment must appeal such decision to the superior court of the county within which all, or the largest portion, of the special district is located within twenty days of the adoption of the ordinance.

(4) The system or systems of assessment of each special district shall be reviewed by the county engineer and finalized by the county legislative authority at least once every four years. A system or systems of assessment shall be finalized on or before the first of September in the year that it is finalized.

This e-mail is not confidential. David Alvarez

-----Original Message-----

From: Lorna Delaney
Sent: Monday, July 07, 2003 9:53 AM
To: David Alvarez
Subject: Request from Port Ludlow Drainage District for revision of their assessment methodology
Importance: High

Hi David --

I know you are very busy and I wouldn't bother you right now except that I'm not sure exactly what the process is in RCW 85.38.160 for a request to the County Commissioner for a revision of the assessment methodology. It says the Board needs to review it at least once every 4 years, but there's not much more than that.

My questions are:

If the County BOC wants to do this do they have to go back through the process (County Engineer's preliminary system; public notice & notice mailed to each property owner, etc) ?

If the County BOC does this does it have to all be done by September 1?

OR have I missed something and the PL Drainage District Board of Commissioners can do this for themselves?

Thanks for the help.

Lorna

cc: CA
Treas.
Aud.
Assess. } 6/30/03

call

When hearing
w/PLDD have joint
meeting w/ Dist. Comm.
to discuss testimony
and assessment method.

PLDD

Port Ludlow Drainage District, Post Office Box 65261, Port Ludlow, 98365 WA

June 28, 2003

RECEIVED

JUN 30 2003

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

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

**SUBJECT: ASSESSMENT METHODOLOGY
PORT LUDLOW DRAINAGE DISTRICT, JEFFERSON COUNTY,
WASHINGTON**

Dear Honorable Commissioners:

The Port Ludlow Drainage District submitted a request for approval of an assessment methodology for the newly formed district under RCW 85.38 in August 2001. This request included the Drainage District Commissioners recommendation that 65% of the assessment be based on impervious area and 35% based on gross area. This recommendation included two zones addressing land use differences. One zone (Zone 0) was for greenbelt and open space areas that were held in reserve to not be developed, and the other zone (Zone 1) was for all other land that could be developed. The greenbelt/open space zone was recommended to receive a 75 percent reduction on the gross area assessment.

The Jefferson County Board of Commissioners took public testimony and revised the assessment to have three zones and a split of 90% of the assessment based on impervious area and 10% based on gross area. A third zone (Zone 3) was added for the five-acre tracts west of Osprey Ridge Drive. This zone also received a 75 percent reduction in the gross area assessment. This methodology was adopted under Jefferson County Ordinance No. 04-0815-01.

The Port Ludlow Drainage District Commissioners now request reconsideration of the assessment methodology based on information gained in the preparation of the Comprehensive Stormwater Management Plan. A complete engineering report will be developed and presented for County review by 10 July 2003. We present the following summary information for consideration:

1. Public testimony that was submitted in August 2001 stated that the five-acre tracts west of Osprey Ridge Drive did not drain into the District and would receive no benefit from the District. Aerial topographic survey and LIDAR topographic mapping show that the claim made in August 2001 is unfounded. All but a very small part of the area west of Osprey Ridge Drive does drain into the District.

Subsequent to the forming of the District, Three of these parcels have been cleared and private drainage facilities are in place or in the planning stage, that directs flow to the District.

2. The majority of capital facility improvements required are based on inadequate or improperly maintained drainage improvements for the entire platted areas rather than specific problems within the District. Just as all lots in a plat should share the cost of developing the entire plat, so all parcels within the District should share the cost of maintaining a system to serve all parcels. The existing 90%/10% split unfairly places the majority of the cost for improvements to the overall system on the existing homeowners.

The District requests reconsideration of the initial proposed methodology as presented in August 2001. We have examined the information gathered in the development of the Comprehensive Management Plan and find the following:

- A separate zone for the five-acre parcels is unjustified.
- Capital improvements required are general in nature and do not provide a greater benefit to developed lots than undeveloped lots.

RCW 38.38.160 outlines the requirement for review and revision of the assessment methodology. Part of the process includes public notice and a public hearing. Because the RCW requires modifications of the methodology be completed by September 1, the notice and hearing will need to be scheduled in mid-July to mid August. We respectfully request your timely consideration on this matter.

Very truly yours,

Port Ludlow Drainage District Commissioners


Richard P. Regan


James Laker


Lee Amundson

85.38.140 - 8538.170

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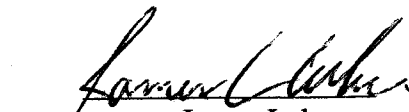
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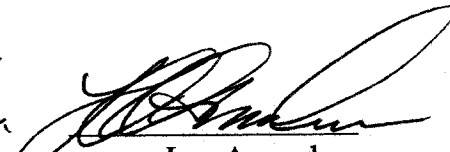
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Port Ludlow Drainage District Commissioners


Richard P. Regan


James Laker


Lee Amundson

85.38.140 - 85.38.170

cc: CA
Treas. } 6/30/03
Aud.
Assess.

Call

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w/PLDD have joint
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PLDD

Port Ludlow Drainage District, Post Office Box 65261, Port Ludlow, 98365 WA

June 28, 2003

RECEIVED

JUN 30 2003

Commissioners
Jefferson County Board of Commissioners
P.O. Box 1220
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RCW TITLES >> TITLE 85 >> CHAPTER 85.38 >> SECTION 85.38.160

[Print Version](#)

85.38.150 << 85.38.160 >> 85.38.170

RCW 85.38.160**Systems of assessment -- Hearing -- Notice -- Adoption of ordinance -- Appeals -- Review -- Emergency assessment.**

(1) The county within which each special district is located shall establish a system or systems of assessment for the special district as provided in this section. A differing system of assessment shall be established for different classes of facilities that a special district provides or will provide, including a separate system of assessment for diking and drainage facilities if both classes of facilities are provided. Whenever a special district is located in more than one county, the county within which the largest portion of the special district is located shall establish the system or systems of assessment for the entire special district. A system of assessment shall include assessment zones, the acreage included in each assessment zone, a dollar value of benefit or use per acre, and various classes or types of improvements together with a dollar value of benefit or use for an improvement included in each of the classes or types of improvements. The county shall establish which improvements shall be subject to special assessments and shall establish one or more types or classes of such improvements.

(2) The engineer of the county shall prepare a preliminary system or systems of assessment for each special district. Each system of assessment that is prepared for a special district shall be designed to generate a total of one thousand dollars in revenue for the special district.

The preliminary system or systems of assessment shall be filed with the county legislative authority. A public hearing on the preliminary system or systems of assessment shall be held by the county legislative authority. Notice of the public hearing shall be published in a newspaper, in general circulation in the special district, for two consecutive weeks with the final notice being published not less than fourteen, nor more than twenty-one days, before the public hearing. Notice shall also be mailed to each owner or reputed owner, as shown on the assessor's tax rolls, of each lot or parcel subject to such assessments. The mailed notice shall indicate the amount of assessment on the lot or parcel that, together with all other assessments in the system of assessment, would raise one thousand dollars. The mailed notice shall indicate that this assessment amount is not being imposed, but is a hypothetical assessment that, if combined with all other hypothetical assessments in the system of assessment, would generate one thousand dollars, and that this hypothetical assessment is proposed to be used to establish a system or systems of assessment for the special district. Where a special district currently is imposing special assessments and a property owner's property is subject to these special assessments, the mailed notice to this property owner also shall use the hypothetical special assessment in conjunction with the total special assessments imposed by the special district in that year to provide a comparison special assessment value to the property owner. This notice shall indicate that the comparison special assessment value is not being imposed, and should be considered for comparative purposes only. Where a special district is not currently imposing special assessments, the mailed notice may include, if deemed appropriate by the county engineer and if such figures are available, an estimated special assessment value for the property owner's property using this hypothetical special assessment in conjunction with special district-wide level of special assessments that possibly would be imposed in the following year. Where a county is imposing rates and charges for storm water or surface water control facilities pursuant to chapters 36.89 or 36.94 RCW, the county shall credit such rates and charges with assessments imposed under this section by a special district to fund drainage facilities and the maintenance of drainage facilities.

(3) The county legislative authority shall hold a public hearing on the preliminary system or systems of assessment on the day specified in the notices. Persons objecting to the preliminary system or systems of assessment may present their objections at this public hearing, which may be continued if necessary. The county legislative authority shall adopt an ordinance finalizing the system or systems of assessment after making any changes that in its discretion are necessary. The county legislative authority shall have broad discretion in establishing systems of assessment. The decision of the county legislative authority shall be final, except for appeals. Any person objecting to the system or systems of assessment must appeal such decision to the superior court of the county within which all, or the largest portion, of the special district is located within twenty days of the adoption of the ordinance.

(4) The system or systems of assessment of each special district shall be reviewed by the county engineer and finalized by the county legislative authority at least once every four years. A system or systems of assessment shall be finalized on or before the first of September in the year that it is finalized. The legislative authority of a county that is responsible for establishing a system or systems of assessment for more than one special district may, at its option, stagger the initial finalization of such systems of assessment for different special districts over a period of up to four years. Assessments shall be collected in special districts pursuant to the district's previous system of assessment until the system or systems of assessment under this chapter is finalized under this section.

(5) New improvements shall be noted by the special district as they are made and shall be subject to special assessments in the year after the improvement is made.

(6) The county legislative authority, upon request by a special district, may authorize the special district to impose and collect emergency assessments pursuant to the special district's system or systems of assessment whenever the emergent protection of life or property is necessary.

[1985 c 396 § 17.]

cc: PW } 8/19/03
PLDD }

Received at Hrg.

Robert and Diane Stephens
1016 Burlwood Dr
San Jose, CA 95120

July 10, 2001

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

RECEIVED

AUG 18 2003

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Subject: Port Ludlow Drainage District Assessment System

Board Members,

I don't understand the reasoning behind the Assessment System as proposed and the procedure to arrive at an actual total dollar taxation amount.

What areas of the community are really impacted by the drainage problems ?

Once the areas that are in need of improvement are established, what will be done to correct the problems? In other words, how is this money that the District will collect be spent? And how much money will be needed to correct the problems?

These questions should be addressed before the Drainage District tries to collect money. No homeowner, lot owner or commercial property owner should be expected to pay a tax levy for an unknown purpose.

It appears that 142 acres of community owned Greenbelt area have been exempted from the assessment equation, why? If this area is considered of "NO IMPACT" to the drainage problem, why are the other open (UNDEVELOPED) lands different?

Most open land, that which does not have any surface covering, be that a home, driveway or other impervious development, does not prevent the absorption of water and does not create "run off" unless climate conditions are VERY unusual.

It is very unfair to have a taxation rate that is punitive to the owners of acreage. That land, which is open and undeveloped, as is the exempted 142 acres, by the terms of the Drainage District Assessment System proposal, does not affect the drainage problem.

I suggest the following straightforward method. First establish what work must be done. Second establish an actual total annual dollar amount for the work. Then divide this amount by the number of properties to establish everyone's equal share.

Thank you,

Robert D. Stephens
Diane V. Stephens

Robert D. Stephens
Diane V. Stephens
Lot #11, Bluebird Lane

cc: PW } 8/19/03
PLDD }

July 9, 2001

RECEIVED

AUG 18 2003

The Board of Commissioners
Jefferson County
1829 Jefferson Street
Port Townsend, WA 98368

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

**RE: Notice of Jefferson County Board of Commissioners Public Hearing
regarding the Port Ludlow Drainage District Assessment System**

Dear Sirs,

We recently received the Notice of Public Hearing regarding the Port Ludlow District Drainage System. We believe that developing this drainage system will be good for the community. However, we disagree with the formula for assessment. Specifically, we object to the use of surface area as a major factor in the calculation. What has changed in the past few years in Port Ludlow is the amount of impervious surface and the rapid runoff it causes. The runoff of the non-impervious surfaces is about the same as it has been for ages. Additionally, large lots are required by Jefferson County to have engineered solutions to eliminate the impact of storm water runoff for the entire property. Small lots are not required to mitigate the impact of runoff from the impervious surfaces. A five acre lot divided into 20 residential lots will generate far more than 20 times the storm water runoff than if the lot were used for a single residence.

We have looked at your assessment calculations carefully. For the 5.3 acre lot in the example, the assessment would be \$4.58 per \$1000. of operating cost. The assessment for a quarter acre lot would be \$.82. The 5.3 acre lot would pay 5.5 times the amount of the quarter acre lot, while being required to mitigate all storm water runoff. Does this make sense?

As citizens, we recognize our responsibility to pay our fair share. It seems that current proposal requires us to pay excessively more than our neighbors on the small lots and meet Jefferson County's stringent requirements for storm water management. It seems that basing the assessment on impervious area alone would be appropriate. The impact to other properties would be about \$.02.

We are looking forward to the public hearing on this issue. We are also looking for your consideration of our concerns.

Sincerely,

Richard E. Smith
37816 170th Ave. S.E.
Auburn, WA 98092

Judith A. Smith

cc: PW } 8/19/03
PLDD

received at Hrg.

July 24, 2001

I.M.S. & B.H. Bartlett
P. O. Box 10918
Bainbridge Island, WA 98110
Tel: (206) 842-7339
(360) 437-0899

RECEIVED

AUG 18 2003

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

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

Subject: Port Ludlow Drainage District Assessment System

Board Members,

On August 24th, 2000, we received a mailing from the LMC urging its members to vote for a Special Drainage District. We were told that "REAL PROPERTY WILL BE ASSESSED IN ACCORDANCE WITH STATE LAW. PROPERTY WILL BE ASSESSED, UNDER THESE REGULATIONS, ON A BENEFIT BASIS." As to the cost, we were told "Basic costs in other districts around the state, for basic maintenance & operations, range in the \$65 a year level - or about \$5 a month."

On June 8th, 2001, during an LOA board meeting, Jim Pearson and Gary Rowe of the Jefferson County Public Works Department told the audience that the estimated cost to lot owners would be \$65 a year.

On June 25th, 2001, the Board of Commissioners mailed a letter advising us of today's hearing and with this letter we received the proposed assessment figures. These figures state that the assessment on our 10.84 acres would come to \$871.24 a year based on a \$100,000 budget. This represents a 670% increase over the estimate per lot on our 2 lots.

When we voted for the Drainage District, we voted yes on the assumption that the costs would be close to the estimate and that they would be fair and equitable. However, when our neighbours in Port Ludlow Division No. 4, right across from the 5+acre lots of P.L. Div. No.6, are being assessed \$91.90/\$100,000 and we are being assessed \$418.25 and \$452.99/\$100,000, a difference of 459% & 493%, there is nothing fair and equitable about this.

As a group, our 5+acre lots represent 13.19% of the total acreage in the district. Under the proposed assessment methodology, 12 of us pay 13.19% or roughly 1.10% each versus the rest of the 1,088 community members paying roughly 0.079% each of the total assessed acreage. We alone would actually pay 2.31%. IS THAT FAIR AND EQUAL?

RCW 85.35.150 specifies amongst other requirements that "Assessment zones shall be established in which each zone reflects a different relative ratio of benefit or use that the real property within such zone receives or will receive, from the special district's operations and facilities." The 5+acre lots would, because of their topographical difference from the rest of the district's acreage and because of the unique size, never receive any benefit from the

district's operation and should therefore be designated "NON-BENEFIT." The RCW further states that "If all real property in the special district is found to have the same relative ratio of benefit or use, a single assessment zone may be established." This is what the present proposal seems to have done. However, does this comply with the law as expressed in RCW 85.35.150?

We have more than once stated our willingness to participate in the district's M&O budget because of our community-minded attitude even if there is no benefit to us and we will remain willing to do so but only if the 5+acre lots are charged no more than any of the smaller parcels in the district under the M&O budget assessment. The present assessment of grossacreage should be abandoned on the grounds of unfairness against the holders of unusual large parcels as compared to the rest of the district's smaller parcels. The two arguments we have heard as to the inclusion of gross acreage are: (a) It made it easier or fairer to deal with the commercial properties, and (b) The undeveloped lots within the district would receive added value through the drainage system. Neither argument, when applied to the 5+acre lots, can stand its ground. Each 5 acre lot would have to have the potential of developing about 20 homes to be comparable to the other lots. And as far as commercial properties are concerned, other districts have had no problems to accommodate them.

During our interviews with public works personnel in other cities and counties, we have found that the charge for surface water management is overwhelmingly based on impervious surface area only. A brief review of the "Water, Sewer & Stormwater Fee" brochure, published by the Association of Washington Cities seems to confirm that the 30 cities listed use impervious surface area or a flat fee in the assessment process. A survey of 8 counties confirms the ISU approach. The square footage used for ERUs varies but the proposed 3000 sq.ft./ERU seems a good average, even though our neighbours in unincorporated Kitsap County allow for 4,200 sq.ft. Port Townsend, in their city storm water rates, allow for 3,000 sq.ft. and so does Poulsbo. Let us quote you an excerpt of Poulsbo's ordinance 13.16.030 to show that it is quite simple to accommodate both commercial and residential properties in a fair manner based on impervious surface.

- " 1. Establishment of ERUs. All single-family residential accounts shall be considered equal to one equivalent residential unit (ERU) for purposes of the monthly storm drainage utility fee. For all other customers of the utility, each account holder shall pay monthly service fees on the basis of billable ERUs. Billable ERUs shall be determined and established for each non-single family account on the basis of property size and impervious area. The following method shall be used to establish billable ERUs for each non-single-family account:

Billable ERUs = Impervious area : 3,000 square feet

The minimum for billing purposes on any account shall be one ERU.

As of January 1, 2001, the monthly storm drainage fee shall be as follows:

Single-family residential: \$6.50/billable ERU/month

All other accounts:

First 9 billable ERUs \$6.50/billable ERU/month

Each additional billable ERU over 9 \$4.50/billable ERU/month."

It makes the most sense to use impervious surface only as the assessment criteria since it is the impervious surface that creates the drainage problem, not the undeveloped land. Naturally, when you have a great number of small parcel development around an undeveloped small parcel, then the undeveloped parcel's natural absorption is going to be challenged to the point of failure. But is it fair to charge that parcel with an assessment because of the development around it? Again, the 5+acre lots do not fall into the same category as the smaller parcels since with only 1 residence on it, the remaining undeveloped acreage can and will absorb the water better than the smaller undeveloped parcel amongst the densely developed areas.

The 1996 storm, which has also been referred to as the 200-year storm, did not wash away any of the 5 acre parcels' acreage and did not flood any of the then existing residences. And even with present development going on on some of the acreage, the engineering requirements these owners had to go through and pay for are such that the run-off is controlled so that the ground is returned to its original absorption rate. None of the smaller lots seem to have to comply with such stringent engineering requirements imposed by the county, as can be noticed when driving around and seeing homes under construction where the total lot has been turned into an impervious surface through the actual foot print of the building, the movement of heavy equipment, and the constant foot traffic while the home is under construction.

Our research has confirmed that other agencies in our neighborhood do not assess undeveloped land until such time as it is improved, and then the charges are based on ERUs no matter how big the parcel is.

In conclusion, it seems to us that the proposed assessment needs to be rejected by the County Board of Commissioners on the grounds of UNFAIR and UNEQUAL treatment of the parcels in P.L. Div. No.6. And furthermore, all undeveloped land should be excluded not just the 142 acres of green belt.

We cannot emphasize enough the peril the Board of Commissioners is subjecting themselves to if this problem is not addressed and satisfactorily solved on behalf of the 5 acres lot owners. Fairness and equality must be applied in rate setting as has been exemplified by the court's ruling in Covell v. Seattle (127 Wn. 2d874-1995.)

In case the County Commissioners cannot accommodate the unique circumstances of the 5+acre lots, one option could be to request the District Commissioners to readjust the boundaries and eliminate P.L. Div. #6 from the district.

We are also aware that P.L.Div.No.6 holds enough votes and also more than 10% of the acreage required to file for "Suspension of operations" under RCW 85.38.220.

Finally, let us point out one more time that we will support the special district and the community at large but only if we are treated as one of them and not separated out in an unfair and unequitable assessment process.

Thank you.

Sincerely,

Ingeborg and Bruce Bartlett

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

Received at Hrg.

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 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 could not see the special circumstances of the 5 acre lots then & they still cannot see them now. Nothing has changed. It claimed in all our correspondence to the effect that we do not contribute to the drainage problem existing in Port Ludlow & we still claim the same now 2 years later and this claim has been confirmed by the just completed comprehensive Stormwater Management Plan.

cc: PW 3/8/19/03
PLDD

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,

Ingelborg Barthel
(Lot 4)

RECEIVED

AUG 18 2003

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

cc: PW } 8/19/03
PLDD }

received at Hrg.

JEFFERSON COUNTY BOARD OF COMMISSIONER
POB 1220
PORT TOWNSEND, WA 98368

RECEIVED

AUG 18 2003

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

FROM: Bob and Barbara Phinizy
POB 65351/20 BLUEBIRD LANE
PORT LUDLOW, WA 98365

July 16, 2001

First, our apologies in the late delivery of this letter addressing the proposed DRAINAGE DISTRICT for sections of Port Ludlow. We have been traveling for a substantial portion of this year and have just become fully aware of this issue and the means of establishing the assessments.

We own lot 10 of the 5-acre plots. We built and have lived on that lot for 11 years. We have experienced very WET years of rain. In experiencing this heavy/heavy rain-fall, the only water observed on our property ran either directly into the stream bed alongside our home (about 100 feet to the WEST) or some water that ran down the EAST side of our property from run-off sourced as best we can determine to the NORTH of us. All water that we have observed headed to the West and the stream that drains this area.

The water that ran down the EAST SIDE of our property ran along THE SIDE OF OUR CIRCULAR DRIVE directly into a drainage ditch on the NORTH side of BLUEBIRD LANE and thence directly into the same stream bed running along our home.

WATER HAS BEEN OBSERVED ON THE NORTHWEST corner of our property, flowing to the northern start of the aforementioned stream along our home. NO WATER has been seen around our home, its yards or the WESTERN side of our circular drive. ALL WATER FLOWED TO THE NATURAL DRAINAGE STREAM BED TO THE WEST OF OUR HOME.

OUR OBSERVATION IS THAT MINIMUM WATER CAN OR WILL FLOW FROM ANY/ALL 5-ACRE PARCELS TO ANY PART OF THE PORT LUDLOW STORM DRAINS. THE WATER RUNS DIRECTLY or INDIRECTLY TO THE TWO NATURAL STREAM BEDS ON THE LOTS AT THE SOUTH END OF THE 5-ACRE LOTS. The stream culverts go under OAK BAY ROAD directly to the creek that runs along that road. We have observed running water in our streambed for up to 7 months out of the year. THE NATURAL topography is inclined downward NORTH TO SOUTH and EAST to WEST.

My wife and I do not mind paying a reasonable (equal) fee to aid the drainage district but not what appears to be 500% over other residences when the 5 acre plots DO NOT CONTRIBUTE to the drainage that must be handled by this district. As a part of my observation, the acreage aids by absorbing water.

Bob and Barbara Phinizy
POB 65351 - lot number 10
PORT LUDLOW 98365

cc: PW } 8/19/03
PLDD }

received at Hrg.
RECEIVED

AUG 18 2003

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

AN OPEN LETTER TO THE BOARD OF COMMISSIONERS OF JEFFERSON COUNTY, WA

DATE: August 10, 2001

FROM: BOB AND BARBARA PHINIZY, 20 BLUEBIRD LANE, PORT LUDLOW, WA 98365
(LOT NUMBER 10)

SUBJECT: DRAINAGE DISTRICT FOR PORT LUDLOW RE: 5 ACRE PARCELS

Under what we understand to be the "district", the drainage from the 5 acre parcels are not a contributor and therefore not able to gain any benefit from being included in such a district. We believe state law would deny inclusion in such a district if no benefit can possibly be derived for these parcels.

I believe the yet to be completed survey of this proposed new district will substantially support our belief on this subject. However, should the fairness issue prevail, we stand ready to support the district on an equal allocation basis EVEN IF NO BENEFIT IS DERIVED from such inclusion.
(ASSUMING STATE LAW WOULD ALLOW SUCH INCLUSION).

Inga Bartlett will attend a hearing, understood by us to be on August 15, and present this letter in our behalf.

Thank you for a fair and even-handed treatment of this decision and should such a district is created, we again request allocating costs for the expenses to be on an absolute equal basis.

Bob and Barbara Phinizy

cc: PW } 8/19/03
PLDD

received at Hrg.

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

cc: DW } 8/19/03
PLDD }

received at Hrg.

Chuck Wright, President
Ludlow Maintenance Commission

RECEIVED

AUG 18 2003

Re: Proposed Assessment for Port Ludlow Drainage District

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Our purpose for this letter is to enlist the support of the community through the LMC. 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. 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.

- 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 we would pay approximately 5 times other lot owners.

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.

We are asking the LMC board to support our position via letter to Jefferson County Commissioner Glen Huntingford prior to the July 24 public hearing.

Bruce Halvorson
Judy Halvorson
Owners Lot 2
5 Acre Lot

cc: PW } 8/19/03
PLDD }

received at Hrg.

FILE COPY

August 18, 2003

RECEIVED

AUG 18 2003

BOCC
Jefferson County Courthouse
Port Townsend, WA

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

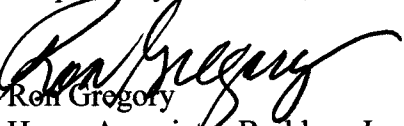
Subject: Port Ludlow Drainage District Comprehensive Plan

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

cc: PW
PLDD 8/19/03

received at Hq. Aug 18, 2003 ①

Jefferson County Commissioners
Jefferson County, Washington

RECEIVED

AUG 18 2003

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Dear Commissioners,

I am writing in regard to the proposed revision of the Assessment System for the Port Ludlow Drainage District. My husband + I own Lot 6, number 6 (433 Osprey Ridge Dr.) one of the 5 acre pieces. It seems the new assessment method would more than double our assessment for the drainage district. This seems

(2)

to be an unfair action because
the water flowing over our land
is not contributing to the water
problems on Montgomery Lane
or even at the foot of

Osprey Ridge Drive. When we
first decided to build on our
5 acres, we consulted the
County for advice on proper
procedure. We were told to
obtain a large parcel storm
water permit. This involved
hiring an engineer to design
a storm water system,

(2)

submitting the design to the county, then building a 500 foot long ditch with stone check dams every 50 feet. We completed this project in 2001. The goal of our stormwater system is to let any water on our land move slowly into the ditch (county maintained) along Osprey Ridge Drive. The water travels south along Osprey Ridge Drive until it enters a culvert that goes under Osprey Ridge Dr. From there it goes into the Green Belt area and enters a ravine. The

system of ditches & culverts was put in by the county to manage the water on the Osprey Ridge Hill & we were told (by the county) to feed our water into that system. We have spent around \$3,000 to design & build our stormwater system. Now we are being re-assessed by the drainage district & could be subject to a substantial increase in the amount we pay. Given the effort & money that we have spent satisfying the county stormwater requirements

any increase in our Drainage District assessment is excessive.

We realize that drainage problems must be solved on a community level & we are willing to be a part of the solution even if we are not causing the problem. It is unnecessary to raise our assessment. The assessment level agreed upon last year at the start of the Drainage District is a fair one. We ask you not to increase our assessment.

Sincerely, Melissa Penny

433 Asprey Ridge Dr.

cc: PW
PLDD } 8/19/03

received at Hrg.

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.

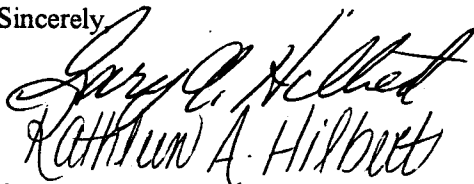
Our neighbors across the street on Osprey Ridge Drive received the same letter stating their proposed assessment is \$0.9190 per \$1,000.00 of assessed value.

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

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED

Description	All 3 Board Members were present & Co Eng Bob Turpin		
Date	8/18/2003	Location	Commissioners
Time	Speaker	Note	
7:13:45 PM	Chair	opened hearing advised record will be open for comment til 5 p.m. on Friday (this week)	
7:14:14 PM	Barry Baker, Eng w/Gray & Osbourne, Inc of Seattle	Reviewed the history of the district and the new assessment methodology.	
7:29:21 PM	opened for questions of engineer		
7:29:47 PM			
7:29:57 PM	Question	how determine impervious areas? He explained. 2nd question - was the engineering group aware that there are drainage areas that run through the district? yes - not streams they are drainage ways.	
7:31:53 PM	Driveways are impervious	yes all driveways whether gravel or concrete are impervious.	
7:32:25 PM	Public Comment	Bruce Halvorson, PO Box -- not sure why here a year later discussing the same thing we discussed last year. When you add all that they 5 acre parcels can pay with the new assessment is trivial to the budget. The 5 ac parcels are part of the community and want to be part of the district and share part of the responsibility. They .. He and his neighbors will never receive the benefit that the people in north bay will receive. They do not contibute to their problems and they won't benefit from their solutions. The law says that those with the greatest benefit pay the most and those that get the least, pay the least. Looked at . . Lot 2	
7:36:51 PM	Kathleen Hilbert 501 Osprey Drive	Lot 5 - first lot purchased. The picture was of a lot that was just developed.	
7:38:16 PM	?? Basora	Lot 66 - talked about value of home that has increased.	
7:40:24 PM	Ron Gregory 22 McCurdy Lane, PL	the actual legal status of the PLDD and their ability to assess, review and regulate. (read and handed in statement)	

<u>7:43:25 PM</u>	Horst B? lot 3, PL #6	during rainy season drainage flows in a natural creek and there's never been a penny spent on the drainage from his lot.
<u>7:45:34 PM</u>	?? Bartlett, Walden Way lot 4 & 7	lot 4 and 7 drain into the district and part goes into basin A.
<u>7:49:37 PM</u>	Bert Loomis, 9500 Oak Bay Road, PL	delveled the 5 ac piece at the corner of Oak Bay Road and Osprey ?? Drive Properties with on-site drainage systems should be excluded from the dd or given an significant reduction because they don't contribute to the problems. He would be happy to have his Engineer and designs available for the Board for their meeting with the DD commissioners.
<u>7:53:57 PM</u>		Hearing no further public comments the public comment portion was closed.
<u>7:54:33 PM</u>	Glen	heard some of the same comments about people with stormwater systems put in to take care of drainage
<u>7:55:09 PM</u>	Barry	engineered systems by the 1992 manual - the 2001 manual is different and it doesn't meet that requirement.
<u>7:57:20 PM</u>	Glen	is his system doing what it was to do? Barry all can use is the model. Glen - what about other systems
<u>8:00:05 PM</u>	Burt Loomis	4 or5 other systems put in at the direction of the County. All built homes to County regulations
<u>8:00:56 PM</u>	Additional comments	Bob Phinnizy Lot 2
<u>8:02:01 PM</u>	Halvorson	again - 5 ac not complaining - quoted from law
<u>8:03:55 PM</u>	Mrs Bartlett	
<u>8:04:34 PM</u>	Mr Bartlett	question on pervious surfaces -
<u>8:05:57 PM</u>	Chair	closed the public comment - written comments will be taken until
<u>8:06:24 PM</u>		

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