

**Memorandum of Understanding Regarding Drainage Control**  
**Between**  
**Ludlow Maintenance Commission (LMC)**  
**and**  
**Port Ludlow Drainage District (PLDD)**

This Memorandum of Understanding (MOU) provides the principles of cooperation between LMC and PLDD (Parties) regarding specific planned activities (Activities) brought to the attention of LMC that may impact the functionality of the storm and surface water drainage system owned and maintained by PLDD. As further defined in Attachment 1, the activities contemplated by this MOU are tree removal and land clearing on private and LMC owned parcels.

The goal of this agreement is to minimize the impact of increased stormwater runoff due to land clearing, development and tree removal from private and common property on the drainage facilities that serve the North Bay community.

**I. Background:**

LMC is the incorporated homeowners' association of the North Bay area of Port Ludlow, representing the interest of 1,090 lot and condominium owners and manages over 130 acres of common property. Through its covenants and regulations, LMC committees review, or may be asked to review, member requests to remove natural vegetation and/or trees from private lots. Additionally, LMC maintains greenbelt areas and may at times remove trees and other natural vegetation from the greenbelt areas.

PLDD is a Jefferson County Special Purpose District that provides and maintains storm and surface water drainage control infrastructure within a defined boundary that includes all of the area under the purview of LMC. Additionally, the PLDD provides a courtesy review of stormwater permit applications submitted to Jefferson County.

PLDD has invested in carefully designed and constructed infrastructure based on current stormwater management standards to convey storm and surface water from within the District to Puget Sound. Removal of trees and vegetation reduces the amount of evapotranspiration and absorption of storm and surface water and thus increases runoff and the potential to adversely affect surrounding properties as well as PLDD's infrastructure and compliance with Stormwater Management Standards.

**II Purpose:**

The purpose of this MOU is to:

- 1) provide notice to PLDD of Activities that may impact the effectiveness of PLDD drainage facilities to allow PLDD to have a conversation with individual property owners regarding such Activities with the goal of mitigating potential consequences.
- 2) provide LMC with a resource for discussion and education regarding current and future drainage issues within the LMC boundary.

### **III Scope:**

This MOU does not pertain to Activities that require a permit from Jefferson County or any other government agency; including Stormwater Permits triggered by Land Clearing of more than 7,000 square feet or Grading of more than 500 cubic yards, and Building Permits. However, nothing in this agreement precludes either party from discussing any Activities covered by this agreement with the appropriate Jefferson County Department. Nothing in this MOU implies that review, action or inaction by either LMC or PLDD guarantees the resulting outcome of Activities brought before the Parties or indemnifies the Party or Parties performing or requesting such Activity.

### **III Notification and Responsibilities:**

The procedure for notification and responsibilities of each Party is provided in Attachment 1.

### **IV Duty to Cooperate:**

The Parties agree to cooperate in good faith and to make available to each other such information as may be needed to accomplish the purpose of this MOU.

### **V Responsibility for Costs:**

Each Party is responsible for its own costs associated with the fulfillment of its obligations under this MOU, including any costs for consulting services or staff services.

### **VI Duration:**

This MOU is "at-will" and may be modified by mutual consent of authorized officials from LMC and PLDD. This MOU shall become effective following signature by the authorized officials from LMC and PLDD and will remain in effect until terminated by either party.

### **VII Notices:**

Written notices to the Parties shall be submitted to the following:

Ludlow Maintenance Commission  
P.O. Box 65060  
Port Ludlow, WA 98365

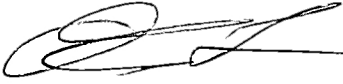
Port Ludlow Drainage District  
P.O. Box 65261  
Port Ludlow, WA 98365

  
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President Allan Kiesler

LMC Board of Trustees

Date: 5-16-2019

  
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Chair Donald Forbes

PLDD Board of Commissioners

Date: 5/9/19

## Attachment 1

### (Activities and Responsibilities)

Activities subject to this MOU fall into two categories

- Tree Removal (hazardous or non-hazardous trees on private property or common property)
- Land Clearing (any activity that results in a change in the existing soil cover, including vegetative and non-vegetative material) and/or the existing soil topography. Land clearing activities include, but are not limited to, clearing, grading, filling, excavation and removal of vegetation to bare soil using earthmoving equipment such as backhoe, excavator, front-end loader or similar equipment.)

#### A. Tree Removal – Private Property

*Non-hazardous trees* – Owner request for the removal of 4 or more trees that measure 6 inches or more in diameter at four and one-half feet above the ground on a single parcel.

- ACC (Architectural Control Committee) will send a copy of the tree request application to PLDD via email ([commish@pldd.org](mailto:commish@pldd.org)).
- PLDD will acknowledge receipt of the application. PLDD will review the application. If it appears the activity could impact PLDD drainage facilities, PLDD may provide recommendations to the owner for erosion/sediment control methods or re-vegetation recommendations aimed at preventing the transport of sediment off the site or limiting the increase of stormwater runoff as a result of tree clearing.

*Hazardous trees* - Owner request for the removal of 4 or more hazardous trees that measure 6 inches or more in diameter at four and one-half feet above the ground on a single parcel.

- ACC will send a copy of the Hazardous Tree request to PLDD via email ([commish@pldd.org](mailto:commish@pldd.org)).
- PLDD will acknowledge receipt of the application. PLDD will review the application. If it appears the activity could impact PLDD drainage facilities, PLDD may provide recommendations to the property owner for erosion/sediment control methods or re-vegetation recommendations aimed at preventing the transport of sediment off the site or limiting the increase of stormwater runoff as a result of tree clearing.

#### B. Tree Removal – Common Property

*Non-hazardous or hazardous trees*- Owner request for the removal of four or more trees that measure 6 inches or more in diameter at four and one-half feet above the ground within a single parcel.

- Greenbelt Committee or Operations Committee will email PLDD ([commish@pldd.org](mailto:commish@pldd.org)) regarding proposed tree removal.
- PLDD will respond to the Greenbelt committee or Operations Committee, and to LMC, acknowledging receipt of the application and, if appropriate, will provide recommendations for erosion/sediment control methods or re-vegetation recommendations aimed at preventing the transport of sediment off the site or limiting the increase of stormwater runoff as a result of tree clearing.

#### C. Land Clearing

- If LMC is aware of lot clearing (work conducted with earth-disturbing equipment) that is less than 7,000 SF, LMC will contact PLDD via email ([commish@pldd.org](mailto:commish@pldd.org)).
- PLDD will investigate and may provide recommendations to the owner regarding erosion and sediment control measures that should be implemented to prevent sediment transport off-site and prevent the discharge of surface drainage into County road ditches or PLDD facilities.

## **LAND CLEARING EROSION PREVENTION**

### **BEST MANAGEMENT PRACTICES**

Land clearing on your property, including tree removal, can cause erosion and transport sediments off your property if disturbed soil is left exposed to rain. Sediment-laden runoff contributes to clogging of driveway culverts, ditches and storm pipes. To prevent the discharge of sediment off of your property, please follow these recommended erosion prevention practices:

1. **Limit site disturbance as much as possible.**  
Maintaining trees and existing vegetation is the most effective method for reducing erosion.
2. **Leave an undisturbed area or strip of existing vegetation between the land clearing activity and property lines.** This area will provide a living filter to reduce soil erosion and limit sediment leaving the site.
3. **Install sediment controls such as hay bales, straw rolls, or silt fences prior to land clearing activities.**
4. **Prevent erosion of exposed soil by covering with plastic, hay, mulch or seeding.** Cover exposed soils within 2 days during wet season (October 1 – April 30) or within 7 days during dry season (May 1 – September 30).
5. **If land clearing activity is going to occur on a slope, divert stormwater away from the slope prior to clearing by collecting drainage at the top of the slope.**
6. **Clean up any dirt that is deposited on roadways by construction equipment and clean out dirt or debris that has accumulated in ditches or culverts.**