

**FORMING A
LAKE MANAGEMENT DISTRICT**

PURSUANT TO CHAPTER 36.61 RCW

**GUIDELINES AND POLICIES FOR
THURSTON COUNTY**

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MANAGEMENT AND THE THURSTON COUNTY PROSECUTING ATTORNEY'S
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INTRODUCTION

This guideline discusses practical application of the Lake Management District petition procedure in Chapter 36.61 RCW, and includes Thurston County practices on LMD formation. The following suggestions do not substitute for consulting with counsel to ensure that legal requirements are satisfied. Suggestions to assist with developing an LMD proposal are indicated with a symbol(✓) at the left margin. A manual on the entire LMD process is available from Thurston County Department of Water and Waste Management at (360) 357-2491.

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I. OVERVIEW

A. WHAT AN LMD IS (AND IS NOT)

A Lake Management District (LMD) is a specialized funding mechanism for lake area property owners that wish to fund specified management actions at a lake for a specific period of time (up to ten years). The process for forming an LMD is set out in state law at Chapter 36.61 RCW. An LMD is essentially a "cousin" to other special assessment districts like a Utility Local Improvement District (ULID) used for expansions of water, sewer and road service.

The process is complicated since complex technical or policy issues may be involved and significant public controversy can be generated by LMD proposals. (See Figure 1.)

Property owners and County officials both have key roles in LMD formation and operation as defined by State law and County policy:

- **Property owners** define the LMD proposal and initiate the LMD formation process by submitting a petition to the County Commissioners. The petition defines the proposed boundary, work program, budget, rates and duration of the LMD. A **vote** of property owners is also conducted; one vote is allotted per dollar of LMD charge.
- **Petition proponents** in Thurston County are responsible for funding all elements of the LMD petition preparation and LMD formation process.
- **County Commissioners** adopt resolutions which initiate the LMD process and put the issue to a vote of property owners, provided they find that a proposed LMD meets State and County requirements.
- **County staff** are responsible for legal notices, creating the formal roll of LMD charges and other aspects of the LMD formation process after a legally-sufficient petition is submitted. If an LMD is formed, the County officials and staff will ensure that LMD expenditures comply with requirements for public funds.

A Lake Management District does not create a special purpose government (unlike water or sewer districts). There is no elected "LMD Board of Directors" with authority over LMD funds- the county (or city) elected officials are legally responsible for the LMD. However, it is recommended that LMD property owners maintain a role in oversight of the LMD work program and expenditures via an active advisory committee.

An LMD can be the sole source of lake management funds or LMD funds can be used as local match for grant funds or other financial sources. In Thurston County, there are no general fund sources to provide funding for LMD operations. LMD revenues are managed as a dedicated fund within the County and expended only for purposes consistent with the LMD petition and resolutions.

Alternatives to Lake Management Districts

In some situations, other mechanisms may be more suitable.

- A volunteer lake association can be useful to represent lake property owners in a range of issues.
- Homeowner associations with the ability to collect dues may raise funds for lake management.
- An independent special purpose government may be formed under Chapter **85.38 RCW** if approved by the County Commissioners and the registered voters within the proposed boundaries. This creates an entirely independent permanent special government which is operated by an elected board.

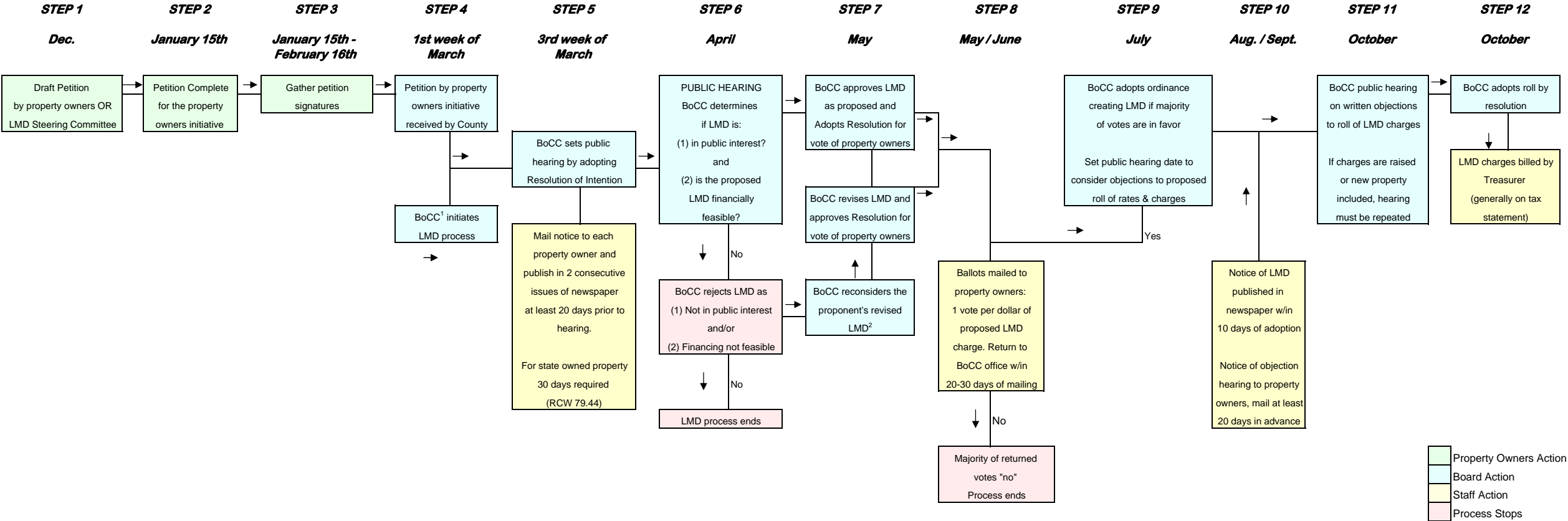
B. SUMMARY OF THE LMD FORMATION PROCESS

A state statute, Chapter 36.61 RCW, sets out the steps which local governments must follow when considering a potential LMD brought by petition of property owners. The following are key steps of the process:

- Initiation by petition of property owners.
- Public hearing on the proposed LMD held by the County Commissioners. Legal notice is provided by the County.
- Property owner vote on the LMD may be authorized by the County Commissioners following the public hearing, provided certain criteria are met. Ballots are mailed to each property owner: one vote is allotted per dollar of proposed charge.
- If the LMD is approved, a hearing on objections to the roll is held. Objections must be filed in writing prior to the hearing.
- The County Treasurer is responsible for collection of LMD charges. In Thurston County, LMD charges appear as a specific line on the property tax bill.

See Figure 1 for a flowchart of the steps in the LMD formation process.

LAKE MANAGEMENT DISTRICT FORMATION PROCESS (RCW 36.61)



¹ Board of County Commissioners

² If LMD boundary is extended or additional funding required, an amended Resolution of Intention and a new public hearing will be needed. However, if boundary and rates structures are not changed, the BoCC can adopt the revised Resolution of Intention without a new public hearing.

C. DEVELOPING THE LMD PROPOSAL: ROLE OF THE PROPERTY OWNERS

In Thurston County, sponsoring property owners are responsible for putting together the LMD proposal³. After the proposed LMD is defined, it is submitted to the County Commissioners in the form of an LMD petition. It is vital that the proposal be sound, as the LMD petition identifies all aspects of the proposed LMD activities, level of funding, duration and boundary. If an LMD proposal is revised later in the process, it may be necessary to repeat steps in the LMD formation process. The components of an LMD petition are discussed in more detail in the following sections.

Forming a committee or association of interested lake residents is often the best way to initiate a possible LMD. Petitioners proposing a new LMD must independently prepare the LMD petition and must obtain outside technical assistance if necessary to meet all State and County requirements.

The proposal must be:

- **Technically sound** - This includes a clear identification of the issues to be addressed and evaluation of alternatives to determine the best approach.
- **Financially feasible** - The LMD rates must raise enough money to support the work program, including the necessary overhead costs of the County to administer the LMD in compliance with rules and procedures for managing public funds.
- **Consistent** with County policies - The County Commissioners must find that the proposal is in the public interest and protects fish and wildlife habitat.
- **Supported by the property** owners - Each property owner will have one vote per dollar of proposed LMD charge.
- **Legally sound** - The proposal must meet the requirements of Chapter 36.61 RCW.

³ 3 RCW 36.61.030 allows an LMD to be initiated either through a petition from property owners or by the County Commissioners on their own authority. In Thurston County, LMD initiation requires a property owner petition as an indication of public support.

✓ **Outside technical assistance** may be necessary for a property owner group which is sponsoring an LMD petition. The following groups may be available to assist property owners with developing an LMD proposal:

- **Consultants-** Consultants may be able to help a group define a proposal which is technically sound and meets the requirements of Chapter 36.61 RCW. The Department of Ecology or Thurston County Department of Water and Waste Management may have lists of consultants which may be able to provide this technical assistance.
- **Vendors-** Companies providing lake management services, such as aquatic weed harvesting, may be available to help define an action plan and estimate expenses. (Keep in mind: After an LMD is formed, procedural requirements of the State and County must be followed in selecting consultants, contractors or other services.)
- **Department of Ecology -** DOE has fact sheets on various lake management techniques, which include lists of vendors for various services.
- **Thurston County Water and Waste Management Department -** The Department can provide preliminary and refined estimates of overhead costs for administering an LMD program and review draft LMD petitions for legal sufficiency. Staff can also assist with access to Assessor parcel information.

Pre-petition review by County officials is encouraged to ensure that an LMD petition is legally sufficient **prior** to formal circulation of the petition. An informal meeting of petition proponents with staff and/or the Board will be held to determine any financial security requirements, and ensure that the proposed budget is adequate and that the petition meets State and County requirements.

D. TIME REQUIRED FOR THE LMD FORMATION PROCESS

The process for considering an LMD petition is complex and has several steps. The formal LMD formation process takes roughly six months from the time the LMD petition is defined and circulated.

Putting together the LMD petition may take a significant period of time. It is necessary to identify what needs to be done by including the preferred lake management activities, how funds are to be raised, and what boundaries and duration are appropriate. Neighborhood meetings, mailers and other measures will be needed to define a work plan and rates which have general support from the property owners.

The process of circulating the petition may depend on the circumstances at the particular lake. If residences are close together, the sponsoring committee may circulate petitions door to door. If there are many seasonal or absentee owners, a petition can be sent by mail. A petition may be submitted in signed counterparts with as little as one signature per sheet.

Timing of LMD formation: Effect on funding

The entire LMD formation process must be completed and the final roll submitted to the County Treasurer in time for LMD charges to be collected the following year. For newly-formed

districts, the Thurston County Treasurer's guidelines state the roll for collection should be submitted by September 30 for collection the following year. For previously-established districts, the due date identified in the Treasurer's guidelines is November 15. Otherwise, initiation of LMD activities in the current year may require a loan which may be complicated to obtain and will likely incur interest expenses. For example:

A group of property owners begins discussing a possible LMD in June. By September they have held neighborhood meetings, defined an LMD proposal including aquatic weed control, and circulated a petition. The LMD proposal is approved and the final resolutions are adopted in March of the following year (about 6 months after the petitions were submitted). However, the Treasurer has already sent out the bills for the year. To implement aquatic weed control_ in the coming summer, a loan (from another County fund or other source) will be required. Otherwise, implementing LMD activities will be delayed until the following year.

II. STEP-BY-STEP GUIDELINE TO MEETING THE LMD PETITION REQUIREMENTS OF CHAPTER 36.61 RCW

The following sections discuss each step of the process in detail to assist interested property owners, County staff and others in meeting the requirements of Chapter 36.61 RCW. The following suggestions do not substitute for consultation with counsel to ensure that legal requirements are satisfied.

STEP 1: THE LMD PETITION

Petitions must be submitted by the proponent property owner group to the County Commissioners. While chapter 36.61 RCW allows independent initiation by the County Commissioners, Thurston County policy requires a petition from property owners as an indication of public support.

The petitions must define:

- A. Activities to be funded by the LMD
- B. Boundaries
- C. Duration of the LMD (maximum of 10 years)
- D. LMD rates and total revenue to be raised

Other Requirements:

- Signatures representing owners of property in the proposed LMD which support formation of the district.
- A bond or other financial security of up to \$5,000 may be required along with the petition, as determined on a case by case basis.

Each element of the petition is discussed in detail below.

A. ACTIVITIES WHICH MAY BE FUNDED BY AN LMD

State law allows a broad range of activities which may be funded by an LMD. As quoted from RCW 36.61.020, a lake management district may be established to fund:

lake improvement and maintenance activities, including: (1) The control or removal of aquatic plants and vegetation; (2) water quality; (3) the control of water levels; (4) storm water diversion and treatment; (5) agricultural waste control; (6) studying lake water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering or leaving the lake; and (8) the related administrative, engineering, legal and operational costs, including the costs of creating the lake management district.

Before circulation of a petition, the proposed LMD work plan must be defined in sufficient detail to estimate the LMD expenses. In large part, the remaining petition items (rates, boundary, duration) will flow from the definition of the activities to be funded.

✓ It may help to consider the following questions:

- What issues need action? Do you have an aquatic plant problem? Are algae blooms obstructing summertime enjoyment of the lake? Is there desire to have a long-term comprehensive management plan for the lake?

Further information is available from the Department of Ecology (407-6574) on producing aquatic plant management plans and "lake restoration" plans to address algae blooms caused by excessive nutrients. DOE also has fact sheets on specific lake management techniques.

- What specific types of activities should the LMD fund? For example, some activities may more logically remain the responsibility of individual property owners, such as aquatic plant control around private docks.
- How much will the proposed activities cost? Are they annual actions (like aquatic weed harvesting) or a capital project (such as a lake outlet structure)? Cost estimates may be needed from County staff, vendors and/or consultants.
- Is the LMD financing "feasible?" Prior to approving an LMD, the County Commissioners must determine that the financing is feasible per RCW 36.61.070 (i.e. the money being raised matches the expenditures required).
- What local and State policies apply to the proposed activities? For example, these may include County sensitive area ordinances, County pesticide use policies and State permit guidelines on habitat preservation during aquatic weed harvesting. Keep in mind that RCW 36.61.070 requires a finding by the County Commissioners that creating the LMD would be "in the public interest."
- Are there adequate provisions for protecting and enhancing fish and wildlife? This is a specific requirement of RCW 36.61.070.

Combining LMD and grant funds.

An LMD may be used as local match for a grant. Since financing must be feasible, the following illustration shows a logical sequence of actions to develop a joint LMD/grant funding program:

A \$100,000 lake study is proposed to be funded \$75,000 by grant and \$25,000 by an LMD. Forming the LMD then "fishing" for grant funding may fail the "financing is feasible" test in the eyes of County legal counsel or elected officials. Instead, the appropriate sequence may be:

1. LMD petition formulated and circulated based on the proposed combined LMD/grant funding for the project.
2. LMD resolution of intention adopted and initial hearing held.
3. Grant application submitted. (This usually must be submitted by the local government.) The proposed LMD should assist by documenting local support for the proposed grant project.
4. If the grant project is approved, the County Commissioners can approve the LMD as "feasible" and put it to a vote of property owners.
5. If the LMD vote is affirmative, the county and state agencies can sign a grant contract, knowing that the local match is assured, and the project may begin.

B. BOUNDARY

The LMD boundary defines which properties will be charged LMD rates. The boundary may include all or part of one lake or multiple lakes. RCW 36.61.020.

✓ **The boundary should take into consideration the proposed LMD activities. You may want to consider the following questions:**

- Who will benefit from the LMD program? Typically, **all property with lake access** may be included in an LMD, usually lakefront properties plus lots with community lake access. Public lands can also be included in the LMD.
- What is the source of the problems the LMD is tackling? If management of a well-defined, relatively small watershed is a key LMD work plan item, perhaps the LMD boundary could include **all property in the watershed**.
- Do property owners in the contemplated boundary associate themselves with the lake? (For example, one proposed LMD in the Puget Sound region included all properties with a view of the lake.)

KEEP IN MIND: Every property owner, in the proposed LMD will get to vote in a mail-in ballot, with one vote per dollar of proposed LMD charge. Therefore, a workable LMD boundary will need to address both technical issues (for example, "watershed runoff is a documented part of our lake management problem") with practical issues (for example, "if all properties in the 20 square mile watershed are included in the LMD, we haven't any chance of a successful LMD

vote"). If all or parts of **multiple lakes** are included in the proposed LMD, the vote must be affirmative on **each** lake for the LMD to be established. RCW 36.61.100.

(SEE EXHIBIT: SAMPLE LMD BOUNDARIES)

C. DURATION

The duration of an LMD is fixed by the petition and resolutions, with a maximum term of ten years. RCW 36.61.020. In practice, five years has been common.

✓ Several factors may need to be balanced in setting LMD duration:

- **Work program** may logically determine LMD duration. For example, a five-year lake management action plan may already be defined, or you may need a two-year LMD to accommodate the projected time to complete a comprehensive study of the lake and watershed.
- **Comfort of the property owners** may also be a factor. Ten years may seem too long to maintain the desired degree of property owner control.
- **The extensive effort to create an LMD** is also an important consideration: it would be very time-consuming to repeat the LMD process every year or even every two years.

D. RATES

Rates are a key issue in an LMD proposal.

It is very important to begin the LMD process with accurate expenditure and revenue estimates. The LMD charge on any parcel **cannot exceed 110%** of the estimate included in the resolution putting the issue to a vote of property owners unless the creation of an LMD is approved under another mailed ballot election that reflects such increase. RCW 36.61.115.

The second limit is on **total collection** of rates. The resolution of intention sets the limit on the amount of total rate revenue which can be collected during the life of the LMD. RCW 36.61.170.

In Chapter 36.61 RCW, the legal basis for LMD collections can be either "rates and charges" or "special assessments." In Thurston County, "rates and charges" have been chosen as more appropriate for typical LMDs. The "special assessment" legal basis generally includes a "test" which stipulates that the amount of special assessment cannot exceed the documentable increase in property value: this may be difficult to formally document for a typical LMD work program.

1. Rate Structure Options.

There may be several types of property within a proposed LMD (for example, lakefront residences, lake access residences and public access). There will usually be no mathematical formula to "measure" the LMD funding which should be provided by each property (in contrast to water rates for example, where a meter can measure exactly the "service" provided). Thus, RCW 36.61.270 allows very broad latitude in establishing LMD rates. Most importantly, the

proposed LMD rate structure needs to correspond with the nature of the LMD program. **A clear rationale for the rate structure will need to be described in various legal documents and this process should begin when the rate structure proposal is being developed.**

Per RCW 36.61.270, an LMD rate formula can be based on "any reasonable factor or factors" including:

- Benefit from the LMD program
- Use
- Front footage
- Acreage
- The extent and/or type of improvements on the property
- Uses of the property
- Service to be provided, or
- "[a]ny other reasonable factor or factors."

The rate structure can be very simple (for example, a flat rate per parcel) or very complicated (such as defining many separate classes of property and using multiple factors to calculate rates).

The difficulty, accuracy and cost of collecting and maintaining the required data should be considered in developing the rate formula. Some data may be readily available from the Assessor's database. Other information may require creation and maintenance of special data for the LMD. A rate factor may appear attractive at first - for example, whether lakefront structures are occupied full-time or seasonally. However, such data may be very difficult to collect and maintain accurately.

2. Types of Property.

✓ Common types of property and typical LMD rate structure considerations:

- **Lakefront residences** can be charged on a flat per-parcel basis, by lakefront footage, by other factors such as assessed valuation, or by a combination (for example, per-parcel charge plus per front foot charge).
- **Upland residential developments with community lake access** are common on many lakes. While the proposed LMD activities may benefit upland lots with community lake access, the benefits may be significantly less than for waterfront properties (for example, an LMD-funded aquatic weed harvesting program). In this case, it may be logical to charge upland parcels significantly less than lakefront owners.

However, if the problem is protecting a lake which is the sole water source for all properties in an area (lakefront and upland), then all parcels in the watershed may benefit equally and a flat rate for all residential parcels (waterfront and upland) may be warranted.

You may define "zones" within the upland parcels based. on distance from the community access, lake view and/or other factors which the lake community feels are relevant and "reasonable" on approval of County legal counsel.

- **Community lake access parcels** themselves may be charged. However, in practice this may be a significant burden on the limited budgets of the homeowner associations which manage these parcels. Alternatively, charges for the community lakefront parcels may be shifted to individual upland lots. Sometimes such associations will also own upland open space, a well site or private street parcels which could appropriately be excluded from LMD Fates.
- **Public property** - An LMD can include public property. (Per RCW 36.61.010, the sole distinction is that public property is not subject to a lien.) On many lakes, the sole nonresidential property may be a public boat launch. LMD rate structures typically have included higher charges on public access properties on the basis that there is a greater benefit due to high degree of use of the lake. (Higher LMD charges on public lake access property were upheld in court challenge: See State of Washington Department of Wildlife v. Thurston County, Thurston County case number 90-2-00327-0.)
- **Semi-public recreational uses such as resorts** may also exist at the lake. In this case, you may want to establish a rate category which includes both public and "semi-public" recreational properties.
- **Parcels with all or part of lakefront in wetlands.** "Lake bottom" property is precluded from an LMD per RCW 36.61.010. If a parcel is entirely lake bottom or wetland, it may be appropriate to exclude it from the LMD charge. There may also be parcels with useable upland which have part or all of the lake frontage in wetlands. You may want to consider reducing or deleting charges for wetlands lake frontage. In many situations, land use policies and regulations will strictly limit property owner ability to modify these wetland areas.
- **"Contiguous parcels"**. If the LMD rate is partially based on a per-parcel charge, a particular problem may be encountered where a property owner has two or more adjacent shoreline parcels (according to the Assessor's parcel records) but is required by land use regulation to consider them as single ownership for permits and conveyance. Assessor's parcels are not necessarily "legal lots." It may be desirable to identify these "contiguous" parcels in the LMD roll and exempt the second lot from the per-lot charge.

This may be a particular problem where the land division occurred many years ago and the lot size is not in compliance with current regulations. The Planning Department can help determine if this is a significant issue at a particular lake.

- **Rate reductions for low-income persons** may be provided. RCW 36.61.270. Unlike many other state statutes, no definition or restriction is placed on what an LMD rate structure will consider to be "low income."

There may be significant administrative advantages in using an existing definition of "low income". One option is the Senior/Disabled Property Tax Reduction program, which provides three categories of reduction based on income.

3. **Preliminary revenue estimates.**

When the proposed boundaries are identified, a rough projection of potential revenue can be made by counting parcels from the Assessor map. An estimated number of lakefront and upland

(lake access) parcels can be obtained, and proposed rate structures applied to derive approximate LMD revenue.

4. Preliminary LMD roll

While the LMD roll is not one of the legal minimum requirements for the LMD petition, the proposed roll will be necessary to provide legal notice of the initial LMD hearing which follows submittal of the petition. In addition, more accurate revenue projections can be made with a parcel-specific roll.

See Step 2 Item C for a discussion of roll preparation.

E. PETITION SIGNATURES

Signatures representing owners of property in the proposed LMD which support formation of the district must be included with the petition. At a minimum, Chapter 36.61 RCW requires signatures of owners of 15% of acreage in the proposed district or 10 landowners, whichever is greater. In some cases, the minimum signatures may not represent a significant number of LMD votes. Additional signatures may be warranted to indicate property owner interest and a reasonable likelihood of successful LNM formation. Once the petition is filed with the County Commissioners, no person may withdraw his or her signature.

F. BOND FROM PETITIONERS (optional)

A bond or other financial security of up to \$5,000 may be required along with the petition, as determined on a case by case basis. RCW 36.61.030. The purpose of the bond is to cover LMD formation expenses in the event the proposal fails. Otherwise, LMD formation costs may be charged against a district after its creation.

The Board may require a financial security with the LMD petition especially in a situation where no previous LMD is in place to fund staff assistance and other expenses during the LMD formation process. For example, the County Commissioners might require financial security when no funds from a previous LMD exist to finance expenses of staff time and mailings required during the LMD formation process, or if the County Commissioners feel that there is a strong likelihood that an LMD will not pass the property owner ballot. The amount of the bond will be set by the Board based on input by staff regarding the anticipated costs for the LMD formation process.

The financial security may be in the form of a surety bond approved by County legal counsel, cash deposited with the Thurston County Treasurer, or a letter of credit, approved by County legal counsel, from a financial institution stating that the money is held for the purpose of meeting LMT formation expenses.

STEP 2: RESOLUTION OF INTENTION

A. CRITERIA FOR COUNTY COMMISSIONER CONSIDERATION OF PETITIONS

When the completed and signed LMD petitions are submitted, the Board of County Commissioners must determine whether the LMD petition is sufficient. In short, the County Commissioners will consider whether the petition: (i) is in the public interest; (ii) is financially feasible; (iii) provides adequate protection for fish and wildlife; and (iv) requires financial security.

1. Public Interest.

The proposed LMD must be found by the County Commissioners to be in the "public interest" per RCW 36.61.030. In Thurston County, criteria considered to determine public interest include but are not limited to the following:

- a. The proposal must be compatible with adopted plans and ordinances.
- b. The proposed rate structure must meet legal requirements. Considerations include:
 1. Is all property of a similar type charged similarly? Petitioners should include a rationale for the proposed rate structure for the LNID.
 2. Is the data required for the proposed rate structure economical to obtain and maintain?
 3. Is estimated rate revenue based on reasonably accurate parcel data, lake front footage or other factors used in the proposed rate structure?
- c. The proposal must have evidence of public support and a reasonable likelihood of passing the property owner vote, including petition signatures, attendance at public meetings and other indications of support.

2. Financial Feasibility.

RCW 36.61.030 requires that "the financing of the lake improvement or maintenance activities is feasible." Criteria used by Thurston County to determine financial feasibility include:

- a. Estimated costs for LMD services. These must be documented and adequate.
- b. Cost for necessary County administration of the LMD.
- c. Whether the proposed LMD rates are sufficient to fund the identified work program.

3. Provisions for Fish and Wildlife.

The LMD proposal must consider and include provisions to protect fish and wildlife habitat per RCW 36.61.050 and 36.61.070. If aquatic plant management is proposed, the proposal should include designated habitat reserve areas which meet guidelines of the Washington State Department of Fish and Wildlife.

4. Financial Security.

If determined by the Board to be in the public interest, financial security may be required to cover costs of the LMD process in the event the LMD fails. The amount of financial security is based on estimated expenses--up to \$5,000. RCW 36.61.030. See Step 1, Section G for additional information.

B. BOARD APPROVAL: ADOPTION OF THE RESOLUTION OF INTENTION

If the County Commissioners find that the petition is complete and the proposed LMD is in the public interest and financially feasible, the LMD formation process is formally initiated with adoption of a resolution of intention. By law, the county legislative authority may adopt a resolution of intention either under its own authority or on the basis of a legally sufficient petition (i.e. signatures representing 15% of the acreage in the proposed LMD.) In Thurston County, a hybrid approach has been used. The County Commissioners adopt a resolution of intention under their own authority, based on submittal of an LMD petition which documents citizen interest and defines the proposed activities (boundaries, rates, etc.). This approach saves the time and expense of officially checking signatures and calculating acreage to formally assess whether the minimum legal signature threshold set in State law has been met.

In addition to the LMD details contained in the petition, the resolution of intention must designate the number of the proposed LMD (e.g. Thurston County LMD No. 17) and set the date for the public hearing which must be at least 30 days and no more than 90 days from the adoption of the resolution of intention (in the absence of an emergency).

(SEE EXHIBIT 2: RESOLUTION OF INTENTION)

C. PROPOSED ROLL OF RATES AND CHARGES

At this point in the process, a roll of proposed LMD charges must be created if it has not already been prepared. The roll must include each parcel in the proposed LMD; the acreage of such property and number of feet of lake frontage, if any; owner name and address; any data required to calculate LMD rates; and the proposed charge (usually for Year 1 of the LMD). This is crucial for legal notices and the LMD ballot. Accuracy is very important, particularly in ensuring that all parcels intended to be in the LMD are included in the roll. Hearing procedures must be repeated if additional parcels are identified later in the LMD process.

In addition, the LMD roll data is conveyed to the Treasurer near the end of each year, for collection on the property tax statement. The Department of Water and Waste Management is responsible for maintaining the roll and providing it in the required format to the Treasurer. The Assessor maintains the basic parcel database, including owner names and addresses. However, W&WM maintains a separate database with unique information not in the Assessor's computer-accessible data, such as "upland" versus "waterfront" designation. It is therefore essential that the roll be accurate from the outset and that the data be maintained.

1. Information Sources for the Preliminary LMD Roll.

✓ Important data sources for an LMD roll may include:

- **Parcel maps.** Available from the Assessor or Thurston GeoData Center.
- **Basic parcel data** – such as parcel number, owner, address and use code. Available from the parcel numbers/ranges, or by using computer mapping to delineate a boundary polygon for the LMD. (A caution is using computer map-driven extractions: the boundary may extract extra parcels contiguous with the LMD boundary or potentially miss some areas. Computer mapping program-selected parcel data should be checked carefully.)
- **Lake front feet.** Recorded in the field books at the Assessor's office. Alternatively, approximate lake frontage can be measured from Assessor maps.
- **Wetland maps.** Available from Development Services. These may be useful to identify important habitat areas and define wetland lake front areas for reduced LMD charges.

✓ Other considerations for an LMD roll May include:

- **Upland access lots.** If upland lots with lake access are intended to be included in the LMD, you will need to check each subdivision in the lake vicinity to determine if there is a common lake access. Development Services may be a source of subdivision maps and other information. The Assessor parcel data "use code" identified for each parcel can help identify upland parcels with community lake access.

There may be "island" of upland parcels within the boundary of the LMD which do not have lake access. This occurs when upland parcels with no lake access are located between the lake and a subdivision which **includes** a community lake access. The parcels with no lake access would need to be excluded from the LMD roll of charges. These should also be identified as excluded on the LMD parcel map.

- **Multi-family uses.** If the LMD includes lakefront apartments or other multi-family structures, you could stipulate a "dwelling unit" charge to avoid a situation where an apartment complex has the same LMD charge as a single-family house.
- **Habitat enhancement rate.** To encourage property owners to retain or restore a significant portion of their waterfront to natural vegetation, you may consider a reduced charge for all or portions of lakefront meeting specific requirements.
- **Contiguous lots.** If this is an issue, you may need to code certain parcels as "contiguous" to allow delegation of per-parcel charges. Development Services may help you define which lots are "contiguous" or you may simply provide for contiguous lot rate exemptions in the rate formula and allow property owners to bring this information forward during the LMD formation process, particularly during the final hearing on objections to the LMD roll. However, this would reduce the amount of the total revenue available unless appropriate steps were undertaken to increase the proposed rates and charges.

- Other exempt parcels. Delete parcels or delete charge for community lake front parcels or other categorically exempt parcels.

2. Creating the proposed LMD Roll.

The process for creating the roll is summarized below.

- a. Request Assessor parcel data: Identify the parcels to be included on the Assessor Roll Parameters request form. The documentation available from Central Services will assist in completing this request.

An ASCII format computer file can be requested, which will provide basic parcel data for the parcels you identify. This will be the source for parcel number, owner name and other essential data for the LMD roll.

You will probably need to create a database to read the Assessor data into. The database (in whatever software you are using) must exactly match the field size in the Assessor data, which are described in the current Assessor Roll parameters documentation. The database from the Assessor may include several fields which you do not need. However, you must create a database to “read” the entire Assessor download into: then you can take the data you need for the LMD database.

- b. Create the LMD database format: Define the fields to be included in the database. As explained above, the rate structure can be fairly simple (a flat rate per parcel) or can include more complex rate structure components (such as assessed valuation). See Exhibit 2 for a fairly simple example LMD rate structure and database.
- c. Enter additional data. Some parcel data will likely be required which is not included in the Assessor database. Category of parcel (“upland” vs. “waterfront”) may need to be entered. Wetlands or other special parcel features may also be required to calculate the LMD rates.
- d. Calculate total revenue and revenue per “class” of property. This can be illustrated on a spreadsheet.

(SEE EXHIBIT 2)

D. LEGAL NOTICE REQUIREMENTS FOR PUBLIC HEARING (RCW 36.61.040)

Notice for the public hearing on creation must be given to each property owner and to the Departments of Ecology and Fish & Wildlife. The notice of public hearing must also be published. Each notice is described below.

1. Notice to Property Owners (Other than State Property)

Legal notice for the LMD hearing must be mailed to each property owner indicated by the County Assessor’s records **at least 20 days** before the hearing per Thurston County policy. The

required notice defined in RCW 36.61.040 is quite detailed. It must:

- a. reference the resolution of intention;
- b. designate the number of LMD;
- c. Provide details of the LMD as specified by the petition and resolution of intention (i.e. boundary, duration, etc.);
- d. indicate the date, time and place for the hearing; and
- e. state the proposed LMD charge for each parcel.

(SEE EXHIBIT 3: NOTICE OF PUBLIC HEARING)

2. State-owned Property Within a Proposed LMD (RCW 79.44)

If state-owned property is included in a proposed LMD, notice requirements contained in a separate state law (Chapter 79.44 RCW) must be followed RCW 36.61.270.

For state-owned lands included in an LMD , notice of the LMD public hearing must be provided **30 days prior** to the hearing. It must be sent by **registered or certified mail** to (i) the Director of the Office of Fiscal Management, and (ii) the chief administrative officer of the state agency which occupies or manages the land. RCW 79.44.040.

Further, if state land is leased, the county must **apportion** the proposed LMD charge between the lessee and the lessor based on the life of the lease. RCW 79.44.030. For example, if 90 years remain on a lease of state land for residential use, the LMD rate should be assigned 100% to the lessee.

3. Notice to Departments of Ecology and Fish & Wildlife

Notice must also be sent to the departments of Ecology and Fish & Wildlife at least 15 days prior to the hearing, whether State-owned land is included in the LMD or not. The purpose is to solicit comments on fish and wildlife issues relevant to the LMD proposal.

4. Published Notice

Notice of the hearing shall be published in a “newspaper of general circulation” in at least **two consecutive issues**, with **first publication at least 20 days prior to the hearing**. Although RCW 36.61.040 only requires 15 days advance notice, Thurston County’s public participation policy requires at least 20 days advance notice. (See Resolution No 10102 for more information.) The notice requirements are identical to the property owner notices except that no parcel-specific information is included.

STEP 3: PUBLIC HEARING ON CREATION

The public hearing provides an opportunity for affected property owners, members of the public and agencies to comment on the proposed LMD. RCW 36.61.050 specifically requires the “the county legislative authority must consider recommendations provided to it by the Departments of Fish & Wildlife and Ecology.

Hearings officer or committee option

The County Commissioners may designate a hearings officer or a committee to hear the LMD proposal. If this option is exercised, the County Commissioners may take action on the LMD proposal without holding a new public hearing after consideration of the recommendation of the hearing officer or committee. RCW 36.61.060

STEP 4: COUNTY COMMISSIONER ACTION

A. OPTIONS FOR BOARD ACTION

Based on the results of the public hearing on creation, the Board of County Commissioners may take the following action:

1. Approve the LMD as proposed and adopt a resolution submitting the question of creation to property owners.
2. Modify the activities or boundaries of the proposed LMD “as it deems necessary.” However, LMD boundaries cannot be expanded nor the total LMD funding increased unless another hearing is provided for the affected property owners. RCW 36.61.050
3. Reject the LMD, specifying rationale for determination that the proposal does not meet the required criteria.
4. Return the proposal to the property owner committee for response to specific issues. (See discussion above regarding limitations on changing the LMD proposal.)

B. CRITERIA FOR BOARD APPROVAL OF AN LMD PROPOSAL

The County legislative authority may **submit the LMD proposal to a vote of property owners** based on the following criteria or “findings” (per RCW 36.62.070):

1. “[i]t is in the public interest to create the lake management district.”

In practice, “in the public interest” may include such findings as property owner interest in managing the lake or conformance to County policies and regulations (for example, preference for non-chemical aquatic plant control techniques, sensitive area ordinance).

2. “[t]he financing of the lake improvement and maintenance activities is feasible.”

Whether financing is feasible is determined by the following test: is there a match between the expenditures required to achieve the LMD purpose and revenue being raised? (If grant funds are being sought to supplement LMD revenue, see the discussion on page 10.)

In addition, the statute requires that the LMD plan adopted by the County Commissioners must **“avoid adverse impacts to fish and wildlife and enhance fish and wildlife.”**

C. LMD’S WHICH INCLUDE MULTIPLE COUNTIES OR CITIES

State statute specifically requires that an LMD in **two or more counties** cannot be created “without the approval of the legislative authority of the other county.” The appropriate time for such action would be prior to putting the issue to a vote of property owners. RCW 36.61.070.

County legal counsel has advised that the same provision may apply when an LMD is **partially within a city**. It may be advisable to solicit support from the affected city council if an LMD is partially in an incorporated area. This is inferred from RCW 35.21.403 which gives cities the same authority to form LMDs as counties.

STEP 5: PROPERTY OWNER VOTE

After County Commissioner approval, the LMD proposal is put to a vote of property owners. In the following section, the basic requirements of RCW 36.61 are described. Following this, the responsibility of the involved County departments is described as defined by RCW and the Thurston County Commissioner.

A. REQUIREMENTS OF RCW 36.61.080 AND 36.61.090.

1. Each **property owner** within the district can vote. (You do not need to be a resident or a registered voter for the LMD ballot.)
2. **One vote per dollar** of proposed LMD charge is allotted.
3. A mail ballot is used, with ballots due by a set date which is between **20 to 30 days from the mailing**. Ballots must be **signed** by the property owner and **returned to the County Commissioners** by the deadline. (There is no “grace period” for ballots postmarked on or before the deadline.)
4. A **majority of returned ballots** determines the issue. There is no minimum required to certify the election. **If more than one lake** is included in the LMD, the vote must be affirmative on **each lake**. RCW 36.61.100.
5. The ballots will be **available for public inspection** after they have been counted. (In other words, it is not a typical anonymous election because each ballot is signed by the property owner.)

B RESPONSIBILITIES OF THE DEPARTMENT OF WATER AND WASTE MANAGEMENT

1. The Department of Water and Waste Management staff are responsible for preparing agenda items and ensuring that the entire balloting process is accomplished according to State and County requirements.
2. The ballot package is prepared by W&WM staff and mailed to each property owner as indicated in the records of the Thurston County Assessor. The package must include the following items:
 - a. a property owner ballot (required language stated in RCW 36.61.080);
 - b. a description of the owner’s property (i.e. parcel number) and proposed LMD charge;
 - c. voting instructions as specified in RCW 36.61.090. In addition, the time and place when interested property owners may observe the ballots being counted is included in the instructions.
 - d. a copy of the resolution putting the LMD to a vote of property owners; and
 - e. a return envelope addressed to the office of the County Commissioners, stamped “official ballot”.

No material in favor or opposed to the proposal will be included beyond the items specified in RCW 36.61.080 and 36.61.090, unless expressly approved by the Board of County Commissioners as being in the public interest to inform LMD voters.

Outside of the envelope containing the ballot package is stamped “official ballot” and the ballot package is mailed first class.

3. Coordinate with County Auditor’s Elections staff, to ensure that they provide the receptacle and to schedule a specific time and location for the ballots to be counted. A list of parcels and their associated votes will also be provided by W&WM staff to the Auditor’s staff, to facilitate counting the ballots.

C. RESPONSIBILITIES: OFFICE OF THE BOARD OF COMMISSIONERS

The Office of the Board of County Commissioners receive ballots via mail or direct delivery by property owners. Ballots are date-stamped and placed unopened in the sealed ballot receptacle provided by the Auditor which is located in the Commissioner’s office from the time the ballots are mailed to the end of the ballot period (see below).

D. RESPONSIBILITIES OF THE THURSTON COUNTY AUDITOR ELECTIONS STAFF

1. Provide a sealed ballot receptacle to the Office of the County Commissioners.
2. At the close of the specified voting period, the ballot receptacle is removed by Elections staff and secured.
3. At a publicly announced time and place, ballots will be tabulated by Elections staff. LMD property owners and other interested parties may observe the ballot counting. Ballots must meet the requirements of Chapter 36.61 RCW to be counted, including receipt by the deadline and signature by the property owner.

(SEE EXHIBIT 5: DOCUMENTS PUTTING PROPOSAL TO VOTE OF THE PROPERTY OWNERS.)

STEP 6: CREATION OF THE LMD

A majority of returned votes decides the LMD formation issue.

A. NEGATIVE VOTE

A vote is **negative** if fifty percent (50%) or less of the returned votes are in favor. A **negative** vote will conclude the LMD process. A letter is sent to the affected property owners informing them of the results (Thurston County Commissioners requirements).

B. AFFIRMATIVE VOTE

A vote is **affirmative** if a simple majority of returned votes are in favor. An **affirmative** vote will result in the following action:

1. **An ordinance creating the LMD** will adopted by the County Commissioners. (There is no discretion on the part of the County Commissioners at this point since they acted on the LMD when they voted to put the issue to property owner vote.)
2. **Legal notice of LMD creation** must be published in the newspaper of general circulation in the LMD within 10 days of action. This notice triggers the 40-day window for filing a lawsuit against the LMD formation RCW 36.61 110.
3. **Public hearing** on objections to the LMD roll must be set.
4. **LMD-funded activities** may commence with the adoption of the ordinance. RCW 36.61.100.

While **expenditures** may begin, **revenue** from LMD rates will not be collected until the LMD roll process is complete (including a hearing on any objections) and bills have been sent out. While a **loan** will be necessary if expenditures begin before LMD revenue is received, initiating early action may be desirable. For example, an LMD to conduct aquatic weed harvesting is created in March after an affirmative vote. The LMD rates will be included in the following year's property tax billing (for collection in April and October), but the property owners are ready to commence harvesting during the first summer after the LMD formation. Possible solution: a short-term loan pending receipt of LMD revenue.

(SEE EXHIBIT 6: CREATING THE LMD)

STEP 7: HEARING ON OBJECTIONS

A. PROPOSED LMD ROLL.

The roll of rates and charges must be confirmed and approved by resolution to complete the LMD formation process. RCW 36.61.270 provides that the same process for special assessments (RCW 36.61.120 through 36.61.150) is used for approval of rates and charges.

By this point, the proposed LMD roll has already been created since it was needed before the initial hearing to provide the proposed LMD charge for each parcel in the LMD. The contents of the roll must include: each parcel or property within the LMD and its acreage, feet of lake frontage (if any), owner name and address and the proposed charge on such parcel. The proposed roll will be available for public inspection as provided in the notice of the hearing on objections.

B. NOTICE OF THE HEARING ON OBJECTIONS

The contents for the notice of hearing are set out in RCW 36.61.140, specifically, (i) notice of the time, date and place of the hearing; (ii) notice that the proposed roll is available for inspection (including the time and location for such inspection); (iii) notice that objections must be made in writing and filed prior to the hearing; (iv) that failure to so object will be deemed a waiver of objection; and (v) the charge to be placed on each parcel.

Notices are to be published and mailed to owners as set out in RCW 36.61.040. See STEP 2, Section D for details.

(SEE EXHIBIT 7: OBJECTION HEARING NOTICE)

STEP 8: CONFIRMING THE ROLL AND COLLECTIONS

A. ACTION AT HEARING: CONFIRMATION OF ROLL OR RATES AND CHARGES.

At the hearing on objections, the County Commissioners will act as a “board of equalization” (unless they have delegated such duty as provided under RCW 36.61.130). The board of equalization will hear any objections which have been submitted in writing prior to the hearing. Typically, three minutes is allowed per owner. If the Board of County Commissioners so chooses, it may revise the roll or set the roll aside and order preparation of a new roll. Otherwise, it may adopt the roll by resolution. However, if the roll is amended to raise any charges or include omitted property, a new public hearing must be held to consider such amendments. Notice must be sent to all property owners which are proposed to be added to the LMD or have their LMD rates increased.

(SEE EXHIBIT 8: RESOLUTION ADOPTING LMD ROLL)

B. BILLING AND COLLECTION

As specified by Chapter 36.61 RCW, the County Treasurer collects LMD charges. The County Treasurer bills LMD charges along with the property tax and other assessments as a specific item on the annual property tax statement. The Department of Water and Waste Management will prepare an annual roll for the Treasurer. The Treasurer has defined specific requirements which LMD staff must follow for submit the roll for collection.

The LMD roll **must be submitted to the Treasurer by November 15** for collection on the following year’s tax statement. Earlier submittal may be required for new LMDs or other special circumstances. If this deadline is missed, interim funding from an interim loan or other source will be required if the LMD activities are to begin the next year.

(SEE EXHIBIT 8-2 THURSTON COUNTY TREASURER BILLING GUIDELINES FOR SPECIAL DISTRICTS.)

The Treasurer also deals with delinquencies and liens. Per RCW 36.61.270, these are handled in the same manner as Chapter 36.94RCW. (See particularly RCW 36.94.150.)

(SEE EXHIBIT 8-3 RESOLUTION SETTING INTEREST AND PENALTIES.)

EXHIBIT – FLOW CHART CROSS REFERENCE

(Please see Flow Chart on page 3)

Exhibit 1 – LMD Petition and Related Documents (Step 1 thru Step 4)

Exhibit 2 – Resolution of Intention (Step 5)

Exhibit 3 – Notices for Public Hearing (Step 5)

Exhibit 4 – Resolution Putting Proposal to Vote of the Property Owners (Step 7)

Exhibit 5 – Property Owner Vote (Step 8)

Exhibit 6 – Creating the LMD (Step 9)

Exhibit 7 – Objection Hearing Documents (Step 10)

Exhibit 8 – Adopting the Roll and Collections (Step 12)

EXHIBIT 1 - LMD PETITION AND RELATED DOCUMENTS

DOCUMENT 1A - BOUNDARY BASED ON LAKEFRONT AND LAKE ACCESS
PARCELS

DOCUMENT 1B - BOUNDARY BASED ON WATERSHED

DOCUMENT 2 - PETITION AND INFORMATIONAL ATTACHMENTS

EXHIBIT 1-1A

Long Lake – Lakeshore and Community Access (Benefit)

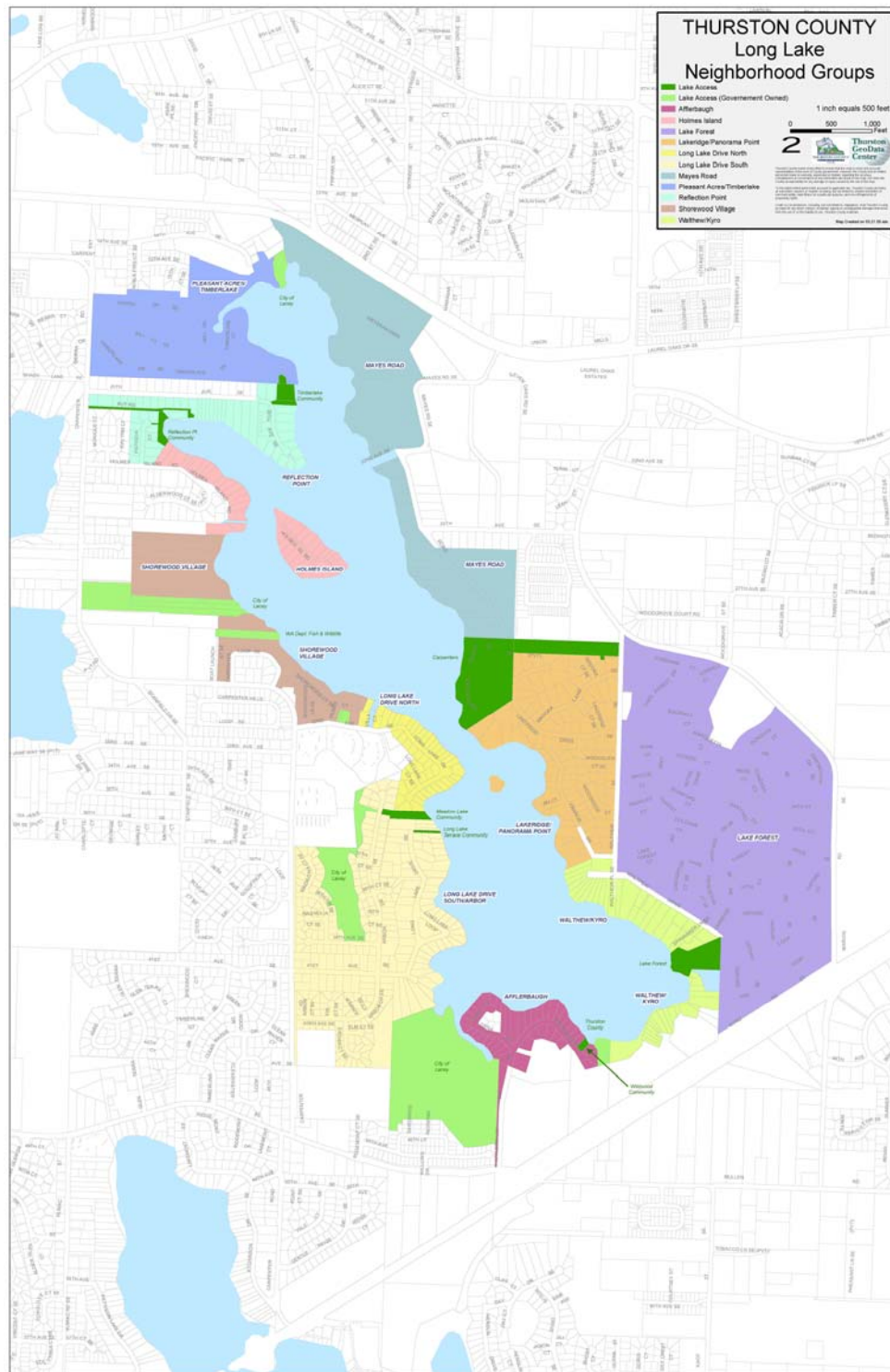


EXHIBIT 1-1B

SUMMIT L.M.D. - PROTECT DRINKING WATER SOURCE

BOUNDARY: WATERSHED (CONTRIBUTION TO PROBLEM)

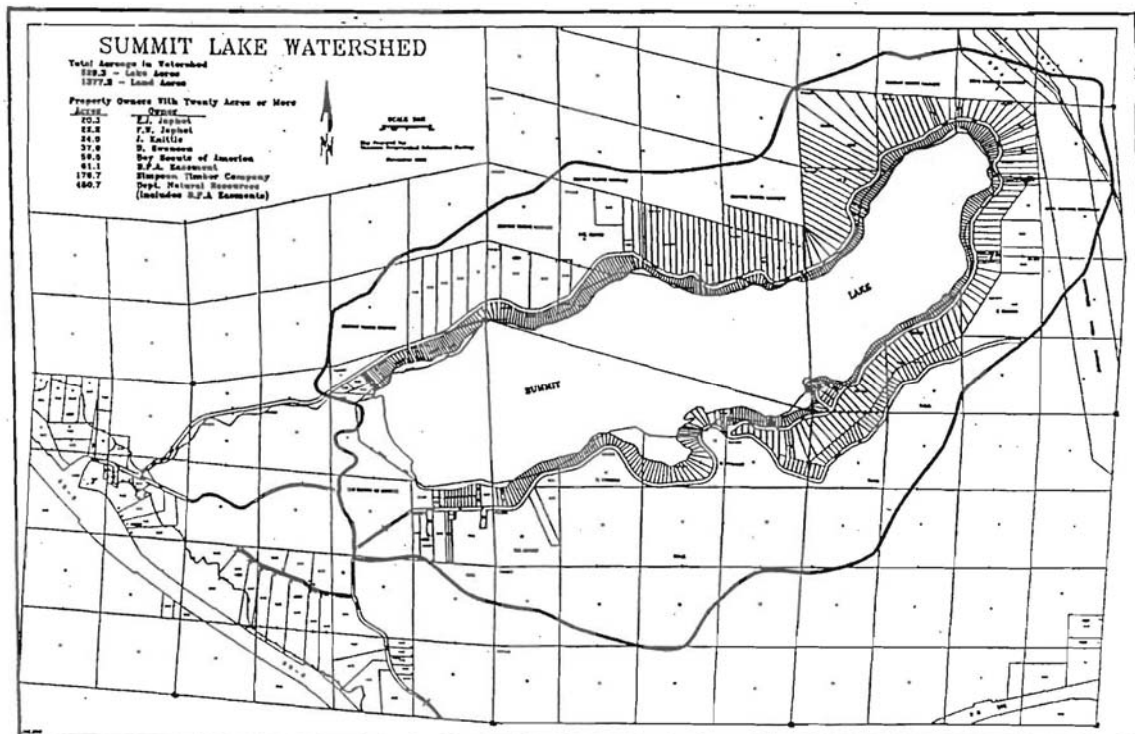


EXHIBIT 1-2

PETITION TO THE THURSTON BOARD OF COUNTY COMMISSIONERS REGARDING THE LAKE MANAGEMENT DISTRICT FOR LONG LAKE

PREAMBLE

During the past five years, your Long Lake Management District (LLMD) has successfully contained the noxious milfoil. However, other lake plants have flourished that adversely impact recreational uses of the Lake.

New challenges persist based on the increased population living on the shores and growing communities adjacent to the Lake, an increasing non-District use of the lake by boaters, personal watercraft, fishermen, swimmers, and other recreational activities.

Ongoing activities of the LLMD steering committee include: addressing plant management, continuing monitoring of water quality, education and outreach including publication of newsletters, and polling those with community access and lake front property regarding safety and recreational use of the Lake.

PETITION

We, the undersigned Long Lake property owners, request that the Thurston Board of County Commissioners approve the Lake Management District for Long Lake (LLMD). The LLMD funds will continue to finance efforts to protect and enhance Long Lake in terms of plant management, water quality, recreational use, and aesthetic value.

1. Purpose of the Long Lake Management District:

- a. Maintain an advisory committee of neighborhood representatives to Thurston County, who are responsible for directing the efforts and funds of the LLMD.
- b. Monitor and manage recurrence of milfoil or emergence of other lake plants that could adversely impact the freshwater system and recommend prompt action to control these plants.
- c. Manage aquatic plants and algae in Long Lake to meet recreational and aesthetic needs; fishery and wildlife habitat requirements, and watershed concerns.
- d. Employ best-practice techniques based on environmental safety and efficacy.
- e. Conduct water quality monitoring.
- f. Investigate and promote best management practices and shoreline enhancement to decrease phosphorous loading.
- g. Investigate, advise, and report upon measures regarding an increased population and popular use of Long Lake, while maintaining quality of life on and around the Lake.

- h. The Long Lake Management District shall inform lakefront property owners and those with community access to the Lake of its deliberations and shall solicit their interests and views.
- i. The Long Lake Management District shall act with the interest of lakefront property owners and those with community access to the Lake and advise the Thurston County Commissioners on the above matters.

In this petition, authorization is sought to allow the Long Lake Management District to advise the County Commissioner on all matters of concern affecting the enjoyment of the Lake waters and environment. Because authorization is for five years into the future, a broad authority is sought. We cannot predict the problems that may arise regarding environmental quality, recreational safety, or conflicting uses of the Lake that will need resolution. Authorities to consider, study, and advise upon such issues and concerns will add to the worth and efficiency of the Long Lake Management District.

The proposed activity to accomplish these objectives is detailed in the 2006 LLMD Action Plan. (Note: Please see attached revised work plan.)

2. Boundary:

The boundary of the LLMD is all property with lakefront or community access on Long Lake, which boundary is defined in the "Long Lake Vicinity Neighborhood Groups" map attached herein by reference. The LLMD boundary is considered to be automatically expanded when new parcels gain private access to the Lake.

3. Duration:

The duration of the LLMD is 5 years, January 1, 2006 through December 31, 2010.

4. Charges to property:

Annual rates and charges will be used to raise funds to support LLMD activities. Annual LLMD budget and rates will be recommended by the LLMD Steering Committee and adopted by the County Commissioners.

The estimated maximum amount that will be raised by LLMD rates in 2006 is \$190,000. The attached 2006 Action Plan includes an itemization of the use of these funds for the 2006 fiscal year. Total maximum LLMD rate revenue for the five-year LLMD including a maximum 5% annual increase for inflation is \$1,049,870.

The following is the formula of rates and charges that is used to establish the 2006 assessment roll for the LLMD:

For public and semi-public recreational property:

\$3.92 per lake front foot plus \$0.18 per user day for swimming facility, \$1.27 per user day for boat launch facilities, \$22.90 per parcel for vacant property, and \$45.80 per dwelling unit.

For residential property:

Lake Front - Developed: \$3.92 per lakefront foot plus \$45.80 per dwelling unit.

Lake Front – Vacant: \$3.92 per lakefront foot plus \$22.90 per parcel.
Upland Parcels: \$45.80 per dwelling unit, and \$22.90 for vacant lots.

For conservancy shoreline areas as designated on the official LLMD map:
\$0.72 per lake front foot plus other charges as applicable.

5. Long Lake Management District Steering Committee:

The volunteer Long Lake Management District Steering Committee will continue to represent the interests of LLMD property owners in the various neighborhoods around the Lake. Annual LLMD work plan, budget and LLMD rates will be recommended by the steering committee for approval by the County Commissioners. The Committee will track activities and expenditures: County staff will provide Committee support including monthly financial reports.

LONG LMD: PRELIMINARY ACTION PLAN AND FINANCING FOR PROPOSED NEW LAKE MANAGEMENT DISTRICT (2006 – 2010)

(Annual work program, budget, and LLMD rates would be recommended by the Long LMD Steering Committee and adopted by the County Commissioners with maximum allowed by LMD resolutions.) Proposed 2006 work plan:

PROPOSED 2006 WORK PROGRAMS:	ESTIMATED 2006 EXPENDITURES
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MILFOIL ERADICATION

8 weeks diver survey/eradication by qualified divers, diver support & supplies	\$45,000
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PROGRAM DEVELOPMENT

Provides County staff support to LLMD Steering Committee,	
Newsletters to LLMD property owners,	
Assisting implementation of watershed activities identified in	
Long Lake Management Plan to reduce nutrient loading and protect habitat.	
Staff support	\$13,000
Newsletters:	\$1,800
Billing & misc.:	<u>\$6,500</u>

Program Development Total:	\$21,300
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IAVMP IMPLEMENTATION

IAVAMP	\$24,000
Lake Front Property Owner Herbicide information support	\$5,000
Pursuit of County acceptance of integrated pest management approach	<u>\$20,000</u>

IAVMP Implementation Total	\$49,000
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MONITORING

Water quality and benthic monitoring.
This will be crucial to developing proposals for any in-lake treatment (post alum)

to reduce phosphorous and control algae bloom. **\$4,700**

AQUATIC WEED CONTROL

Contracted harvesting services: **\$70,000**

TOTAL ESTIMATED 2006 EXPENSE **\$190,000**

**PROPOSED 2006 REVENUE:
LLMD RATES**

\$190,000

Projected 2006-2010 rates include maximum 5% annual increase for contingency

2007 PROPOSED LLMD RATES \$199,500

2008 PROPOSED LLMD RATES \$209,475

2009 PROPOSED LLMD RATES \$219,949

2010 PROPOSED LLMD RATES \$230,946

TOTAL MAXIMUM LMD RATE REVENUE FOR 5-YEAR LMD **\$1,049,870**

Note: Any fund balance would be carried over from previous LLMD.

This budget assumes no additional grant funding. If major additional action is needed, a revised LLMD proposal would be developed, and LLMD process would be initiated.

	Signature of property owner	Address	Lot or Parcel number (if known)
1			
2			
3			
4			

EXHIBIT 2 – RESOLUTION OF INTENTION

Document 1 – Resolution of Intention

Document 2 – Example Database

EXHIBIT 2-1

RESOLUTION NO. 13339

RESOLUTION OF INTENTION
FOR

THURSTON COUNTY LAKE MANAGEMENT DISTRICT No. 17 (Long Lake)

A RESOLUTION declaring the intention of the Board of Thurston County Commissioners to establish Lake Management District No. 17 for Long Lake pursuant to RCW Chapter 36.61; and setting the public hearing on formation of the same.

The Board of Thurston County Commissioners makes the following findings of fact:

1. Long Lake property owners have shown significant support for formation of a Long Lake Management District ("LLMD") as evidenced by submittal of 281 LMD petition signatures, representing approximately 21% of the total properties.
2. Forming a new LMD to protect Long Lake water quality and beneficial uses will serve the interests of the public and property owners. The Board of Thurston County Commissioners adopted the Long Lake Management Plan in 1995 as recommended by the Long Lake Management District Steering Committee, and an updated version is scheduled for adoption in 2005. The plan will continue to be the basis for the work plan for the LMD, which includes restoring and maintaining the lake to support continued human use and enjoyment while protecting fish and wildlife habitat.
3. Long Lake is utilized for purposes which are sensitive to water quality. Long Lake supports significant public recreational uses including swimming, water skiing and recreational boating. It is also a popular fishing area and home to several fisheries. Wildlife using the lake includes bald eagles, blue heron, and other important species. The LMD funded lake management program is intended to protect all beneficial uses of the lake, including wildlife.
4. The proposed annual charges for each category of property within the proposed LMD bear a reasonable relationship to factors including: use of the property; services provided by the proposed LMD; and benefit to property. The proposed LMD includes the following categories of property:

A. Private Residential Lakefront Property: Primary use of residential shoreline property is for single-family residences. Shoreline and lake access are secondary uses with significant values for these properties. Protecting water quality by controlling nutrient loading to Long Lake will preserve lake enjoyment and use. Aquatic weed control will preserve the utility of the lake for boating and other recreation by shoreline property owners. The proposed LMD would also continue surface survey and scientific diving to remove Eurasian Watermilfoil, an invasive aquatic plant. This proposed LMD work program is of substantial value to private residential property owners.

B. Private Upland Property with Community Lake Access: The primary

intended use of these parcels is residential. While having no direct private lake frontage, these parcels share a common ownership of one or more community lake access parcels. Through common ownership of the community lakefront parcel, upland properties benefit from the proposed LMD program to control nutrient loading and aquatic plants. The level of benefit is less than that of residential parcels with direct lake frontage and access.

C. Habitat Reserve Waterfront: Designating undeveloped shoreline property as Habitat Reserve Waterfront and charging these properties a reduced rate encourages the preservation of natural habitat and protects wildlife. Property owners with extensive wetlands on the lake edge receive less benefit due to restricted lake access.

Criteria to be considered to determine if property qualifies for this designation include:

- Aquatic plants in the lake for 25 feet from the shoreline; and
- Emergent upland vegetation extending 25 feet inland from the shoreline that enhances habitat value; and
- Natural habitat area extending for a minimum of 50 contiguous shoreline feet on a single or adjacent properties; and
- Property owners agree to not harvest submergent and emergent plants in the Habitat Reserve Area.

D. Improved Public Boat Launch Property: Primary use of property in this class is public access to the lake and lakeshore for recreational activities. Recreational activities include boating, fishing, water skiing, swimming, and other uses. The existing public access site provided by the Washington Department of Fish and Wildlife provides boat access to the lake for a variety of uses including informal use of the shoreline for fishing and other shoreline uses.

The primary intended use of this property is highly dependent on lake water quality. Occurrence of blue-green algae blooms, which are a nuisance and potentially toxic to humans and animals, are becoming more frequent and will increase in the absence of effective action to control nutrient loading. Decline in water quality will reduce use of the lake and reduce benefit to the public agency(s) providing public access. Public health and safety concerns will increase due to limited lake visibility and potentially toxic algae blooms.

The proposed LMD will provide aquatic weed control, which will support mixed recreational uses of the lake. Navigation areas will be maintained to benefit all boaters. Habitat areas will be preserved to serve fish and wildlife. In addition, future external phosphorus loading to the lake would be reduced through implementation of the Long Lake Management Plan.

Higher charges for public access properties compared to residential lakefront parcels are appropriate, given the much larger number of lake users accessing the lake through the public access site versus recreational benefit from the program accruing to a single family residential parcel.

E. Other Public Access: Primary uses of this property are low-intensity recreation uses and habitat preservation. Recreational uses are limited to those which do not

threaten sensitive habitat values, such as passive nature enjoyment and shoreline fishing. These uses are provided by the existing parcel in the category owned by Lacey Parks Department.

F. Exempt Property: Exemptions are appropriate for properties used exclusively for private roads or utilities. Community open space or lake access areas are also reasonably exempted, as the benefited property owners are each subject to an LMD charge. Lake-bottom property is exempt from rates and charges pursuant to RCW 36.61.010.

5. The LMD formation process provides ample opportunities for property owners, resource agencies and the County to consider whether to form an LMD, as well as appropriate purposes, rates and charges formulae, boundaries, and other details.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, STATE OF WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Pursuant to RCW 36.61.030, the Board of Thurston County Commissioners hereby designates proposed Thurston County Lake Management District No. 17 for Long Lake.

Section 2. Purpose: The purpose of the proposed Lake Management District is to protect the water quality, fish and wildlife habitat, recreation, and aesthetic values of Long Lake through the implementation of appropriate lake management activities including:

- a. Monitor and manage any recurrence of milfoil or emergence of other aquatic plants to meet recreational and aesthetic needs, fishery and wildlife habitat requirements, and watershed concerns.
- b. Conduct water quality monitoring.
- c. Investigate and promote best management practices and shoreline enhancement to decrease phosphorous loading.
- d. Implement the Long Lake Management Plan to be adopted in 2005.
- e. Investigate, advise, and report upon impacts caused by the increased population and popular use of Long Lake, while maintaining quality of life on and around the Lake.
- f. Maintain a steering committee responsible for directing LMD activities, overseeing finances and communicating with property owners.

Section 3. Duration: The proposed duration of the LMD is five years, from January 1, 2006 through December 31, 2010.

Section 4. Charges: The proposed formula for annual rates and charges to property is set out below.

- A. **Private Lakefront Property:** Residential property includes properties used primarily as a residence along the shoreline.
 - \$ 3.92 per lake front foot;
 - \$ 45.80 per dwelling unit for developed property; or
 - \$ 22.90 per parcel¹ for vacant property.
- B. **Private Upland Property with Community Lake Access:**
 - \$ 45.80 per dwelling unit for developed property; or
 - \$22.90 per parcel¹ for vacant property
- C. **Habitat Reserve Waterfront:** Habitat Reserve Waterfront areas approved by the Steering Committee and on file by Thurston County Water and Waste Management. All or part of a parcel may be designated as Habitat Reserve Areas as defined.
 - \$ 0.72 per lake front foot;
 - \$ 45.80 per dwelling unit for developed property; or
 - \$ 22.90 per parcel¹ for vacant property.
- D. **Improved Public Boat Launch Property:**
 - \$ 3.92 per lake front foot;
 - \$ 0.18 per user day for day use and swimming facilities; plus
 - \$ 1.27 per user day for boat launch facilities.
- E. **Other Public Access:**
 - \$ 3.92 per lake front foot;
 - \$ 0.18 per user day for day use and swimming facilities

¹ The term "parcel" is defined as a lot of legal size and dimension under applicable land use law.

Section 5. Exempt property:

- A. Lake-bottom property;
- B. Parcels used exclusively for private roads or utilities; and
- C. Community open space or lake access areas.

Section 6. Proposed Annual Rates and Charges to property within the proposed LMD will not exceed \$190,000.00 for the first year, with a maximum escalation for inflation of 5% per year for the following four years. These limits may be amended if allowed pursuant to any legislative changes to RCW 36.61 that take effect during the five-year duration of the district.

Section 7. Boundaries: The boundary of the LLMD is all property with lakefront or community access on Long Lake, as depicted on the map maintained by the Department of Water and Waste Management. The LLMD boundary will automatically expand when new parcels gain community or other private access to the Lake.

Section 8. Long Lake LMD No. 17 Steering Committee: If the proposed LMD No. 17 is formed, the Long Lake Management District Steering Committee, a non-paid advisory committee consisting of LMD property owners, will be formed to oversee the program, and assist in establishing budgets and work plans for the use of LMD No. 17 revenues.

Section 9. A public hearing on the formation of proposed LMD No. 17 shall be held on May 17, 2005 at Thurston County Fairgrounds, Expo Center 6:30 p.m. at, to consider the formation of proposed Lake Management District No. 17 in Thurston County, Washington.

ADOPTED: April 4, 2005

ATTEST:

Spencer J. Bouyma
Clerk of the Board

APPROVED AS TO FORM:
EDWARD G. HOLM
PROSECUTING ATTORNEY

By: *Kristin Larson Doyle*
Kristin Larson Doyle
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Steve Chapman
Chairman

Bob MacLeod
Commissioner

Gary Kaefer
Commissioner

EXHIBIT 2-2

SAMPLE LMD DATABASE AND CHARGES

In the following example, the rate structure for the proposed Lake LMD would be incorporated into a database with the following fields. Sources of data information are also identified.

Field Name	Type	Size	Source
Parcel Number	Numeric	11	Assessor data download
Owner Name	Alpha	28	Assessor data download
Owner Address	Alpha	28	Assessor data download
Owner City	Alpha	13	Assessor data download
Owner Zip	Numeric	10	Assessor data download
Waterfront	Numeric	9	Assessor data download
Conservancy Waterfront	Numeric	9	Wetland maps
Senior Reduction	Numeric/calculated	9	Assessor data download
LMD Charge	Numeric/calculated	9	Calculated

Calculation for LMD charge: This would be driven by the rate structure proposed for the LMD. A calculated field would be created, applying the appropriate rate to each data field. The following is the formula of rates and charges that was used to establish the 2006 assessment roll for the LMD:

For public and semi-public recreational property:

\$3.92 per lake front foot plus \$0.18 per user day for swimming facility, \$1.27 per user day for boat launch facilities, \$22.90 per parcel for vacant property, and \$45.90 per dwelling unit.

For residential property:

Lake Front – Developed: \$3.92 per lakefront foot plus \$45.80 per dwelling unit.

Lake Front – Vacant: \$3.92 per lakefront foot plus \$22.90 per parcel.

Upland Parcels: \$45.80 per dwelling unit, and \$22.90 for vacant lots.

For conservancy shoreline areas as designated on the official LMD map;

\$0.72 per lake front foot plus other charges as applicable.

Senior reduction: The Senior citizen property tax reduction program is provided in 3 categories, based on income. The Assessor enrolls qualifying property owners. These enrollments can be utilized to provide a similar reduction in LMD charges on property owned by these low-income seniors. The following percentages roughly approximate the amount of property tax reduction provided to qualifying seniors in each of the categories:

Senior Category 1: .75 reduction in LMD charges

Senior Category 2: .50 reduction in LMD charges

Senior Category 3: .25 reduction in LMD charges

EXHIBIT 3 – NOTICES FOR HEARING

Document 1 – Notice to Property Owners

Document 2 – Notice to Agencies

Document 3 – Published Notice

EXHIBIT 3-1
(Notice to Property Owners)

NOTICE OF PUBLIC HEARING
on proposed Thurston County
Long Lake Management District No. 17
before the Board of Thurston County Commissioners

PURPOSE: The existing Lake Management District (LMD) for Long Lake will expire on December 31, 2005. A group of property owners working with County staff from the Thurston County Water and Waste Management Department have proposed a new LMD. The purpose of the hearing is to consider comments on the proposed LMD. The County Commissioners' approval is required to create the new LMD. Property owners, through a mail-in ballot, will also need to approve the LMD prior to its creation. This Hearing is required by Chapter 36.61 RCW to provide an opportunity for the public to comment on the proposed LMD to the County Commissioners.

A Resolution of Intention to create a LMD for Long Lake was adopted by the County Commissioners on April 4, 2005 and identified as Resolution No. 13339.

The following property for which you are the owner of record is within the proposed Lake Management District. The proposed annual LMD charge for this property is:

PARCEL NUMBER: (Parcel Number)
PROPOSED LMD RATE: (LMD Fee)

Property Owner
Address
City, State Zip

Attached is a proposed plan for LMD No. 17.

The public hearing is set for:

DATE: May 17, 2005
TIME: 6:30 p.m.
PLACE: Thurston County Fairgrounds - Expo Center
3054 Carpenter Road SE
Olympia, WA 98503

Contact Person: Jim Bachmeier, Department of Water and Waste Management, 357-2491. Copies of the Resolution of Intention are available at the Department's reception counter located at 921 Lakeridge Drive SW, Bldg. 4, Room 100, Olympia, WA 98502.

Those wishing to testify should appear and be heard. Citizens requiring special accommodation at the hearing should call La Bonita Bowmar at 786-5440 by May 13, 2005. Citizens with hearing impairments may call the County's TDD line at 754-2933.

EXHIBIT 3-2
(Notice to Agencies)

NOTICE OF PUBLIC HEARING
on proposed Thurston County
Long Lake Management District No. 17
before the Board of Thurston County Commissioners

TO: Director
WA State Dept of Fish & Wildlife
600 Capitol Way N
Olympia, WA 98501

Notice is hereby provided on the public hearing pursuant to RCW 36.61.040, 36.61.050 and Chapter 79.44 RCW.

PURPOSE: The existing Lake Management District (LMD) for Long Lake will expire on December 31, 2005. A group of property owners working with County staff from the Thurston County Water and Waste Management Department have proposed a new LMD. The purpose of the hearing is to consider comments on the proposed LMD. The County Commissioners' approval is required to create the new LMD. Property owners, through a mail-in ballot, will also need to approve the LMD prior to its creation. This Hearing is required by Chapter 36.61 RCW to provide an opportunity for the public to comment on the proposed LMD to the County Commissioners.

A Resolution of Intention to create a LMD for Long Lake was adopted by the County Commissioners on April 4, 2005 and identified as Resolution No. 13339.

Attached is a proposed plan for LMD No. 17.

The Public Hearing is set for:

DATE: May 17, 2005
TIME: 6:30 p.m.
PLACE: Thurston County Expo Center
Thurston County Fairgrounds
3054 Carpenter Road SE
Olympia, WA 98503

Contact Person: Jim Bachmeier, Department of Water and Waste Management, 357-2491. Copies of the Resolution of Intention are available at the Department's reception counter located at 921 Lakeridge Drive SW, Bldg. 4, Room 100, Olympia, WA 98502.

Those wishing to testify should appear and be heard. Citizens requiring special accommodation at the hearing should call La Bonita Bowmar at 786-5440 by May 13, 2005. Citizens with hearing impairments may call the County's TDD line at 754-2933

PROPOSED PLAN FOR LMD NO.17
PURSUANT TO THE RESOLUTION OF INTENTION
RESOLUTION NO. 13339

I. Purpose

The purpose of the proposed Lake Management District is to protect the water quality, fish and wildlife habitat, recreation, and aesthetic values of Long Lake through the implementation of appropriate lake management activities including:

- a. Monitor and manage any recurrence of milfoil or emergence of other aquatic plants to meet recreational and aesthetic needs, fishery and wildlife habitat requirements, and watershed concerns.
- b. Conduct water quality monitoring.
- c. Investigate and promote best management practices and shoreline enhancement to decrease phosphorous loading.
- d. Implement the Long Lake Management Plan to be adopted in 2005.
- e. Investigate, advise, and report upon impacts caused by the increased population and popular use of Long Lake, while maintaining quality of life on and around the Lake.
- f. Maintain a steering committee responsible for directing LMD activities, overseeing finances and communicating with property owners.

II. Duration

The proposed duration of the LMD is five years, from January 1, 2006 through December 31, 2010.

III. Annual Rates and Charges

The proposed formula for annual rates and charges to property is set out below. Charges for each year will be based on land use of the subject parcels according to the records of the Thurston County Assessor and as defined by the rate and charge category.

The proposed annual charges for each category of property within the proposed LMD bear a reasonable relationship to factors including the use of the property, services provided by the proposed LMD, and benefit to property.

A. Private Residential Lakefront Property: Primary use of residential shoreline property is for single-family residences. Shoreline and lake access are secondary uses with significant values for these properties. Protecting water quality by controlling nutrient loading to Long Lake will preserve lake enjoyment and use. Aquatic weed control will preserve the utility of the lake for boating and other recreation by shoreline property owners. The proposed LMD would also continue surface survey and scientific diving to remove Eurasian Watermilfoil, an invasive aquatic plant. This proposed LMD work program is of substantial value to private residential property owners.

B. Private Upland Property with Community Lake Access: The primary intended use of these parcels is residential. While having no direct private lake frontage, these parcels share a common ownership of one or more community lake access parcels. Through common ownership of the community lakefront parcel, upland properties benefit from the proposed LMD program to control nutrient loading and aquatic plants. The level of benefit is

less than that of residential parcels with direct lake frontage and access.

C. Habitat Reserve Waterfront: Designating undeveloped shoreline property as Habitat Reserve Waterfront and charging these properties a reduced rate encourages the preservation of natural habitat and protects wildlife. Property owners with extensive wetlands on the lake edge receive less benefit due to restricted lake access.

Criteria to be considered to determine if property qualifies for this designation include:

- Aquatic plants in the lake for 25 feet from the shoreline; and
- Emergent upland vegetation extending 25 feet inland from the shoreline that enhances habitat value; and
- Natural habitat area extending for a minimum of 50 contiguous shoreline feet on a single or adjacent properties; and
- Property owners agree to not harvest submergent and emergent plants in the Habitat Reserve Area.

D. Improved Public Boat Launch Property: Primary use of property in this class is public access to the lake and lakeshore for recreational activities. Recreational activities include boating, fishing, water skiing, swimming, and other uses. The existing public access site provided by the Washington Department of Fish and Wildlife provides boat access to the lake for a variety of uses including informal use of the shoreline for fishing and other shoreline uses.

The primary intended use of this property is highly dependent on lake water quality. Occurrence of blue-green algae blooms, which are a nuisance and potentially toxic to humans and animals, are becoming more frequent and will increase in the absence of effective action to control nutrient loading. Decline in water quality will reduce use of the lake and reduce benefit to the public agency(s) providing public access. Public health and safety concerns will increase due to limited lake visibility and potentially toxic algae blooms.

The proposed LMD will provide aquatic weed control, which will support mixed recreational uses of the lake. Navigation areas will be maintained to benefit all boaters. Habitat areas will be preserved to serve fish and wildlife. In addition, future external phosphorus loading to the lake would be reduced through implementation of the Long Lake Management Plan.

Higher charges for public access properties compared to residential lakefront parcels are appropriate, given the much larger number of lake users accessing the lake through the public access site versus recreational benefit from the program accruing to a single family residential parcel.

E. Other Public Access: Primary uses of this property are low-intensity recreation uses and habitat preservation. Recreational uses are limited to those which do not threaten sensitive habitat values, such as passive nature enjoyment and shoreline fishing. These uses are provided by the existing parcel in the category owned by Lacey Parks Department.

IV. Exempt Property: Exemptions are appropriate for properties used exclusively for private roads or utilities. Community open space or lake access areas are also reasonably exempted, as the benefited property owners are each subject to an LMD charge. Lake-bottom property is

exempt from rates and charges pursuant to RCW 36.61.010.

V. Charges

The proposed formula for annual rates and charges to property is set out below.

- A. **Private Lakefront Property:** Residential property includes properties used primarily as a residence along the shoreline.
 - \$ 3.92 per lake front foot;
 - \$45.80 per dwelling unit for developed property; or
 - \$22.90 per parcel¹ for vacant property.
- B. **Private Upland Property with Community Lake Access:**
 - \$45.80 per dwelling unit for developed property; or
 - \$22.90 per parcel¹ for vacant property
- C. **Habitat Reserve Waterfront:** Habitat Reserve Waterfront areas approved by the Steering Committee and on file by Thurston County Water and Waste Management. All or part of a parcel may be designated as Habitat Reserve Areas as defined.
 - \$ 0.72 per lake front foot;
 - \$45.80 per dwelling unit for developed property; or
 - \$22.90 per parcel¹ for vacant property.
- D. **Improved Public Boat Launch Property:**
 - \$ 3.92 per lake front foot;
 - \$ 0.18 per user day for day use and swimming facilities; plus
 - \$ 1.27 per user day for boat launch facilities.
- E. **Other Public Access:**
 - \$ 3.92 per lake front foot;
 - \$ 0.18 per user day for day use and swimming facilities

¹ The term "parcel" is defined as a lot of legal size and dimension under applicable land use law.

Proposed Annual Rates and Charges to property within the proposed LMD will not exceed \$190,000.00 for the first year, with a maximum escalation for inflation of 5% per year for the following four years. These limits may be amended if allowed pursuant to any legislative changes to RCW 36.61 that take effect during the five-year duration of the district.

VI. Boundaries

Boundaries: The boundary of the LLMD is all property with lakefront or community access on Long Lake, as depicted on the map maintained by the Department of Water and Waste Management. The LLMD boundary will automatically expand when new parcels gain community or other private access to the Lake.

EXHIBIT 3-3

NOTICE OF PUBLIC HEARING
on proposed Thurston County
Long Lake Management District No. 17
before the Board of Thurston County Commissioners

PURPOSE: To consider formation of proposed Lake Management District (LMD) No. 17 for Long Lake

DATE: May 17, 2005

TIME: 6:30 p.m.

PLACE: Thurston County Expo Center
Thurston County Fairgrounds
3054 Carpenter Road SE
Olympia, Washington 98503

Resolution No. ~~13339~~, the resolution of intention to establish LMD No. 17, proposes the following plan for the LMD:

I. Purpose: The purpose of the proposed Lake Management District is to protect the water quality, fish and wildlife habitat, recreation, and aesthetic values of Long Lake through the following activities: monitor and manage any recurrence of milfoil or emergence of other aquatic plants to meet recreational and aesthetic needs, fishery and wildlife habitat requirements, and watershed concerns; conduct water quality monitoring; investigate and promote best management practices and shoreline enhancement to decrease phosphorous loading; implement the updated Long Lake Management Plan to be adopted in 2005; investigate, advise, and report upon impacts caused by the increased population and popular use of Long Lake, while maintaining quality of life on and around the lake; and maintain a steering committee responsible for directing LMD activities, overseeing finances and communicating with property owners.

II. Duration: The duration of the Long Lake Management District (LLMD) is five years, from January 1, 2006 through December 31, 2010.

III. Proposed Annual Rates and Charges: The following is the proposed formula of annual rates and charges to property. Revenue bonds will not be issued.

For residential property:

Lake Front - Developed: \$3.92 per lakefront foot plus \$45.80 per dwelling unit.

Lake Front – Vacant: \$3.92 per lakefront foot plus \$22.90 per parcel.

Upland Parcels: \$45.80 per dwelling unit, and \$22.90 for vacant lots.

For public and semi-public recreational property:

\$3.92 per lake front foot plus \$0.18 per user day for swimming facility, \$1.27 per user day for boat launch facilities, \$22.90 per parcel for vacant property, and \$45.80 per dwelling unit.

For designated Habitat Reserve areas on file with the Department of Water and Waste Management (WWM):

\$0.72 per lakefront foot plus other charges as applicable.

IV. Annual Revenue: The estimated maximum amount that will be raised by LLMD rates and charges in 2006 is \$190,000. Total maximum LLMD rate revenue for the five-year LLMD, including a maximum 5% annual increase for inflation, is \$1,049,870.

V. Boundaries: The boundary of the LLMD is all property with lakefront or community access on Long Lake, as depicted on the map maintained by WWM. The LLMD boundary will expand automatically when new parcels gain private access to the Lake.

Contact Person: Jim Bachmeier, Department of Water and Waste Management, 357-2491. Copies of the Resolution of Intention are available at the Department's reception counter located at 921 Lakeridge Drive SW, Bldg. 4, Room 100, Olympia, WA 98502.

Anyone interested may appear and be heard. Citizens requiring special accommodation at the hearing should call La Bonita Bowmar at 786-5440 by May 13, 2005. Citizens with hearing impairments may call the County's TDD line at 754-2933.

By: LaBonita J. Bowmar
LaBonita J. Bowmar
Clerk of the Board

Please do not publish below this line:

APPROVED AS TO FORM:

EDWARD G. HOLM
PROSECUTING ATTORNEY

By: Kristin Larson Doyle
Kristin Larson Doyle
Deputy Prosecuting Attorney

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EXHIBIT 4 – RESOLUTION PUTTING PROPOSAL TO VOTE OF THE PROPERTY OWNERS

Document 1 – Resolution (Board Approval of LMD and Submittal to Property Owners)

EXHIBIT 4

RESOLUTION NO. 13406

A RESOLUTION submitting the establishment of Lake Management District No. 17 for Long Lake to a vote of property owners excluded from the original balloting.

WHEREAS, on April 4, 2005, the Board of County Commissioners for Thurston County adopted Resolution No. 13339 (Resolution of Intention) setting out its intention to consider formation of Lake Management District No. 17 for Long Lake (LMD No. 17);

WHEREAS, the proposed LMD includes as a category of property, private upland property with community lake access;

WHEREAS, following adoption of the Resolution of Intention, the Department of Water and Waste Management determined that ten parcels in Shorewood Villa Division Two that were previously included within the above category did not have community lake access, and thus notified the property owners they were outside the proposed LMD boundary;

WHEREAS, following a public hearing to consider formation of LMD No. 17, the Board on June 6, 2005, adopted Resolution No. 13372, adopting findings and determinations consistent with RCW 36.61.070 regarding the establishment of LMD No. 17 for Long Lake and submitting the establishment of LMD No. 17 to a vote of property owners within the proposed district;

WHEREAS, a title search performed after the adoption of Resolution No. 13372 revealed that the Protective Covenants Applicable to and For Recording Against Shorewood Villa Division Two do in fact provide access to Long Lake to the ten parcels in question by way of an eight-foot easement; and

WHEREAS, the property owners of the ten parcels in question were notified of the proposed formation of LMD No. 17 but were not afforded a meaningful opportunity to vote on the formation.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR THURSTON COUNTY DOES RESOLVE AS FOLLOWS:

- Section 1. The Board of County Commissioners adopts the findings and determinations of Resolution No. 13372 herein by reference; and finds that including the ten parcels in Shorewood Villa Division Two with community lake access does not change the boundaries of the district as proposed in the Resolution of Intention.
- Section 2. The question of whether to form Lake Management District No. 17 for Long Lake shall be submitted to the property owners of the parcels described above. The Department of Water and Waste Management shall

prepare the ballots for submittal to the property owners. Ballots must be received by the Office of the County Commissioners, Room 269, Building 1, 2000 Lakeridge Dr. SW, Olympia, WA 98502 no later than 5:00 pm, September 8, 2005.

Section 3. Property owners and other interested parties may observe the ballot count at Thurston County Department of Water and Waste Management, 921 Lakeridge Drive SW, Bldg 4, Room 211, on September 12, 2005 at 9:00 a.m.

ADOPTED: August 8, 2005

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

ATTEST:

LaBonde J. Boue
Clerk of the Board

Diane Oberquell
DIANE OBERQUELL, Chairman

APPROVED AS TO FORM:

EDWARD G. HOLM
PROSECUTING ATTORNEY

Robert N. Macleod
ROBERT N. MACLEOD, Vice Chairman

By: Kristin Larson Doyle
Kristin Larson Doyle
Deputy Prosecuting Attorney

Cathy Wolfe
CATHY WOLFE, Commissioner

EXHIBIT 5 – PROPERTY OWNER VOTE

Document 1 – Ballot Format Per RCW 36.61.080

Document 2 – Instructions per RCW 36.61.090

(Mailing must also include resolution putting issue to property owner vote: See Exhibit 4)

EXHIBIT 5-1

Instructions on Reverse Side

BALLOT

**ON CREATING THURSTON COUNTY
LAKE MANAGEMENT DISTRICT NO. 17
FOR LONG LAKE**

(Name)
(Address)
(City State Zip)

Parcel Number: (Parcel Number)

Proposed LMD Rate: (Rate Amount)

RETURN BY MAIL (envelope enclosed) OR IN PERSON TO:

THE OFFICE OF THE THURSTON COUNTY COMMISSIONERS
ROOM 269, BUILDING 1, THURSTON COUNTY COURTHOUSE
2000 LAKERIDGE DR. SW, OLYMPIA, WASHINGTON 98502

BY 5:00 PM ON MONDAY, JULY 11, 2005¹

SHALL LAKE MANAGEMENT DISTRICT NO. 17 BE FORMED?

YES _____

NO _____

Signature of property owner

Signature of property owner (if applicable)

Property you own within the proposed District (according to the records of the County Assessor as shown by the tax parcel number) and proposed Lake Management District charges to this property are shown above. One vote is allocated per whole dollar of proposed LMD charge, as required by RCW 36.61.090.

¹ RCW 36.61.090 requires that the ballot be delivered to the above address by the designated time. Ballots received after that time are not valid, even if post-marked earlier. Addressed envelope is enclosed. You must provide postage.

Ballot on Reverse Side

INSTRUCTIONS

BALLOT OF PROPERTY OWNERS ON ESTABLISHING THURSTON COUNTY LAKE MANAGEMENT DISTRICT NO. 17 FOR LONG LAKE

1. The purpose of this ballot is to determine whether to form a new Lake Management District for Long Lake. The Thurston County Commissioners have previously held a public hearing on this proposal and are now submitting the issue to a vote of property owners. All property owners within the boundaries of the proposed district may vote on this issue.
2. **Ballots must be received by 5:00 p.m. on September 8, 2005** by the Office of County Commissioners, Room 269, Building 1, Thurston County Courthouse, 2000 Lakeridge Dr. SW, Olympia, WA 98502.
3. **All ballots must be signed by the owner or reputed owner** of property according to the Assessor's tax rolls. Other owners including spouses may sign in addition to the owner as shown. **Each property owner shall mark** his or her ballot for, or against, the creation of the proposed Lake Management District.
4. The number of votes accorded each property owner is one vote per dollar of proposed Lake Management District charge, as required by RCW 36.61.090.
5. Valid ballots shall be tabulated, and a simple majority of the votes cast shall determine whether the proposed lake management district shall be approved or rejected.
6. If the District is approved, the County Commissioners will hold an additional public hearing for the specific purpose of considering appeals or corrections to assessments. All property owners in the District will be mailed notice of this hearing: the notice will include specific proposed assessments for each parcel.

**Please direct any questions to Jim Bachmeier, Manager, Water Resources Program
at (360) 357-2491.**

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EXHIBIT 6 – CREATING THE LMD

Document 1 – Ordinance Creating LMD

Document 2 – Published Notice of LMD Creation

EXHIBIT 6-1

ORDINANCE NO. 13439

AN ORDINANCE creating a Lake Management District for Long Lake pursuant to Chapter 36.61 RCW, to be designated Thurston County Lake Management District No. 17.

WHEREAS, Chapter 36.61 RCW authorizes the Board of Thurston County Commissioners to initiate the creation of lake management districts;

WHEREAS, the Board of Thurston County Commissioners found creation of a lake management district for Long Lake to be in the public interest through adoption of Resolution No. 13372; and

WHEREAS, the proposal to create the district received a majority of the votes cast by property owners within the proposed district pursuant to RCW 36.61.080-.100.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR THURSTON COUNTY do ordain as follows:

- Section 1. Creation of District. Thurston County Lake Management District No. 17 for Long Lake, as proposed in Resolution of Intention No. 13339 adopted on April 4, 2005, is hereby created.
- Section 2. Conditions for District Operation. The conditions for the operation of Lake Management District No. 17 are set forth in Resolution No. 13372, Exhibit A hereto, which resolution is incorporated by reference as though set forth in full. The conditions for operation set forth in Exhibit A include the findings and determinations, with district purposes, district boundaries, property categories, duration (five years); annual rates and charges; exemptions; and provision for a steering committee..
- Section 3. Rates and Charges - Collection.
- (1) Rates and charges for Lake Management District No. 17 shall be included in the Thurston County's annual property tax statements. Properties which do not receive a property tax statement will receive a separate billing statement for these rates and charges.
 - (2) The total amount of the Lake Management District No. 17 annual rates and charges shall be due and payable on or before the 30th day of April and shall be delinquent after that date; however, if one-half of such rate and charge is paid on or before the said 30th of April, the remainder shall be due and payable on or before the 31st day of October and shall be delinquent after that date.
 - (3) If a payment for combined property taxes and Lake Management District No. 17 rates and charges is less than the amount due, the payment shall be applied first to the annual property tax of the parcel and any remaining amount to the Lake Management District No. 17 rates and charges.

(4) Property owners within Lake Management District No. 17 enrolled in the Senior Citizen Exemption Program (the "Program") with the Thurston County Assessor's Office will receive a reduction in their Lake Management District assessments for the years in which they qualify for the exemption with the County. In order to receive the reduction in any given year, property owners must have qualified on or before November 1 of the prior year.

The reduction rate shall be 95%.

Section 4. Severability. If any clause, sentence, paragraph, section, or provision of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid, the validity of the remaining provisions shall not be affected, and the Ordinance shall be construed or enforced as if it did not contain the particular provision held to be invalid.

ADOPTED: September 26, 2005

ATTEST:

Robert L. Boyman
Clerk of the Board

APPROVED AS TO FORM:

EDWARD G. HOLM
PROSECUTING ATTORNEY

By: *Kristin Larson Doyle*
Kristin Larson Doyle
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Glenn O'Connell
Chairman

Bob Madson
Commissioner

Carly Meye
Commissioner

EXHIBIT 6-2

NOTICE OF ADOPTION

By the Board of County Commissioners, Thurston County, Washington

Notice is hereby given the Ordinance # XXXXXX was adopted by the Board of County Commissioners on _____, 20__, creating Thurston County Lake Management District # __ for Long Lake and ordering lake improvement and maintenance activities including managing aquatic plants and algae, conducting water quality monitoring, surveying for Eurasian Watermilfoil, and providing two newsletters per year. The activities described above will be financed by imposing rates and charges on the properties within the designated boundary of the district. The total amount proposed to be raised during the five year duration of this district is \$ _____.

BOARD OF THURSTON COUNTY COMMISSIONERS
Thurston County, Washington

By _____
Clerk of the Board

Please do not publish below this line:

APPROVED AS TO FORM:

**EDWARD G. HOLM
PROSECUTING ATTORNEY**

By: _____
Deputy Prosecuting Attorney

EXHIBIT 7 – OBJECTION HEARING DOCUMENTS

Document 1 – Letter to Property Owners

Document 2 – Objection Hearing Notice

Document 3 – Instructions and Suggested Form

Document 4 – Notice for Publication

EXHIBIT 7-1



COUNTY COMMISSIONERS

Cathy Wolfe
District One
Diane Oberquell
District Two
Robert N. Macleod
District Three

DEPARTMENT OF WATER AND WASTE MANAGEMENT

Richard Blinn, P.E.
Director

September 29, 2005

Long Lake Property Owners

Dear Long Lake Property Owner:

SUBJECT: LMD Vote Results and Hearing on Objections to LMD Charges

LMD Established: The vote on the new Long Lake LMD was affirmative, with 67,121.5 votes cast in favor of creating the District and 15,748.6 votes opposed. In response to this favorable vote by the property owners, the Thurston County Commissioners adopted an ordinance establishing Lake Management District No. 17 for Long Lake on September 26, 2005.

Hearing to consider objections to roll of rates and charges: The County Commissioners will hold a Public Hearing on **October 20, 2005 at 6:00 p.m.** at the **Thurston County Courthouse, Building No. 1, Room 280, Olympia, WA 98502** to consider objections and corrections to the LMD roll of rates and charges and to consider approval of this roll. **YOU MUST FILE A WRITTEN OBJECTION PRIOR TO THE HEARING TO BE HEARD BY THE BOARD OF COUNTY COMMISSIONERS.** Enclosed is a hearing notice with your proposed LMD charge along with instructions and a form for filing an objection. Please call me if you have any questions about the objection process.

Billing for LMD charges: After considering all objections and the possibility of amending the roll of rates and charges, the County Commissioners will adopt a final roll of rates and charges for LMD No. 17. The rates will begin for the new LMD in the year 2006, shall be included in Thurston County's annual property tax statements, and shall be collected in the same manner as property taxes.

Lake management activities: The new LMD proposes to perform the following activities:

1. Monitor and manage any recurrence of milfoil or emergence of other aquatic plants to meet recreational and aesthetic needs, fish and wildlife habitat requirements, and watershed concerns.
2. Conduct water quality monitoring.
3. Investigate and promote best management practices and shoreline enhancement to decrease phosphorous loading.

Solid Waste Management, Engineering & Construction Management, Water & Sewer Utilities Operations, Water Resources Management
Building No. 4, Room 100, 921 Lakeridge Drive SW, Olympia, WA 98502
(360) 357-2491 FAX (360) 754-4682 TDD (360) 754-2933

Long Lake Property Owners
September 29, 2005
Page Two

4. Implement the Long Lake Management Plan adopted in 2005.
5. Investigate, advise, and report upon impacts caused by the increased population and popular use of Long Lake, while maintaining quality of life on and around the lake.
6. Maintain a steering committee responsible for directing LMD activities, overseeing finances and communicating with property owners.

Please call me at (360) 357-2491 if you have any questions on filing an objection or any other issue regarding the lake management program.

Sincerely

Jim Bachmeier
Water Resources Program Manager

O:\USERS\TC032a\DATA\Water Resource Programs\Lakes Program\Long Lake\LMD # 17\Finals\LMD 17 PH No 2 Letter.doc

EXHIBIT 7-2

NOTICE OF PUBLIC HEARING
Regarding charges for Long Lake Management District No. 17
before the Thurston County Commissioners

PURPOSE OF HEARING: To consider **WRITTEN** objections to the roll of rates and charges for Thurston County Lake Management District No. 17 and to consider approval of this roll before the Thurston County Commissioners. Property owners need not be present to object.

Property Owner Name
Address
City State Zip

Parcel Number: (Parcel Number) LMD Charge: (LMD Charge)

CHARGE ON YOUR PROPERTY: Property you own within Lake Management District No. 17 and the estimated rate and charge to be imposed on this property area is listed above.

DATE OF HEARING: October 20, 2005 at 6:00 p.m.

PLACE OF HEARING: Thurston County Courthouse
Building 1, Room 280
2000 Lakeridge Drive SW
Olympia, Washington 98502

FORMULA FOR ANNUAL RATES AND CHARGES TO PROPERTY: Rates and charges for each year will be based on the land use category of the subject parcel(s) as shown on the parcel map of LMD No. 17 maintained by the Department of Water and Waste Management. The annual charges for each category of property within the LMD bear a reasonable relationship to use of the property, services provided by the LMD, and benefit to property. The LMD includes the following categories of property:

1. Private Residential Lakefront Property: Primary use of residential shoreline property is for single-family residences. Shoreline and lake access are secondary uses with significant values for these properties. Protecting water quality by controlling nutrient loading to Long Lake will preserve lake enjoyment and use. Aquatic weed control will preserve the utility of the lake for boating and other recreation by shoreline property owners. The LMD would also continue surface survey and scientific diving to remove Eurasian Watermilfoil, an invasive aquatic plant. This LMD work program is of substantial value to private residential property owners.

Private Upland Property with Community Lake Access: The primary intended use of these parcels is residential. While having no direct private lake frontage, these parcels share a common ownership of one or more community lake access parcels. Through common ownership of the community lakefront parcel, upland properties benefit from the LMD program to control nutrient loading and aquatic plants. The level of benefit is less than that of residential parcels with direct lake frontage and access.

3. **Habitat Reserve Waterfront:** Designating undeveloped shoreline property as Habitat Reserve Waterfront and charging these properties a reduced rate encourages the preservation of natural habitat and protects wildlife. Property owners with extensive wetlands on the lake edge receive less benefit due to restricted lake access. Criteria to be considered to determine if property qualifies for this designation include:
- Aquatic plants in the lake for 25 feet from the shoreline;
 - Emergent upland vegetation extending 25 feet inland from the shoreline that enhances habitat value;
 - Natural habitat area extending for a minimum of 50 contiguous shoreline feet on a single or adjacent properties; and
 - Property owners agree to not harvest submergent and emergent plants in the Habitat Reserve Area.
4. **Improved Public Boat Launch Property:** Primary use of property in this class is public access to the lake and lakeshore for recreational activities. Recreational activities include boating, fishing, water skiing, swimming, and other uses. The existing public access site provided by the Washington Department of Fish and Wildlife provides boat access to the lake for a variety of uses including informal use of the shoreline for fishing and other shoreline uses.
- The primary intended use of this property is highly dependent on lake water quality. Occurrence of blue-green algae blooms, which are a nuisance and potentially toxic to humans and animals, are becoming more frequent and will increase in the absence of effective action to control nutrient loading. Decline in water quality will reduce use of the lake and reduce benefit to the public agency(s) providing public access. Public health and safety concerns will increase due to limited lake visibility and potentially toxic algae blooms.
- The LMD will provide aquatic weed control, which will support mixed recreational uses of the lake. Navigation areas will be maintained to benefit all boaters. Habitat areas will be preserved to serve fish and wildlife. In addition, future external phosphorus loading to the lake would be reduced through implementation of the Long Lake Management Plan.
- Higher charges for public access properties compared to residential lakefront parcels are appropriate, given the much larger number of lake users accessing the lake through the public access site versus recreational benefit from the program accruing to a single family residential parcel.
5. **Other Public Access:** Primary uses of this property are low-intensity recreation uses and habitat preservation. Recreational uses are limited to those which do not threaten sensitive habitat values, such as passive nature enjoyment and shoreline fishing. These uses are provided by the existing parcel in the category owned by Lacey Parks Department.
6. **Exempt Property:** Exemptions are appropriate for properties used exclusively for private roads or utilities. Community open space or lake access areas are also reasonably exempted, as the benefited property owners are each subject to an LMD charge. Lake-bottom property is exempt from rates and charges pursuant to RCW 36.61.010.

Annual Charge per Parcel: The formula for annual rates and charges to property is set out below.

- (1) **Private Lakefront Property:** Residential property includes properties used primarily as a residence along the shoreline.
- \$ 3.92 per lake front foot;
 - \$ 45.80 per dwelling unit for developed property; or
 - \$ 22.90 per parcel¹ for vacant property.

Page 2

- (2) **Private Upland Property with Community Lake Access:**
 - \$ 45.80 per dwelling unit for developed property; or
 - \$22.90 per parcel¹ for vacant property
- (3) **Habitat Reserve Waterfront:** Habitat Reserve Waterfront areas approved by the Steering Committee and on file by Thurston County Water and Waste Management. All or part of a parcel may be designated as Habitat Reserve Areas as defined.
 - \$ 0.72 per lake front foot;
 - \$ 45.80 per dwelling unit for developed property; or
 - \$ 22.90 per parcel¹ for vacant property.
- (4) **Improved Public Boat Launch Property:**
 - \$ 3.92 per lake front foot;
 - \$ 0.18 per user day for day use and swimming facilities; plus
 - \$ 1.27 per user day for boat launch facilities.
- (5) **Other Public Access:**
 - \$ 3.92 per lake front foot;
 - \$ 0.18 per user day for day use and swimming facilities
- (6) **Exemptions:**
 - 1. Parcels used exclusively for private roads or utilities.
 - 2. Community open space parcels dedicated on a final plat or short plat as open space or lake access for the benefited property owners.
 - 3. Lands covered by water.

¹ The term "parcel" is defined as a lot of legal size and dimension under applicable land use law.

BILLING PROCEDURE FOR LMD NO. 17: After considering all objections and possibly amending the roll of rates and charges, the County Commissioners will adopt a final roll of rates and charges for LMD No. 17. The rates for this LMD will begin in the year 2006. The rates and charges shall be included in Thurston County's annual property tax statements and shall be collected in the same manner as property taxes.

ROLL OF RATES AND CHARGES FOR LMD NO. 17: The entire roll of rates and charges is available for public perusal at the Thurston County Department of Water and Waste Management, Building 4, Room 100, from Monday to Friday 7:30 AM to 5:00 PM each week until the hearing.

WRITTEN OBJECTIONS REQUIRED: Objections to the roll of rates and charges must be in **writing**, including clear grounds for objection, and must be filed with the Board of County Commissioners prior to the public hearing.

FAILURE TO OBJECT: As provided in RCW 36.61.140, failure to so object in writing shall be deemed a waiver of objection.

QUESTIONS: Contact Jim Bachmeier, Manager, Water Resources Program (360) 357-2491.

Citizens with disabilities requiring special accommodation at the public hearing should call LaBonita Bowmar at 786-5440 by October 17, 2005. Citizens with hearing impairments may call the County's TDD line at 754-2933.

EXHIBIT 7-3

INSTRUCTIONS AND SUGGESTED FORMAT FOR OBJECTIONS TO LMD NO. 17 ROLL OF RATES AND CHARGES

1. **Date and time of hearing:** The County Commissioners will consider each objection beginning at 6:00 p.m. on **October 20, 2005** at the **Thurston County Courthouse, Building Number 1, Room 280, Olympia, Washington 98502.**
2. **Reasons for objections:** You must state in writing your specific reasons for objecting to the roll of rates and charges.
3. **Deadline for filing:** Any objections must be filed prior to the beginning of the Public Hearing. As a courtesy, please try to file your objection by 5:00 p.m. on October 20, 2005 to allow time for preparing staff reports and scheduling of each objection.

Address for filing objections:

Thurston County Commissioners
Thurston County Courthouse
Bldg. 1, Room 269
2000 Lakeridge Dr. SW
Olympia, Washington 98502

SUGGESTED FORMAT (Please use additional sheets if necessary)

Name: _____

Address: _____

Phone (day-time): _____

Parcel number (from legal notice): _____

Location of property: _____

Charge to property (from legal notice): _____

Reasons for objecting to the roll of rates and charges: _____

Any other information you wish to add: _____

On the basis of the foregoing facts, it is my opinion that the roll of rates and charges for Lake Management District No. 17 for Long Lake should be changed as follows:

Date: _____ Signature of Property Owner: _____

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Thurston County Commissioners will hold a Public Hearing to review written objections to the proposed roll of rates and charges for Thurston County Lake Management District No.17 for Long Lake. The proposed roll of rates and charges is available for public perusal at the Thurston County Water and Waste Management Department, 921 Lakeridge Dr. S.W., Bldg. 4, Room 100, Monday through Friday, 7:30 am to 5:00 pm, until the Hearing. The total proposed amounts to be raised during the five-year duration of this district is approximately \$190,000 for the first year, with a maximum escalation for inflation of 5% per year for the following four years. Any objections to the proposed roll must be in writing, including clear grounds for objections, and must be submitted to the Thurston County Commissioners, 2000 Lakeridge Drive S.W., Bldg. 1, Olympia, WA 98502. Although the Commissioners can accept objections anytime prior to the Public Hearing, as a courtesy please try to file your objection by 5:00 p.m. on October 20, 2005 at 2000 Lakeridge Drive S.W., Bldg. 1, Olympia, WA 98502 to allow for staff reports and scheduling for each objection. Failure to submit a written objection shall be deemed to waive an objection.

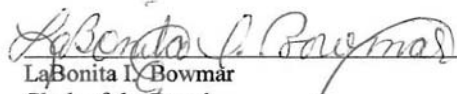
DATE: October 20, 2005

TIME: 6:00 P.M.

PLACE: Thurston County Courthouse
Bldg. 1, Room 280
2000 Lakeridge Drive SW
Olympia, WA 98502

CONTACT PERSON: Jim Bachmeier, Water and Waste Management, 357-2491

If you need special accommodations to attend the hearing, please call LaBonita Bowmar at 786-5440 by October 17, 2005. Citizens with hearing impairment may call the TDD line at (360) 754-2933.


LaBonita Bowmar
Clerk of the Board

PLEASE DO NOT PUBLISH BELOW THIS LINE:

Olympian September 29 & Oct 6, 2005

APPROVED AS TO FORM:
EDWARD G. HOLM
PROSECUTING ATTORNEY


By: 
Kristin Larson Doyle
Deputy Prosecuting Attorney

EXHIBIT 8 – ADOPTING THE ROLL AND COLLECTIONS

Document 1 – Resolution Adopting the LMD Roll

Document 2 – Treasurer’s Special District Billing Guidelines

Document 3 – LMD Interest and Penelty Resolution

RESOLUTION NO. 13456

A RESOLUTION confirming and approving the roll of rates and charges for Thurston County Lake Management District No. 17 for Long Lake pursuant to RCW 36.61.120.

WHEREAS, Thurston County Lake Management District No. 17 for Long Lake was established on September 26, 2005 by adoption of Ordinance No. 13439; and

WHEREAS, the notice and hearing requirements for establishing the roll of rates and charges for the Lake Management District pursuant to RCW 36.61.120 and RCW 36.61.140 have been satisfied; and

WHEREAS, a public hearing was held on October 20, 2005 to hear objections to the roll of rates and charges and the Board having elected not to amend the roll based upon its consideration of the ten objections made,

NOW, THEREFORE, the Thurston County Board of County Commissioners does resolve as follows:

- Section 1. The Board of County Commissioners for Thurston County makes the following findings and determinations:
- (a) None of the timely filed objections to the proposed final roll of rates and charges established a basis justifying amending that property's assessment. The record of each objection and the response adopted herein by the Board is attached as Exhibit A and incorporated by reference.
 - (b) The purposes of the Lake Management District are to:
 - (1) Monitor and manage any recurrence of milfoil or emergence of other aquatic plants to meet recreational and aesthetic needs, fishery and wildlife habitat requirements, and watershed concerns;
 - (2) Conduct water quality monitoring;
 - (3) Investigate and promote best management practices and shoreline enhancement to decrease phosphorous loading;
 - (4) Implement the Long Lake Management Plan to be adopted in 2005;
 - (5) Investigate, advise, and report upon impacts caused by the increased population and popular use of Long Lake, while maintaining quality of life on and around the Lake; and
 - (6) Maintain a steering committee responsible for directing LMD activities, overseeing finances and communicating with property owners.
 - (c) Lake Management District No. 17 for Long Lake will protect Long Lake's beneficial uses and water quality and is in the public interest.

- (d) The plan for proposed lake improvement and maintenance activities avoids adverse impacts on fish and wildlife and provides for measures to protect and enhance fish and wildlife.
- (e) LMD No. 17 will exist for a period of five years.
- (f) The financing of the lake improvement and maintenance activities is feasible and the level of funding is sufficient to conduct the contemplated activities.
- (g) The annual charges for each category of property bear a reasonable relationship to the benefit to property for protecting the lake's water quality, recreation and aesthetic value.

Section 2. In light of the analysis contained in the findings of this Resolution and Resolution No. 13339 (Resolution of Intention), the cost of lake management activities and maximum total annual charges to property as stipulated in Ordinance No. 13493 (ordinance creating the LMD), the Board establishes annual rates for the classifications on property in Lake Management District No. 17 for Long Lake as follows:

- (a) **Private Residential Lakefront Property:** Primary use of residential shoreline property is for single-family residences. Shoreline and lake access are secondary uses with significant values for these properties. Protecting water quality by controlling nutrient loading to Long Lake will preserve lake enjoyment and use. Aquatic weed control will preserve the utility of the lake for boating and other recreation by shoreline property owners. The LMD will also continue surface survey and scientific diving to remove Eurasian Watermilfoil, an invasive aquatic plant. This LMD work program is of substantial value to private residential property owners.
- (b) **Private Upland Property with Community Lake Access:** The primary intended use of these parcels is residential. While having no direct private lake frontage, these parcels share a common ownership of one or more community lake access parcels. Through common ownership of the community lakefront parcel, upland properties benefit from the LMD program to control nutrient loading and aquatic plants. The level of benefit is less than that of residential parcels with direct lake frontage and access.
- (c) **Habitat Reserve Waterfront:** Designating undeveloped shoreline property as Habitat Reserve Waterfront and charging these properties a reduced rate encourages the preservation of natural habitat and protects wildlife. Property owners with extensive wetlands on the lake edge receive less benefit due to restricted lake access. Criteria to be considered to determine if property qualifies for this designation include:

- Aquatic plants in the lake for 25 feet from the shoreline;
- Emergent upland vegetation extending 25 feet inland from the shoreline that enhances habitat value;
- Natural habitat area extending for a minimum of 50 contiguous shoreline feet on a single or adjacent properties; and
- Property owners agree to not harvest submergent and emergent plants in the Habitat Reserve Area.

- (d) **Improved Public Boat Launch Property:** Primary use of property in this class is public access to the lake and lakeshore for recreational activities. Recreational activities include boating, fishing, water skiing, swimming, and other uses. The existing public access site provided by the Washington Department of Fish and Wildlife provides boat access to the lake for a variety of uses including informal use of the shoreline for fishing and other shoreline uses.

The primary intended use of this property is highly dependent on lake water quality. Occurrence of blue-green algae blooms, which are a nuisance and potentially toxic to humans and animals, are becoming more frequent and will increase in the absence of effective action to control nutrient loading. Decline in water quality will reduce use of the lake and reduce benefit to the public agency(s) providing public access. Public health and safety concerns will increase due to limited lake visibility and potentially toxic algae blooms.

The LMD will provide aquatic weed control, which will support mixed recreational uses of the lake. Navigation areas will be maintained to benefit all boaters. Habitat areas will be preserved to serve fish and wildlife. In addition, future external phosphorus loading to the lake would be reduced through implementation of the Long Lake Management Plan.

Higher charges for public access properties compared to residential lakefront parcels are appropriate, given the much larger number of lake users accessing the lake through the public access site versus recreational benefit from the program accruing to a single family residential parcel.

- (e) **Other Public Access:** Primary uses of this property are low-intensity recreation uses and habitat preservation. Recreational uses are limited to those which do not threaten sensitive habitat values, such as passive nature enjoyment and shoreline fishing. These uses are provided by the existing parcel in the category owned by Lacey Parks Department.
- (f) **Exempt Property:** Exemptions are appropriate for properties used exclusively for private roads or utilities. Community open space or lake access areas are also reasonably exempted, as the benefited property owners

are each subject to an LMD charge. Lake-bottom property is exempt from rates and charges pursuant to RCW 36.61.010.

Section 3. Rates, charges and methods of collection are established as follows:

- (a) The annual rates and charges to property within the LMD are approximately \$190,000 for the first year, with a maximum escalation for inflation of 5% per year for the following four years. These limits may be amended if allowed pursuant to any legislative changes to RCW 36.61 that take effect during the five-year duration of the district.
- (b) Charges for each year will be based on land use of the subject parcels on November 1 of the previous year.
- (c) Method of collection:
 - (1) Rates and charges for Lake Management District No. 17 shall be included in Thurston County's annual property tax statements.
 - (2) The rates and charges shall be due and payable on or before the 30th day of April and shall be delinquent after that date; however, if one-half of such rate and charge is paid on or before the said 30th of April, the remainder shall be due and payable on or before the 31st day of October and shall be delinquent after that date.
 - (3) If a payment is received in conjunction with a combined property tax and Lake Management District No. 17 rates and charges and the payment is less than the amount due, the payment shall be applied first to the annual property tax of the parcel and any remaining amount to the Lake Management District No. 17 rate and charge.

Section 4. The roll of rates and charges for Thurston County Lake Management District No. 17 for Long Lake, attached hereto as Exhibit B and incorporated by this reference, is hereby approved and confirmed.

Section 5. The funds collected from Lake Management District No. 17 will be deposited into fund No. 1720 of the Thurston County Treasurer's Office.

Section 6. Property owners within Lake Management District No. 17 currently enrolled in the Senior Citizen Exemption Program with the Thurston County Assessor's Office will receive a reduction in their Lake Management District assessments for the years in which they are entitled to the

exemption with the County. Property owners not currently enrolled in the program or who did not qualify in any one or more years will be eligible for the reduction for any year after which they have qualified provided they qualify on or before November 1 of the year prior to receiving the reduction.

The reduction rate shall be ninety-five (95) percent.

ADOPTED: October 24, 2005

COMMISSIONERS
ATTEST:

RaBonda L. Brown
Clerk of the Board

APPROVED AS TO FORM:

EDWARD G. HOLM
PROSECUTING ATTORNEY

By: Kristin Larson Doyle
Kristin Larson Doyle
Deputy Prosecuting Attorney

BOARD OF COUNTY

Thurston County, Washington

Alison Cherguel
Chairman

Bob MacLeod
Commissioner

Garby Daise
Commissioner

EXHIBIT 8-2

Thurston County Treasurer Guidelines for Special Assessment Districts

Beginning with the 1989 tax collection year, special assessment districts will be included on the Thurston County Treasurer's annual property tax statement. The following policy guidelines have been adopted by the County Treasurer to provide for orderly transition of existing special districts' assessments to the property tax system and to provide continuity for anticipated special assessment districts. RCW 84.56.035 provides the statutory authority for the collection of special assessments by the county treasurer on the property tax statement.

1. **SIMILAR STRUCTURE.** All special district assessments should have the same collection structure as property taxes.

A. **BILLING DATE TO TAXPAYER.** February 15 - collection year.

B. **DUE DATES.** Same as property taxes: First half due on April 30 and second half due on October 31.

C. **INTEREST.** 12% interest, computed monthly (1% per month).

D. **PENALTY.** Delinquent penalty 3% of full year assessment if first half not paid by June 1 and 8% if second half not paid by December 1.

2. **CALCULATION RESPONSIBILITY.** The district and/or sponsoring department shall be responsible for creating and maintaining a data base necessary to generate special assessments. In other words, the County Treasurer's role is only to collect the amount for each parcel as determined by the district and/or sponsoring department. (Delinquent assessments from prior years will be maintained by the County Treasurer.)

3. **DATA FORMAT.** Each special assessment district must supply the County Treasurer with either a 5 1/4 computer diskette (ASCII flat file) or a computer magnetic tape with assessment information. The fields to be included on the diskette or tape are as follows:

<u>FIELD NAME</u>	<u>DESCRIPTION</u>	<u>FIELD LENGTH</u>
PARCEL	Parcel Number	11
ASSESS TYPE	Code to designate the district (assigned by Treasurer's office)	2
YEAR	Collection year	2
AMOUNT	Dollar amount to be collected	11 with 2 decimals

4. **DISTRICT BILLING.** If a new assessment district is created in mid year, it cannot be included on current year tax collections (see above due date requirements). If the district must collect funds that year then the district may have to do their own billing for that year (until an orderly transition can take place for the following tax collection year).

5. DUE DATES FOR DATA TO COUNTY TREASURER.

A. **NEWLY FORMED DISTRICTS.** Data for collections on newly created special assessment districts must be provided to the Treasurer by September 30 of the year prior to the collection of the assessment. This is necessary to insure the accuracy of the collection data, modification of the computer system and testing of the collection system.

B. **EXISTING DISTRICTS.** After collections for a special assessment district have been made using the property tax system, assessment data for the following year will be due no later than November 15 of the year prior to the collection.

6. CONTRACT REQUIRED. RCW 84.56.035 provides the authority for the collection of special assessments by the county treasurer. Such collections require a contract to be signed by authorized representatives of the district and/or sponsoring department and the County Treasurer. Such contract may involve reimbursement of certain set-up costs incurred by the County.

7. ANNUAL FEE. The County Treasurer will charge an annual fee of one percent (1%) of the value collected. Such fee will be deposited to the General Fund (Current Expense) of Thurston County.

A. The district and/or sponsoring department may elect to pay this fee in lump sums each April and October.

- OR -

B. The district and/or sponsoring department may include the amount of the Treasurer's fee as an addition to the amount collected from the taxpayer. The County Treasurer will, upon distribution of the collection to the appropriate fund, deduct the fee.

8. COOPERATION ENCOURAGED. Additional special districts within the County are already being planned and others are anticipated in future years. During "set up process" for each of these districts, the County Treasurer's staff needs to be advised and kept up to date. This is necessary to foster coordination of collection of funds consistent with cash needs of the special district.

Adopted October 18, 1988

Michael J. Murphy, Thurston County Treasurer

EXHIBIT 8-3

RESOLUTION NO. 11072

A RESOLUTION prescribing interest and penalties for late payments of rates and charges set under RCW 36.61.270 for Lake Management Districts created pursuant to Chapter 36.61 RCW.

WHEREAS, RCW 36.61.270 stipulates that the county legislative authority has full authority to fix rates and charges imposed by a lake management district; and

WHEREAS, RCW 36.61.270 further stipulates that the method of foreclosing on liens for delinquent rates and charges shall be subject to the provisions of Chapter 36.94 RCW; and

WHEREAS, RCW 36.94.150 stipulates that liens for rates and charges shall be foreclosed in the same manner as foreclosure of real property tax liens;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS for Thurston County as follows:

1. Delinquent rates and charges for lake management districts shall be treated in the same manner as delinquent real property taxes. This includes but is not limited to interest, penalties, additional costs for collection and foreclosure proceedings.
2. All penalties and interest on delinquent rates and charges shall be credited to the appropriate lake management district fund upon collection.

ADOPTED December 11, 1995

ATTEST:

L. Bonita L. Bowman
Clerk of the Board

APPROVED AS TO FORM:

BERNARDEAN BROADOUS
PROSECUTING ATTORNEY

By: Angela S. Belbeck
Angela S. Belbeck
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Judith Wilson
Chairman
Marie Chagnon
Commissioner
Richard H. Nichols
Commissioner

agenda95\95-77.res

ATTACHMENT A: CHAPTER 36.61 RCW

RCW 36.61.010

Purpose.

The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake improvement and maintenance for their and the general public's benefit, health, and welfare. Public property, including state property, shall be considered the same as private property in this chapter, except liens for special assessments and liens for rates and charges shall not extend to public property. Lake bottom property shall not be considered to be benefited, shall not be subject to special assessments or rates and charges, and shall not receive voting rights under this chapter.

[1987 c 432 § 1; 1985 c 398 § 1.]

RCW 36.61.020

Creation of district -- Special assessments or rates and charges.

Any county may create lake management districts to finance the improvement and maintenance of lakes located within or partially within the boundaries of the county. All or a portion of a lake and the adjacent land areas may be included within one or more lake management districts. More than one lake, or portions of lakes, and the adjacent land areas may be included in a single lake management district.

Special assessments or rates and charges may be imposed on the property included within a lake management district to finance lake improvement and maintenance activities, including: (1) The control or removal of aquatic plants and vegetation; (2) water quality; (3) the control of water levels; (4) storm water diversion and treatment; (5) agricultural waste control; (6) studying lake water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering or leaving the lake; and (8) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake management district.

Special assessments or rates and charges may be imposed annually on all the land in a lake management district for the duration of the lake management district without a related issuance of lake management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake management district bonds.

[2000 c 184 § 5; 1987 c 432 § 2; 1985 c 398 § 2.]

RCW 36.61.025

Creation of district -- Duration.

To improve the ability of counties to finance long-term lake management objectives, lake management districts may be created for any needed period of time.

[2000 c 184 § 4.]

RCW 36.61.030

Creation of district -- Resolution or petition -- Contents.

A lake management district may be initiated upon either the adoption of a resolution of intention by a county legislative authority or the filing of a petition signed by ten landowners or the owners of at least fifteen percent of the acreage contained within the proposed lake management district, whichever is greater. A petition or resolution of intention shall set forth: (1) The nature of the lake improvement or maintenance activities proposed to be financed; (2) the amount of money proposed to be raised by special assessments or rates and charges; (3) if special assessments are to be imposed, whether the special assessments will be imposed annually for the duration of the lake management district, or the full special assessments will be imposed at one time, with the possibility of installments being made to finance the issuance of lake management district bonds, or both methods; (4) if rates and charges are to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued; (5) the number of years proposed for the duration of the lake management district; and (6) the proposed boundaries of the lake management district.

The county legislative authority may require the posting of a bond of up to five thousand dollars before the county considers the proposed creation of a lake management district initiated by petition. The bond may only be used by the county to finance its costs in studying, holding hearings, making notices, preparing special assessment rolls or rolls showing the rates and charges on each parcel, and conducting elections related to the lake management district if the proposed lake management district is not created.

A resolution of intention shall also designate the number of the proposed lake management district, and fix a date, time, and place for a public hearing on the formation of the proposed lake management district. The date for the public hearing shall be at least thirty days and no more than ninety days after the adoption of the resolution of intention unless an emergency exists.

Petitions shall be filed with the county legislative authority. The county legislative authority shall determine the sufficiency of the signatures, which shall be conclusive upon all persons. No person may withdraw his or her name from a petition after it is filed. If the county legislative authority determines a petition to be sufficient and the proposed lake management district appears to be in the public interest and the financing of the lake improvement or maintenance activities is feasible, it shall adopt a resolution of intention, setting forth all of the details required to be included when a resolution of intention is initiated by the county legislative authority.

[1987 c 432 § 3; 1985 c 398 § 3.]

RCW 36.61.040**Creation of district -- Public hearing -- Notice -- Contents.**

Notice of the public hearing shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed lake management district, the date of the first publication to be at least fifteen days prior to the date fixed for the public hearing by the resolution of intention. Notice of the public hearing shall also be given to the owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county assessor at the address shown thereon. Notice of the public hearing shall also be mailed to the departments of fish and wildlife and ecology at least fifteen days before the date fixed for the public hearing.

Notices of the public hearing shall: (1) Refer to the resolution of intention; (2) designate the proposed lake management district by number; (3) set forth a proposed plan describing: (a) The nature of the proposed lake improvement or maintenance activities; (b) the amount of special assessments or rates and charges proposed to be raised by the lake management district; (c) if special assessments are proposed to be imposed, whether the special assessments will be imposed annually for the duration of the lake management district, or the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake management bonds being issued, or both; (d) if rates and charges are proposed to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued; and (e) the proposed duration of the lake management district; and (4) indicate the date, time, and place of the public hearing designated in the resolution of intention.

In the case of the notice sent to each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost of the lake improvement or maintenance activities to be borne by special assessment, or annual special assessments, or rates and charges on the lot, tract, parcel of land, or other property owned by the owner or reputed owner.

If the county legislative authority has designated a committee of itself or an officer to hear complaints and make recommendations to the full county legislative authority, as provided in RCW [36.61.060](#), the notice shall also describe this additional step before the full county legislative authority may adopt a resolution creating the lake management district.

[1994 c 264 § 9; 1988 c 36 § 9; 1987 c 432 § 4; 1985 c 398 § 4.]

RCW 36.61.050**Creation of district -- Public hearing -- Amendments to original plan.**

The county legislative authority shall hold a public hearing on the proposed lake management district at the date, time, and place designated in the resolution of intention.

At this hearing the county legislative authority shall hear objections from any person affected by the formation of the lake management district. Representatives of the departments of fish and wildlife and ecology shall be afforded opportunities to make presentations on and comment on the proposal. Members of the public shall be afforded an opportunity to comment on the proposal. The county legislative authority must consider recommendations provided to it by the

departments of fish and wildlife and ecology. The public hearing may be extended to other times and dates declared at the public hearing. The county legislative authority may make such changes in the boundaries of the lake management district or such modification in plans for the proposed lake improvement or maintenance activities as it deems necessary. The county legislative authority may not change boundaries of the lake management district to include property that was not included previously without first passing an amended resolution of intention and giving new notice to the owners or reputed owners of property newly included in the proposed lake management district in the manner and form and within the time provided for the original notice. The county legislative authority shall not alter the plans for the proposed lake improvement or maintenance activities to result in an increase in the amount of money proposed to be raised, and shall not increase the amount of money proposed to be raised, without first passing an amended resolution of intention and giving new notice to property owners in the manner and form and within the time provided for the original notice.

[1994 c 264 § 10; 1988 c 36 § 10; 1985 c 398 § 5.]

RCW 36.61.060

Creation of district -- Public hearing -- Legislative authority may delegate responsibility.

A county legislative authority may adopt an ordinance providing for a committee of itself, or an officer, to hold public hearings on the proposed formation of a lake management district and hear objections to the proposed formation as provided in RCW [36.61.050](#). The committee or officer shall make a recommendation to the full legislative authority, which need not hold a public hearing on the proposed creation of the lake management district. The full county legislative authority by resolution may approve or disapprove the recommendation and submit the question of creating the lake management district to the property owners as provided in RCW [36.61.070](#) through [36.61.100](#).

[1985 c 398 § 10.]

RCW 36.61.070

Creation of district -- Submittal of question to landowners.

After the public hearing, the county legislative authority may adopt a resolution submitting the question of creating the lake management district to the owners of land within the proposed lake management district, including publicly owned land, if the county legislative authority finds that it is in the public interest to create the lake management district and the financing of the lake improvement and maintenance activities is feasible. The resolution shall also include: (1) A plan describing the proposed lake improvement and maintenance activities which avoid adverse impacts on fish and wildlife and provide for appropriate measures to protect and enhance fish and wildlife; (2) the number of years the lake management district will exist; (3) the amount to be raised by special assessments or rates and charges; (4) if special assessments are to be imposed, whether the special assessments shall be imposed annually for the duration of the lake management district or only once with the possibility of installments being imposed and lake management bonds being issued, or both, and, if both types of special assessments are proposed to be imposed, the lake improvement or maintenance activities proposed to be financed by each type of special assessment; (5) if rates and charges are to be imposed, a description of the rates and charges and the possibility of revenue bonds being issued that are payable from the rates and charges; and (6) the estimated special assessment or rate and charge proposed to be imposed on

each parcel included in the proposed lake management district.

No lake management district may be created by a county that includes territory located in another county without the approval of the legislative authority of the other county.

[1987 c 432 § 5; 1985 c 398 § 6.]

RCW 36.61.080

Creation of district -- Submittal of question to landowners -- Mail ballot.

A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district, including publicly owned land, which ballot shall contain the following proposition:

"Shall lake management district No. . . . be formed?

Yes

No"

In addition, the ballot shall contain appropriate spaces for the signatures of the landowner or landowners, or officer authorized to cast such a ballot. Each ballot shall include a description of the property owner's property and the estimated special assessment, or rate and charge, proposed to be imposed upon the property. A copy of the instructions and the resolution submitting the question to the landowners shall also be included.

[1987 c 432 § 6; 1985 c 398 § 7.]

RCW 36.61.090

Creation of district -- Submittal of question to landowners -- Balloting -- Conditions.

The balloting shall be subject to the following conditions, which shall be included in the instructions mailed with each ballot, as provided in RCW [36.61.080](#): (1) All ballots must be signed by the owner or reputed owner of property according to the assessor's tax rolls; (2) each ballot must be returned to the county legislative authority not later than five o'clock p.m. of a specified day, which shall be at least twenty but not more than thirty days after the ballots are mailed; (3) each property owner shall mark his or her ballot for or against the creation of the proposed lake management district, with the ballot weighted so that the property owner has one vote for each dollar of estimated special assessment or rate and charge proposed to be imposed on his or her property; and (4) the valid ballots shall be tabulated and a simple majority of the votes cast shall determine whether the proposed lake management district shall be approved or rejected.

[1987 c 432 § 7; 1985 c 398 § 8.]

RCW 36.61.100

Creation of district -- Submittal of question to landowners -- Majority vote required -- Adoption of ordinance.

If the proposal receives a simple majority vote in favor of creating the lake management district, the county legislative authority shall adopt an ordinance creating the lake management district and may proceed with establishing the special assessments or rates and charges, collecting the

special assessments or rates and charges, and performing the lake improvement or maintenance activities. If a proposed lake management district includes more than one lake and its adjacent areas, the lake management district may only be established if the proposal receives a simple majority vote in favor of creating it by the voters on each lake and its adjacent areas. The county legislative authority shall publish a notice in a newspaper of general circulation in a lake management district indicating that such an ordinance has been adopted within ten days of the adoption of the ordinance.

The ballots shall be available for public inspection after they are counted.

[1987 c 432 § 8; 1985 c 398 § 9.]

RCW 36.61.110

Creation of district -- Limitations on appeals.

No lawsuit may be maintained challenging the jurisdiction or authority of the county legislative authority to proceed with the lake improvement and maintenance activities and creating the lake management district or in any way challenging the validity of the actions or decisions or any proceedings relating to the actions or decisions unless the lawsuit is served and filed no later than forty days after publication of a notice that the ordinance has been adopted ordering the lake improvement and maintenance activities and creating the lake management district. Written notice of the appeal shall be filed with the county legislative authority and clerk of the superior court in the county in which the property is situated.

[1985 c 398 § 11.]

RCW 36.61.115

Limitation on special assessments, rates and charges.

A special assessment, or rate and charge, on any lot, tract, parcel of land, or other property shall not be increased beyond one hundred ten percent of the estimated special assessment, or rate and charge, proposed to be imposed as provided in the resolution adopted in RCW [36.61.070](#), unless the creation of a lake management district is approved under another mailed ballot election that reflects the weighted voting arising from such increases.

[1987 c 432 § 9.]

RCW 36.61.120

Special assessment roll -- Adoption -- Public hearing.

After a lake management district is created, the county shall prepare a proposed special assessment roll. A separate special assessment roll shall be prepared for annual special assessments if both annual special assessments and special assessments paid at one time are imposed. The proposed special assessment roll shall list: (1) Each separate lot, tract, parcel of land, or other property in the lake management district; (2) the acreage of such property, and the number of feet of lake frontage, if any; (3) the name and address of the owner or reputed owner of each lot, tract, parcel of land, or other property as shown on the tax rolls of the county assessor; and (4) the special assessment proposed to be imposed on each lot, tract, parcel of land, or other property, or the annual special assessments proposed to be imposed on each lot, tract, parcel of land, or other property.

At the time, date, and place fixed for a public hearing, the county legislative authority shall act as a board of equalization and hear objections to the special assessment roll, and at the times to which the public hearing may be adjourned, the county legislative authority may correct, revise, raise, lower, change, or modify the special assessment roll or any part thereof, or set the proposed special assessment roll aside and order a new proposed special assessment roll to be prepared. The county legislative authority shall confirm and approve a special assessment roll by adoption of a resolution.

If a proposed special assessment roll is amended to raise any special assessment appearing thereon or to include omitted property, a new public hearing shall be held. The new public hearing shall be limited to considering the increased special assessments or omitted property. Notices shall be sent to the owners or reputed owners of the affected property in the same manner and form and within the time provided for the original notice.

Objections to a proposed special assessment roll must be made in writing, shall clearly state the grounds for objections, and shall be filed with the governing body prior to the public hearing. Objections to a special assessment or annual special assessments that are not made as provided in this section shall be deemed waived and shall not be considered by the governing body or a court on appeal.

[1985 c 398 § 12.]

RCW 36.61.130

Special assessment roll -- Public hearing -- Legislative authority may delegate responsibility -- Appeals.

A county legislative authority may adopt an ordinance providing for a committee of itself, or an officer, to hear objections to the special assessment roll, act as a board of equalization, and make recommendations to the full county legislative authority, which need not hold a public hearing on the special assessment roll. The ordinance shall provide a process by which an appeal may be made in writing to the full county legislative authority by a person protesting his or her special assessment or annual special assessments as confirmed by the committee or officer. The full county legislative authority by resolution shall approve the special assessment roll, modify and approve the special assessment roll as a result of hearing objections, or reject the special assessment roll and return it to the committee or officer for further work and recommendations. No objection to the decision of the full county legislative authority approving the special assessment roll may be considered by a court unless an objection to the decision has been timely filed with the county legislative authority as provided in this section.

[1985 c 398 § 13.]

RCW 36.61.140

Special assessment roll -- Public hearing -- Notice -- Contents.

Notice of the original public hearing on the proposed special assessment roll, and any public hearing held as a result of raising special assessments or including omitted property, shall be published and mailed to the owner or reputed owner of the property as provided in [RCW 36.61.040](#) for the public hearing on the formation of the lake management district. However, the notice need only provide the total amount to be collected by the special assessment roll and shall

state that: (1) A public hearing on the proposed special assessment roll will be held, giving the time, date, and place of the public hearing; (2) the proposed special assessment roll is available for public perusal, giving the times and location where the proposed special assessment roll is available for public perusal; (3) objections to the proposed special assessment must be in writing, include clear grounds for objections, and must be filed prior to the public hearing; and (4) failure to so object shall be deemed to waive an objection.

Notices mailed to the owners or reputed owners shall additionally indicate the amount of special assessment ascribed to the particular lot, tract, parcel of land, or other property owned by the person so notified.

[1985 c 398 § 14.]

RCW 36.61.150

Special assessment roll -- Appeal to superior and appellate courts -- Procedure.

The decision of a county legislative authority upon any objection to the special assessment roll may be appealed to the superior court only if the objection had been timely made in the manner prescribed in this chapter. The appeal shall be made within ten days after publication of a notice that the resolution confirming the special assessment roll has been adopted by filing written notice of the appeal with the county legislative authority and the clerk of the superior court in the county in which the real property is situated. The notice of appeal shall describe the property and set forth the objections of the appellant to the special assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of the court a transcript consisting of the special assessment roll and his or her objections thereto, together with the resolution confirming such special assessment roll and the record of the county legislative authority with reference to the special assessment or annual special assessments, which transcript, upon payment of the necessary fees therefore, shall be furnished by an officer of the county and by him or her certified to contain full, true, and correct copies of all matters and proceedings required to be included in the transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the Supreme Court or the court of appeals in civil actions.

At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with a surety or sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs incurred by the county because of the appeal. The court may order the appellant, upon application therefore, to execute and file such additional bond or bonds as the necessity of the case may require.

Within three days after such transcript is filed in the superior court, the appellant shall give written notice to the county legislative authority that such transcript is filed. The notice shall state a time, not less than three days from the service thereof, when the appellant will call up the cause for hearing.

The superior court shall, at this time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in the court, except proceedings under an act relating to eminent domain in such county and actions of forcible entry and detainer. The judgment of the court shall confirm,

correct, modify, or annul the special assessment or annual special assessments insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer having custody of the special assessment roll, and he or she shall modify and correct such special assessment roll in accordance with the decision.

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of the superior court, and the record and opening brief of the appellant in the cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal is taken by notice as provided in this section. The time for filing the record and serving and filing of briefs may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, modify, confirm, or annul the special assessment or annual special assessments insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such special assessment roll, who shall thereupon modify and correct such special assessment roll in accordance with such decision.

[1985 c 398 § 15.]

RCW 36.61.160

Special assessments -- Calculation.

Whenever special assessments are imposed, all property included within a lake management district shall be considered to be the property specially benefited by the lake improvement or maintenance activities and shall be the property upon which special assessments are imposed to pay the costs and expenses of the lake improvement or maintenance activities, or such part of the costs and expenses as may be chargeable against the property specially benefited. The special assessments shall be imposed on property in accordance with the special benefits conferred on the property up to but not in excess of the total costs and expenses of the lake improvement or maintenance activities as provided in the special assessment roll.

Special assessments may be measured by front footage, acreage, the extent of improvements on the property, or any other factors that are deemed to fairly reflect special benefits, including those authorized under RCW [35.51.030](#). Special assessments may be calculated by using more than one factor. Zones around the public improvement may be used that reflect different levels of benefit in each zone that are measured by a front footage, acreage, the extent of improvements, or other factors.

Public property, including property owned by the state of Washington, shall be subject to special assessments to the same extent that private property is subject to the special assessments, except no lien shall extend to public property.

[1987 c 432 § 10; 1985 c 398 § 16.]

RCW 36.61.170

Special assessments -- Limitations.

The total annual special assessments may not exceed the estimated cost of the lake improvement or maintenance activities proposed to be financed by such special assessments, as specified in the

resolution of intention. The total of special assessments imposed in a lake management district that are of the nature of special assessments imposed in a local improvement district shall not exceed one hundred fifty percent of the estimated total cost of the lake improvement or maintenance activities that are proposed to be financed by the lake management district as specified in the resolution of intention. After a lake management district has been created, the resolution of intention may be amended to increase the amount to be financed by the lake management district by using the same procedure in which a lake management district is created.

[1985 c 398 § 17.]

RCW 36.61.180

Special assessments -- Modification.

Whenever annual special assessments are being imposed, the county legislative authority may modify the level of annual special assessments imposed by conforming with the procedures and subject to the limitations included in RCW [36.61.120](#) through [36.61.170](#).

[1985 c 398 § 18.]

RCW 36.61.190

Special assessments -- Collection -- Notice.

Special assessments and installments on any special assessment shall be collected by the county treasurer.

The county treasurer shall publish a notice indicating that the special assessment roll has been confirmed and that the special assessments are to be collected. The notice shall indicate the duration of the lake management district and shall describe whether the special assessments will be paid in annual payments for the duration of the lake management district, or whether the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake management bonds being issued, or both.

If the special assessments are to be payable at one time, the notice additionally shall indicate that all or any portion of the special assessments may be paid within thirty days from the date of publication of the first notice without penalty or interest. This notice shall be published in a newspaper of general circulation in the lake management district.

Within ten days of the first newspaper publication, the county treasurer shall notify each owner or reputed owner of property whose name appears on the special assessment roll, at the address shown on the special assessment roll, for each item of property described on the list: (1) Whether one special assessment payable at one time or special assessments payable annually have been imposed; (2) the amount of the property subject to the special assessment or annual special assessments; and (3) the total amount of the special assessment due at one time, or annual amount of special assessments due. If the special assessment is due at one time, the notice shall also describe the thirty-day period during which the special assessment may be paid without penalty, interest, or cost.

[1985 c 398 § 19.]

RCW 36.61.200**Special assessments -- Payment period -- Interest and penalty.**

If the special assessments are to be payable at one time, all or any portion of any special assessment may be paid without interest, penalty, or costs during this thirty-day period and placed into a special fund to defray the costs of the lake improvement or maintenance activities. The remainder shall be paid in installments as provided in a resolution adopted by the county legislative authority, but the last installment shall be due at least two years before the maximum term of the bonds issued to pay for the improvements or maintenance. The installments shall include amounts sufficient to redeem the bonds issued to pay for the lake improvement and maintenance activities. A twenty-day period shall be allowed after the due date of any installment within which no interest, penalty, or costs on the installment may be imposed.

The county shall establish by ordinance an amount of interest that will be imposed on late special assessments imposed annually or at once, and on installments of a special assessment. The ordinance shall also specify the penalty, in addition to the interest, that will be imposed on a late annual special assessment, special assessment, or installment which shall not be less than five percent of the delinquent special assessment or installment.

The owner of any lot, tract, parcel of land, or other property charged with a special assessment may redeem it from all liability for the unpaid amount of the installments by paying, to the county treasurer, the remaining portion of the installments that is attributable to principal on the lake management district bonds.

[1985 c 398 § 20.]

RCW 36.61.210**Special assessments -- Subdivision of land -- Segregation of assessment.**

Whenever any land against which there has been levied any special assessment or annual special assessments by any county has been sold in part, subdivided, or short subdivided, the county legislative authority may order a segregation of the special assessment or annual special assessments. If an installment has been made, the segregation shall apportion the remaining installments on the parts or lots created.

Any person desiring to have such a special assessment or annual special assessments against a tract of land segregated to apply to smaller parts thereof shall apply to the county legislative authority which levied the special assessment or annual special assessments. If the county legislative authority determines that a segregation should be made, it shall by resolution order the county treasurer to segregate the special assessment or annual special assessments on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original special assessment or annual special assessments were levied, and the total of the segregated parts of the special assessment or annual special assessments shall equal the amount of the special assessment or annual special assessments unpaid before segregation. The resolution shall describe the original tract and the amount and date of the original special assessment or annual special assessments and shall define the boundaries of the divided parts and the amount of the special assessment or annual special assessments chargeable to each part. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to segregate the special assessment or annual special assessments upon being

tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the county legislative authority may require as a condition to the order of segregation that the person seeking it pay the local government the reasonable engineering and clerical costs incident to making the segregation.

[1985 c 398 § 21.]

RCW 36.61.220

Special assessments -- Filing with county treasurer.

Within fifteen days after a county creates a lake management district, the county shall cause to be filed with the county treasurer, a description of the lake improvement and maintenance activities proposed that the lake management district finances, the lake management district number, and a copy of the diagram or print showing the boundaries of the lake management district and preliminary special assessment roll or abstract of same showing thereon the lots, tracts, parcels of land, and other property that will be specially benefited thereby and the estimated cost and expense of such lake improvement and maintenance activities to be borne by each lot, tract, parcel of land, or other property. The treasurer shall immediately post the proposed special assessment roll upon his or her index of special assessments against the properties affected by the lake improvement or maintenance activities.

[1985 c 398 § 22.]

RCW 36.61.230

Special assessments -- Lien created.

The special assessment or annual special assessments imposed upon the respective lots, tracts, parcels of land, and other property in the special assessment roll or annual special assessment roll confirmed by resolution of the county legislative authority for the purpose of paying the cost and expense in whole or in part of any lake improvement or maintenance activities shall be a lien upon the property assessed from the time the special assessment roll is placed in the hands of the county treasurer for collection, but as between the grantor and grantee, or vendor and vendee of any real property, when there is no express agreement as to payment of the special assessments against the real property, the lien of such special assessments shall attach thirty days after the filing of the diagram or print and the estimated cost and expense of such lake improvement or maintenance activities to be borne by each lot, tract, parcel of land, or other property, as provided in RCW [36.61.220](#). Interest and penalty shall be included in and shall be a part of the special assessment lien. No lien shall extend to public property subjected to special assessments.

The special assessment lien shall be paramount and superior to any other lien or encumbrance theretofore or thereafter created except a lien for general taxes.

[1985 c 398 § 23.]

RCW 36.61.240

Special assessments -- Lien -- Validity -- Foreclosure.

Special assessments shall be valid and enforceable as such and the lien thereof on the property assessed shall be valid if the county legislative authority in making the special assessments acted in good faith and without fraud. Delinquent special assessments or installments shall be

foreclosed in the same manner as special assessments are foreclosed under chapter [36.94](#) RCW. Public property subject to special assessments shall not be subject to liens.

[1985 c 398 § 24.]

RCW 36.61.250

Special assessments -- Legislative authority may stop.

The county legislative authority may stop the imposition of annual special assessments if, in its opinion, the public interest will be served by such action.

[1985 c 398 § 25.]

RCW 36.61.270

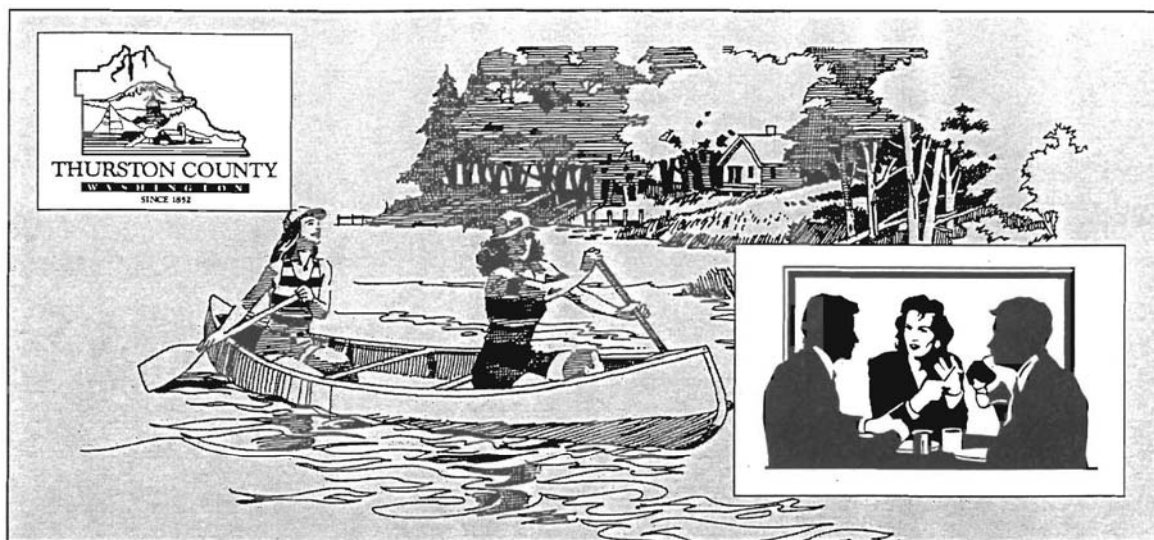
Imposition of rates and charges.

Whenever rates and charges are to be imposed in a lake management district, the county legislative authority shall prepare a roll of rates and charges that includes those matters required to be included in a special assessment roll and shall hold a public hearing on the proposed roll of rates and charges as provided under RCW [36.61.120](#) through [36.61.150](#) for a special assessment roll. The county legislative authority shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges imposed by a lake management district and may classify the rates or charges by any reasonable factor or factors, including benefit, use, front footage, acreage, the extent of improvements on the property, the type of improvements on the property, uses to which the property is put, service to be provided, and any other reasonable factor or factors. The flexibility to establish rates and charges includes the authority to reduce rates and charges on property owned by low-income persons.

Except as provided in this section, the collection of rates and charges, lien status of unpaid rates and charges, and method of foreclosing on such liens shall be subject to the provisions of chapter [36.94](#) RCW. Public property, including state property, shall be subject to the rates and charges to the same extent that private property is subject to them, except that liens may not be foreclosed on the public property, and the procedure for imposing such rates and charges on state property shall conform with the procedure provided for in chapter [79.44](#) RCW concerning the imposition of special assessments upon state property. The total amount of rates and charges cannot exceed the cost of lake improvement or maintenance activities proposed to be financed by such rates and charges, as specified in the resolution of intention. Revenue bonds exclusively payable from the rates and charges may be issued by the county under chapter [39.46](#) RCW.

[1987 c 432 § 11.]

Lake Management Districts (RCW 36.61)



What Is a Lake Management District?

A Lake Management District (LMD) is a form of special-service district through which charges on lake-area properties can fund specified lake management activities. An LMD must be approved by both the Thurston County Board of Commissioners (BOCC) and affected property owners (through a mailed ballot providing one vote for each dollar of proposed LMD charge per owner). An LMD is established for a specific period of time, up to 10 years.

The LMD formation process as defined in the Revised Code of Washington (RCW 36.61) is complex and requires at least six months to complete after the petition is submitted. Thurston County requires that LMD proponents circulate a petition among affected property owners, which is submitted to the BOCC. The petition must define work to be done, proposed expenditures, boundaries, and duration of the proposed LMD.

Proponents of new LMDs may need to hire consultants to help define the lake management program and develop the proposed boundaries and rates. Thurston County does not provide staff assistance for new LMD proposals. Based on a decision by the BOCC, proponents may also be required to submit financial security of up to \$5,000 to cover procedural costs.

What Activities Can Be Financed By An LMD?

A broad range of activities can be financed through an LMD, including:

- Aquatic vegetation control.
- Water quality improvement, including control of stormwater and agricultural run-off.
- Lake water quality studies to pinpoint problems and identify solutions.
- Ditch or stream maintenance.
- Measures to maintain lake level.

Lake Management Districts have been formed for durations ranging from 2-to-5 years on Long Lake, Lake Lawrence, Summit Lake and Pattison Lake in Thurston County. Projects funded by LMDs have included aquatic plant control, comprehensive lake studies, development of long-term management plans, and watershed controls to protect drinking water supplies.

In many cases private consultants or vendors provide services to the LMD through a contract with the county. LMD funds may be used in combination with grants from state or federal agencies.

How Do We Begin The LMD Process?

Forming a committee or association of interested lake residents is the best way to begin. The first formal step in the LMD process is submittal of a petition to the BOCC (or city council if the lake is in an incorporated area). The owners of at least 15 percent of the acreage in the proposed district must sign the petition in support of the proposal. It's important to work with consultants and county (or city) staff in writing the petition; this will ensure that all legal requirements are met and that the proposed budget is feasible.

The petition should identify:

- ↓ proposed lake management activities
- ↓ amount of money to be raised
- ↓ proposed assessment formula
- ↓ boundaries of the district; and
- ↓ duration of the district (up to 10 years).
- ↓ Financial security of up to \$5,000 may be required with the petition.

What Property Is Included In The Assessment District?

An LMD may include all or part of one or several lakes. Private- and publicly-owned lakefront property, and upland lots with access to a community beach area, are commonly included. In some cases it may be appropriate to include the entire watershed in an LMD.

What Is The Basis For Property Assessment?

LMD assessments or charges can be based on any reasonable factors, including: benefit, use, front footage, acreage, improvements or services to be provided. Allowances may be included for low-income property owners.

How Does An LMD Assessment Formula Work?

For example: Upland lots with access to a community beach may be included at a lower rate than waterfront lots. And waterfront lots could be mapped into "zones" which reflect reduced benefit where wetlands or other factors limit shoreline use. Public and private recreational areas may be placed in a special class and assessed based on benefit to users from the

lake management program. Income from LMD rates are used only for activities specified in the LMD.

What Voice Do Property Owners Have In Creating The District?

After the petition is submitted, all property owners within the proposed district are notified by mail of hearings on the LMD proposal. If following the initial hearing, the BOCC determines the LMD to be in the public interest, the proposal is put to a vote of the property owners within the proposed LMD. Votes are weighted one vote for each dollar of proposed assessment. If a majority of the returned votes are in favor of the proposal, the LMD is established by the BOCC. A final hearing is then held to consider written objections to the proposed LMD charges.

Who Manages The LMD? Do Property Owners Have A Role?

LMDs operate under the authority of the BOCC. LMD charges are collected by the Thurston County treasurer as a specific item on the annual property tax statement.

There is not a separate elected commission for each LMD (as there would be for a drainage district or water district). However, on-going lake property owner involvement is crucial to a successful program. Forming a committee of lake residents is the preferred way to work with county staff and elected officials in initiating and implementing the LMD program. Successful LMDs using this model have implemented projects at Long Lake and Lake Lawrence.

Where Can I Get More Information?

The Department of Ecology at (360) 407-6562 has information sheets on lake management techniques and vendors and on grant-funding opportunities. Technical assistance in preparing an LMD work plan may be available from consultants or other parties.

The Thurston County Department of Water and Waste Management has prepared guidelines to using the LMD process. Call (360) 357-2491 or TDD (360) 754-2933 for a copy of the "Property Owner Guideline to Lake Management District Petitions" or the "LMD Formation Guidelines" which covers the entire LMD process (available at cost).