

# January 16, 2019 Minutes

## MOTION:

The NLFCZD Advisory Board supports the Statement of Work drafted by the Working Group.

## SECOND: Suzanne

Unanimous AYE from all seven AB members.

Delivered to Ron Valencia & distributed to BOCC & county staff on 1.16.2019

.....

## BOA member qualifications:

Must have documented experience in establishing benefit ratios

Must have 2 years real estate planning and development experience

Must have 5 years real estate appraisal experience

Must have a clean criminal record

Must have a clean credit record with minimal credit score of 715

Must have 3 years community volunteer experience

Cannot own property in the district or have first line relations that do

.....

## NEWMAN LAKE COMMUNITY WORKING GROUP

### FLOOD CONTROL ZONE DISTRICT

#### Board of Appraisers (BOA)

#### SCOPE OF WORK

##### 1. INTRODUCTION

During 2017, the residents of the Newman Lake Flood Control Zone District (NLFCZD and/or "District") presented the Board of County Commissioners with a petition to appoint a Board of Appraisers (BOA) to reconsider, revise, and/or reaffirm the classification and relative percentages of the parcels within the NLFCZD under RCW 86.09.

The objectives of this "reassessment" are for the BOA to take a fresh look at the parcels contained within the boundaries of the District and determine (reassess) the benefits each parcel derives from both flood control and stormwater management undertaken by the NLFCZD, and then based on those

benefits, reconsider, revise and/or reaffirm the current “classification” of each parcel with respect to each of the two purposes of the Flood Control Zone District. In performing this reassessment, the BOA is tasked with identifying every parcel that derives any benefit so that the assessments fairly distribute the costs of the District among as many benefited parcels as allowed by law.

At the end of this reassessment, the BOA will provide the Board of County Commissioners, acting as the Supervisors of the Newman Lake Flood Control Zone District, with a new base map and land descriptions, outlining the classifications of the different lands on the base map based on their relative benefits derived separately for (1) flood control and (2) water quality management. This new base map will be used to levy assessments on those parcels not otherwise classified as non-benefited, based on their relative benefit ratios.

The Board of Appraisers will complete their work and deliver the base map and benefit ratios no later than June 21, 2019.

## 2. BACKGROUND

The Newman Lake Flood Control Zone District was formed under RCW 86.15 in 1968 “for the purposes of improving the outlet and outlet control structures of the Newman Lake watershed in order to minimize flood damage and give more positive control of the run-off waters from within the watershed.” (Resolution 68-507; RCW 86.15.010(2); .080(1)). In 1988, the scope of the NLFCZD was expanded to include an assessment that addressed water quality issues. (Resolution 88-1038; RCW 86.15.010; .080(1)).

At present, two assessments are collected under 86.15: one for flood control, and one for water quality. The assessments collected for flood control are currently used to pay for overhead and administration by county staff, maintenance and operation of the lake and channel control gates, construction and improvements of flood control facilities and structures, including the (approximately four miles of) channel and termination of flood waters (sump area), and bond retirement and interest of flood control works performed on behalf of and for the benefits of the NLFCZD.

The assessments collected for water quality are used to pay for overhead and administration, maintenance and operation of water quality treatment equipment (alum injection system and oxygen aeration system), construction and improvements of equipment, lake treatment of milfoil and other invasive aquatic species, and bond retirement and interest and other water quality work performed on behalf of and for the benefits of the NLFCZD.

The manner in which assessments are levied is based upon the benefit received by each parcel from the above mentioned district works. The assessments are not based on individual parcel contributions to any of the problems the NLFCZD was created to address.

The purpose of this Scope of Work is to detail the tasks and responsibilities and provide an overall understanding of the services to be provided by the appointed Board of Appraisers.

## 3. BENEFITS

The operational functions of the district are flood control and water quality activities. Flood control includes monitoring stream flows, controlling the lake level, and controlling the water that is discharged downstream from the lake so that residents and properties are not negatively impacted by flood water.

The primary cause of damage from the water is flooding, both downstream and upstream during heavy run off from storms and snowmelt.

The primary benefiter of district flood control activities are downstream property owners and though many of them are outside the district boundary and therefore cannot be assessed for the benefit they receive. The properties within the district that receive benefits from the district are in the form of protection from flooding of lands and structures including roads and fences; egress access and the ability of emergency services to reach properties and residences that cannot flood, but use roads that can; keeping the peat areas wet during long hot periods; and maintaining water levels in the lake to provide recreation for the community or anyone outside of the community desiring to use the lake when there is no inflow. It is the duty of the BOA to evaluate these benefits and provide fair and equitable assessments according to benefit received from flood control activities of the district.

The quality of Newman Lake's water deals with the ability to use that water for household use, irrigation, recreation, livestock, and aesthetic beauty without the water causing damage to property or health. The primary detrimental factor to water quality in the lake is nutrient loading that is added from property use in the basin. With regard to water quality, fair assessments within the NLFCZD should include all properties in the basin that benefit from a cleaner and clearer lake. All properties' that have run off which enters the surface streams or ground water and eventually enter the lake are benefitted by the district's water treatment efforts by helping them minimize the negative water quality effects of polluting nutrients that run off of their property and into the lake. These nutrients result in algae blooms that cause cloudy lake water, reduced lake health, reduced fishing, reduced water recreation, and bad odors.

There is an aesthetic benefit to all property owners with a view of the lake or a view of the lake while travelling to and from their properties. There is a benefit to all district property owners with the opportunity to use the lake, whether or not they choose to do so. And there is a benefit to all property owners within proximity to the outlet ditch and sump where cleaner water creates healthier conditions for odors, unsightly algae, and other pollutants near their property. Lake water ultimately ends up seeping through the gravel sump to the aquifer inside of the Aquifer Protection Area south of the lake where it becomes the source of the drinking water for the greater Spokane area.

There is a benefit to any property discharging pollutants to ground water or subsurface ground water that eventually reach the lake from septic systems, animal waste, and other sources of nutrients, primarily Phosphorus and Nitrogen where the district activities reduce effects of these polluting nutrients that run off their property. Property owners who disturb the soil for road or building construction, cultivation, or other reason benefit from district activities to mitigate nutrient from their property that enter streams and run into the lake. It is the duty of the BOA project to establish fair and equitable assessments based on these benefits.

Direct access parcels and those with lake frontage are significant benefiter of higher water quality. Those parcels are appraised with higher values than non-frontage parcels already. Consideration should be given to evaluate overall fairness in assessments given the inherent higher property values of frontage parcels. It is the duty of the BOA to evaluate each of the water quality benefits and provide fair and equitable assessments for each parcel according to benefit received from water quality activities of the district.

#### 4. RESOURCES

The Board of Appraisers will have approximately five (5) months to complete the reassessment and base maps for flood control and water quality control for the NLFCZD. During those five months, the BOA will meet with stakeholders such as the NLFCZD Advisory Board, the community Working Group, and the Newman Lake community. The BOA shall have essentially unrestricted access to County staff, the district advisory board, the community Working Group who created the project, and the community members as the BOA sees fit. The BOA shall realize that the project was created because the district did not keep pace with change of use of parcels within district boundaries and shall derive fairness input from the community members who pay the assessments, not exclusively from the district staff who created the problem the BOA is tasked to solve.

The BOA may establish a technical committee to assist with the understanding of the operations of the district. If so, BOA will call meetings of the technical committee as needed. The technical committee may consist of staff from Spokane County Conservation District, Department of Agriculture, Department of Ecology, NLFCZD Staff, Spokane County Public Works Staff, and technical community members from the district.

#### 5. REQUIREMENTS

The BOA will hold at least two (2) working meetings per month, and must meet at least twice with the Advisory Board and the community Working Group for input to the project. These group meetings with the community representatives may be combined. The BOA is required to conduct at least two public meetings with the Newman Lake community to receive public input regarding the reassessment process. Additionally, one or two meetings will be held to hear and consider any objections in regard to the proposed benefits maps.

#### 6 CLASSIFICATION OF LANDS

- a. Segregate and classify parcels with respect to their respective relative benefits from the NLFCZD'S construction, operation, and maintenance of the District works. The parcels receiving the greatest benefits shall be placed in class No. 1; those lands receiving the next greatest benefits shall be placed in class No. 2, and so on, down to the class of the least benefits. Those lands receiving no benefits shall be designated "non-benefited."
- b. Determine the percentage of benefits which the parcels in each class shall have with respect to the lands in class No. 1. Those lands falling in class No. 1 shall have the ratio or percentage of one hundred and those lands in the other respective classes shall be given such percentages of the lands in class No. 1 as the Board of Appraisers shall determine.
- c. In determining the classifications and their relative percentages of benefits, the Board of Appraisers will consider the benefits of every kind accruing and will make such investigation and surveys of the same as said BOA shall deem necessary. The BOA shall also examine and consider the data and records of the commission which fixed the boundaries of the District.
- d. Field Inspections will be required in order understand the impact of benefits, nature of soil and topography of the District, the proposed use of the improvements, how it relates to each parcel, and actual anticipated flood protection.

## 8. COORDINATION

It will be the responsibility of the Board of Appraiser to review scientific, technical, etc. materials as it relates to the NLFCZD. County staff may be used as a resource to gather all the various literature and materials as needed by the BOA. County staff will also assist in the coordination of logistics for meetings, field inspections, public outreach, etc. County staff will provide technical assistance including, but not limited to, access to computers, mapping tools, records, resources, and technical staff to prepare field and resource maps necessary to help determine the benefit ratios, as well as any draft maps prior to the final benefit maps. District staff will facilitate keeping the NLFCZD Advisory Board and Community up-to-date on process and progress.

## 9. COMPLIANCE

The Board of Appraisers is to reference frequently, and comply with, RCW 86.09.

## 10. PROJECT DELIVERABLES

At the end of the project the BOA will provide the Board of County Commissioners, acting as supervisors of the District, with two base maps depicting the classified lands and their relative benefit ratios for (1) flood control and (2) water quality. The BOA is also required to present a formal report which documents the basis of those determinations.

## 11. Project timeline

January 2019:

- Board of three (3) qualified individuals to act as a Board of Appraisers (BOA) is appointed.
- BOA to meet with County Staff and community Working Group to obtain base map showing boundaries of NLFCZD, learn about historical and anticipated Capital Improvements and staff services, learn historical background of NLFCZD, learn about present challenges/concerns regarding assessments, obtain historical documentation about NLFCZD, specifically about the determination of the current benefit ratios and assessment maps, and request, and obtain, any maps or tools deemed necessary to begin the assignment of benefits process.

February 2019:

- BOA to decide if a technical group is needed and form it.
- Establish a contact list, contact information, and provide the SOW to the technical group members.
- BOA to meet with NLFCZD Advisory Board, community Working Group, and District Staff
- Receive topo maps with 100 year flood boundary

March 2019:

- BOA to meet with technical group and present assignments
- Receive soil maps, other relevant maps and data

- Field visit/tour to see project works and visit parcels of interest with appropriate people to explain what is visited and how it affects the assessment project.

April 2019:

- Receive technical group completed assignments
- Meet with NLFCZD Advisory Board and community Working Group to coordinate progress and resolve issues.
- Field visit to any necessary parcels

May 2019:

- Draft base map completed
- Conduct community meeting
- Implement changes resulting from community meeting
- Final meeting with staff and community Working Group

June 21, 2019:

Final Base Map delivered to Board of County Commissioners acting in their role as supervisors of the NLFCZD

12. PROJECT BUDGET - \$30,000.