

May 27, 2016

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Proposed ordinance no. **2016-0242**

LAKE GENEVA MANAGEMENT DISTRICT
Special Assessment

Location: Lake Geneva (located east of Federal Way, between approximately S 344th Street and S 388th Street, and between 38th Avenue S and 45th Avenue S) and properties adjacent to the Lake

EXAMINER PROCEEDINGS:

Hearing Opened and Closed: May 26, 2016
Hearing Record Closed: May 26, 2016

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

FINDINGS, CONCLUSIONS AND RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS AND CONCLUSIONS:

1. Lake Geneva and its watershed sit within urban unincorporated King County, between Federal Way and Auburn. The lakeshore is ringed by approximately 42 single-family residences, 11 vacant homesite lots, a pair of County-owned park parcels, and a Washington State Department of Fish and Wildlife (WDFW) boat dock.
2. Lake Geneva has several state-listed aquatic noxious weeds, high water episodes due to lake outlet maintenance issues, and recent declines in water clarity from increased phosphorus input and algae growth. To address these issues, the Lake Geneva Property Owners' Association received a grant from the King County Flood Control District's

- Flood Reduction Fund to create a lake management plan, with the goal of forming a lake management district (District).
3. These efforts culminated in the production of a lengthy Lake Geneva Lake Management District Plan (Plan), with the Plan's work funded by assessing lakeshore property owners (private and public) a collective \$14,500 per year for ten years. In September 2015, Council adopted a resolution of intention to form the District, tasking us with holding a public hearing to assess whether creating this District was in the public interest and whether the financing was feasible. Ord. 18102.
 4. After publishing and mailing notice, we held the public hearing in November 2015, allowed and received post-hearing briefing, and offered a December 2015 report and recommendation to Council. In that report, we found that Lake Geneva had been relatively healthy, due in part to activities owners had performed, but that such efforts were no longer sufficient. We described the worsening state of Lake Geneva, a lake now in "desperate need of protection." We found that the District, with its assessment on all lakeshore owners, curbed the free rider problem and provided a financed and sound Plan for Lake maintenance and enhancement.
 5. The main source of contention, and the main thrust of our analysis, was how to divvy up the bill. After considering the spirited discussion at hearing, along with several pre- and post-hearing written comments, we recommended special assessments totaling \$14,500 per year, collected annually for ten years, with single-family residential properties paying \$145 per year, vacant parcels \$45 per year, King County-owned park parcels \$1,785 per year, and the Washington state-owned boat launch parcel \$4,345 per year.
 6. Based on this recommendation, in February 2016 the Council adopted a lake management plan and submitted the formation question to the relevant land owners. Ord. 18228. The ballots cast overwhelmingly favored formation, and the Council earlier this month adopted an ordinance creating the District, embracing the above-described special assessment roll, tasking the Examiner to hear any objections to the roll, designating the District administrator, and establishing a District advisory committee. Ord. 18282.
 7. Per statute, objections to the proposed special assessment roll were due to us in writing prior to yesterday's hearing. RCW 36.61.140. We received no objections; by law any such objections are deemed waived. *Id.* Nonetheless, we held yesterday's hearing, fielding several questions, and taking some statements (all supportive of the District and the roll).
 8. Having received no objections or other new information that would support a different allocation, and having reconsidered the existing record and discerned no basis to depart *sua sponte*, we re-adopt the findings and conclusions in our December 2015 report and recommendation, and we conclude that Council should approve the special assessment roll reflected in Attachment A, an allocation unchanged from that previously recommended and approved.

RECOMMENDATION:

1. The Examiner recommends that, pursuant to RCW 36.61.130, the Council adopt proposed ordinance 2016-0242, approving without modification the special assessment

roll accompanying this report as Attachment A, with the county treasurer to thereafter collect assessments as provided for by RCW 36.61.190.

ORDERED May 27, 2016.



David Spohr
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD), and providing copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's recommendation. Please consult KCC 20.22.230 for exact requirements.

Prior to the close of business (4:30 p.m.) on **June 20, 2016**, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if the Clerk does not actually receive the fee and the appeal statement within the applicable time limit.

Unless the appeal requirements of KCC 20.22.230 are met, the Clerk of the Council shall place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner's recommended action.

If the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about "next steps."

DWS/ED

