#### OFFICE OF THE HEARING EXAMINER KING COUNTY, WASHINGTON King County Courthouse

516 Third Avenue Room 1200 Seattle, Washington 98104 Telephone (206) 477-0860 Facsimile (206) 296-0198 hearingexaminer@kingcounty.gov

# **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.

In

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 <u>Clerk.Council@kingcounty.gov</u> 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

#### Lake Geneva Lake Management District No. 2 Special Assessment Roll

			Lot	Lineal					
Parcel		Lot size	size	Feet					Proposed
number	Parcel address	(sf)	(ac)	Waterf	Taxpayer name	Taxpayer Name 2	Taxpayer Mailing Address	City, State Zip	Assessment
1687000420	3937 S 348TH ST	85,957	1.97		MILLER JAMES C & DONNA G		3937 S 348TH ST	AUBURN WA 98001	\$145.00
2422000070	34520 38TH AVE S	22,746	0.52		PYEUN-KIM EUN JANG+HYUN KYU		34520 38TH AVE S	AUBURN WA 98001	\$145.00
2422000075	34608 38TH AVE S	20,559	0.47	39	STEEL PAUL+MIRA		34608 38TH AVE S	AUBURN WA 98001	\$145.00
2422000080	34612 38TH AVE S	18,956	0.44	48	HAPUTA ANDREW J+RACQUEL C		34612 38TH AVE S	AUBURN WA 98001	\$145.00
2422000085	34628 38TH AVE S	17,875	0.41	51	NOEL MICHAEL D+MISTY L		34628 38TH AVE S	AUBURN WA 98001	\$145.00
2422000090	34634 38TH AVE S	16,433	0.38	43	BECKER RICHARD L		34634 38TH AVE S	AUBURN WA 98001	\$145.00
2422000095	34640 38TH AVE S	15,910	0.37	42	STEPHEN SCOTT K		904 BAINES ST	PALO ALTO CA 94010	\$145.00
2422000100	34644 38TH AVE S	17,589	0.40	149	MYERS JEFFREY I+JENNIFER Q		34644 38TH AVE S	AUBURN WA 98001	\$145.00
2422000105	BOAT LAUNCH	15,823	0.36	150	WA STATE DEPT OF FISH AND	FINANCIAL	600 CAPITOL WAY N	OLYMPIA WA 98501	\$4,345.00
2422000110	34656 38TH AVE S	19,267	0.44	74	KONONOV DMITRIY A+LYUBOV		1226 S 35TH ST	RENTON WA 98055	\$145.00
2422000115	34660 38TH AVE S	22,818	0.52	56	BACON STEVEN K+B EVETTE		34660 38TH AV S	AUBURN WA 98001	\$145.00
2422000120	34664 38TH AVE S	26,509	0.61	48	GROSS LARRY E & LYNN M		34664 38TH AVE S	AUBURN WA 98001	\$145.00
2422000125	3818 S 348TH ST	29,917	0.69	56	OLSON GARY L+GAYLEN R		3818 S 348TH ST	AUBURN WA 98001	\$145.00
2422000130	3814 S 348TH ST	30,541	0.70	56	OLSON GARY L+GAYLEN R		3818 S 348TH ST	AUBURN WA 98001	\$145.00
2422000140	3824 S 348TH ST	28,762	0.66	48	IRISH KENNETH F+THRASHER RO		3824 S 348TH ST	AUBURN WA 98001	\$145.00
2422000141	Vacant. Legal description	29,568	0.68	50	IRISH KENNETH F		3824 S 348TH ST	AUBURN WA 98001	\$45.00
2422000145	Vacant. Legal description	30,538	0.70	51	SHORT COLLEEN		15219 SE 20TH ST	BELLEVUE WA 98007	\$45.00
2422000150	3840 S 348TH ST	8,000	0.18	48	MOSS JOSEPH+DONNA		3929 S 348TH	AUBURN WA 98001	\$145.00
2422000155	3850 S 348TH ST	122,591	2.81	170	KORLIN DENNIS		3850 S 348TH ST	AUBURN WA 98001	\$145.00
2730500090	4304 S 347TH ST	45,313	1.04	83	DOWSE J+GEKELMAN S		38221 34TH PL S	AUBURN WA 98001	\$45.00
2730500095	4301 S 347TH ST	49,135	1.13	110	HOLMAN CURTIS M+PAMELA J		4301 S 347TH ST	AUBURN WA 98001	\$145.00
2730500100	4303 S 347TH ST	37,639	0.86	88	SORENSON GARY & DIANE N		27626 10TH AVE S	DES MOINES WA 98198	\$45.00
2730500120	4305 S 347TH ST	26,762	0.61	55	TARLING MICHAEL+CHRISTY		4305 S 347TH ST	AUBURN WA 98001	\$145.00
4031200290	34805 42ND AVE S	31,825	0.73	80	MCLEAN MATTHEW J+KATHLEEN A		34805 42ND AVE S	AUBURN WA 98001	\$145.00
4031700260	34504 38TH AVE S	18,612	0.43	24	DOWSING III ALBERT E		34504 38TH AVE S	AUBURN WA 98001	\$145.00
4031700270	3813 S 345TH ST	17,156	0.39	26	ROGERS DONNA C		3813 S 345TH ST	AUBURN WA 98001	\$145.00
4031700280	3821 S 345TH ST	17,410	0.40	32	CLARK DANIEL J+KAREN M		3821 S 345TH ST	AUBURN WA 98001	\$145.00
4031700290	3825 S 345TH ST	15,060	0.35	39	SUTHERLAND JOHN+MARY		P O BOX 23432	FEDERAL WAY WA 98093	\$145.00
4031700300	Vacant. Legal description	8,625	0.20	74	OSBORN MARY LOUISE		3909 S 345TH	AUBURN WA 98001	\$45.00
4031700310	3909 S 345TH ST	30,995	0.71	78	OSBORN DAVID		3909 SOUTH 345TH STREET	AUBURN WA 98001	\$145.00
4031700320	3915 S 345TH ST	31,974	0.73	76	PERRY MICHAEL C+JULIA M		3915 S 345TH ST	AUBURN WA 98001	\$145.00
4031700330	3923 S 345TH ST	35,266	0.81	87	VANDERPOL STANLEY C+THELMA A		3923 S 345TH ST	AUBURN WA 98001	\$145.00
4031700340	3931 S 345TH ST	38,348	0.88	76	YUNKER-JONES MERILYN SUE TRUST		3931 S 345TH ST	AUBURN WA 98001	\$145.00
4031700350	4009 S 345TH ST	41,896	0.96	76	LEIBLIE DONALD E+LOY ANNE		4009 S 345TH ST	AUBURN WA 98001	\$145.00
4031700360	4015 S 345TH ST	45,330	1.04	77	DEGEL JAMES A GUARDIAN		PO BOX 20099	SEATTLE WA 98102	\$145.00
4031700370	4025 S 345TH ST	42,584	0.98	75	MCBETH ROBERT E+KATHY A		4025 S 345TH ST	AUBURN WA 98001	\$145.00
4031700380	4031 S 345TH ST	33,541	0.77	81	HOLMES CHARLES R+NANCY L		4031 S 345TH ST	AUBURN WA 98001	\$145.00
4031700390	4041 S 345TH ST	27,722	0.64	78	FARRAR BART V+LAURIE A		4041 S 345TH ST	AUBURN WA 98001	\$145.00
4031700400	4049 S 345TH ST	25,268	0.58	85	ROBINSON WILLIAM LESLIE+TRU		4049 S 345TH ST	AUBURN WA 98001	\$145.00
4031700410	4057 S 345TH ST	23,559	0.54	66	SAUNDERS DAVID E+NANCY E		4057 S 345TH ST	AUBURN WA 98001	\$145.00
4031700420	4201 S 344TH ST	26,690	0.61	72	TUCKER ROBERTA J		4201 S 344TH ST	AUBURN WA 98001	\$145.00
4031700430	Vacant. Legal description	22,863	0.52	73	TUCKER ROBERTA J		4201 S 344TH ST	AUBURN WA 98001	\$45.00
4031700440	Vacant. Legal description	17,917	0.41	75	CAMACHO JESUS AMANDO		PO BOX 23295	FEDERAL WAY WA 98093	\$45.00
5066400520	34243 45TH AVE S	101,494	2.33	470	ZIEMER KENNETH W+SHERYLL		34243 45TH AVE S	AUBURN WA 98001	\$145.00
5066400521	34429 46TH AVE S	502,682	11.54	100	KING COUNTY-PARKS	KSC-NR-0700	201 S. Jackson Street, Suite 700	SEATTLE WA 98004	\$1,785.00
6064600020	34410 46TH AVE S	304,048	6.98	680	KING COUNTY-PARKS	KSC-NR-0700	201 S. Jackson Street, Suite 700	SEATTLE WA 98004	\$1,785.00
6064600081	4502 S 346TH ST	60,112	1.38	91	LUPULYAK PETR+TATYANA		4502 S 346TH ST	AUBURN WA 98001	\$145.00
6064600100	4503 S 346TH ST	62,726	1.44	165	GALLAND GERALD D+TRACEY A		PO BOX 1843	MILTON WA 98354	\$145.00
6064600117	Vacant. Legal description	20,872	0.48	76	IVERSON CLARA M		4323 S 188TH ST	SEATAC WA 98188	\$45.00
6064600120	Vacant. Legal description	3,479	0.08	14	IVERSON CLARA M		4323 S 188TH ST	SEATAC WA 98188	\$45.00
6064600121	34629 46TH AVE S	74,052	1.70	103	JTK INVESTMENTS LLC		1387 WOOD RD SE	PORT ORCHARD WA 98366	\$145.00
9462200055	Vacant. Legal descritpion	41,749	0.96	150	BLACKBURN NICK & STEVE		17831 19TH AVE SE	BOTHELL WA 98021	\$45.00
9462200075	Vacant. Legal description	15,601	0.36	125	MUSSA JOAN D+MOHAMMED		4325 S 343RD ST	AUBURN WA 98001	\$45.00
9462200080	4325 S 343RD ST	19,720	0.45	73	MUSSA JOAN D+MOHAMMED		4325 S 343RD ST	AUBURN WA 98001	\$145.00
9462200090	4313 S 343RD ST	26,185	0.60	57	KLUDSIKOFSKY DAVID P+DONNA		4313 343RD ST S	AUBURN WA 98001	\$145.00
9462200105	34318 43RD AVE S	79,618	1.83	200	BLAKE WILLIAM JR+DAVINA E		P O BOX 1268	AUBURN WA 98071	\$145.00
									\$14,500.00
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