

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF CONFIRMING THE
BASE ASSESSMENT MAPS FOR FLOOD
CONTROL AND WATER QUALITY IN
CONJUNCTION WITH THE RATIO OF
BENEFITS (NUMBER OF CLASSES,
DEGREE OF BENEFIT) OF NEWMAN
LAKE FLOOD CONTROL ZONE
DISTRICT

ORDER

WHEREAS, pursuant to the provisions of chapter 86.15 RCW, the Board of County Commissioners of Spokane County, Washington (“Board” or “Board of County Commissioners”) created the Newman Lake Flood Control Zone District (“NLFCZD”); and

WHEREAS, as authorized under RCW 86.15.160, the NLFCZD is funded in part by an assessment upon property within the NLFCZD based upon the provisions of chapter 86.09 RCW; and

WHEREAS, pursuant to the provisions of RCW 86.09.421 et seq., the Board of County Commissioners adopted maps of lands within the NLFCZD for Flood Control and Water Quality identifying their respective ratio of benefits (classes and degree of benefit). In conjunction with adopting such maps, the Board of County Commissioners used the alternative method of determining benefit ratios provided for in RCW 86.09.409 and does confirm the use of the alternative method of determining benefit ratios in conjunction with the Board of Appraisers’ charge set forth hereinafter; and

WHEREAS, pursuant to the provisions of RCW 86.09.388 and Resolution Nos. 21-0126 and 21-0415, the Board of County Commissioners as the Ex-Officio Board of Directors of the NLFCZD duly appointed a Board of Appraisers to update/revise the ratio of benefits (classes and degree of benefit) for Flood Control and Water Quality within the NLFCZD to ensure assessments are fair and equitable to the properties located within NLFCZD; and

WHEREAS, pursuant to RCW 86.09.388 et seq., the Board of Appraisers determined the ratio of benefits for respective lands within the NLFCZD with respect to Flood Control and Water Quality segregating the lands into classes and determining the respective relative benefits received and to be received in each class from Flood Control and Water Quality and subsequent thereto filed the Base Assessment Map(s) evidencing the classes and respective benefits with respect to Flood Control and Water Quality with the Spokane County Engineer; and

WHEREAS, pursuant to RCW 86.09.424 et seq., subsequent to the Board of Appraisers filing their Base Assessment Map(s) as set forth in the immediately preceding recital, the Board of County Commissioners, under Resolution No 22-0543, gave Notice of Public Hearing to

consider objections to the Base Assessment Map(s) evidencing the classes and respective benefits with respect to Flood Control and Water Quality; and

WHEREAS, on September 13, 2022, as provided for in Resolution No. 22-0543, the Board of County Commissioners held a public hearing to consider objections to the Base Assessment Map(s) evidencing the classes and respective benefits with respect to Flood Control and Water Quality; and

WHEREAS, as stated in Resolution No. 22-0608, the Board of County Commissioners closed the public testimony after considering public testimony at the September 13, 2022, public hearing and requested staff review the public testimony and report back to the Board of County Commissioners on Tuesday, September 27, 2022, at 2:00 p.m. for decision only subject to the staff report; and

WHEREAS, on Tuesday, September 27, 2022, at 2:00 p.m. the Board of County Commissioners received a written and oral report from staff on the public testimony received on September 13, 2022, from eight (8) property owners' objections, some of which were speaking on behalf of other property owners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Spokane County, Washington, pursuant to the provisions of RCW 86.09.433, that the Board does hereby modify the Base Assessment Maps, filed by the Board of Appraisers with the Spokane County Engineer's Office, referencing the September 27, 2022 staff report which identified eight (8) property owners' objections, some of which were speaking on behalf of other property owners, in the following particulars:

Base Map regarding Flood Control:

	Name	Approve/Deny Objection a.k.a. Protest	If Approved, Final Classification
4	Melvina Treadway: Parcel 56132.9020, Address: 10811 N McCoy Rd.	Denied	

Base Map regarding Water Quality:

	Name	Approve/Deny Objection a.k.a. Protest	If Approved, Final Classification
1	Jacqueline Kabrell: Parcel 57273.9018, Address: 16625 N Lakewood Ln.	Denied	
	On Behalf of: Robert & Joni Mackay, Parcel 57284.9058	Denied	

2	Thomas Haugh: Parcel 57273.9010, Address: 16190 N West Newman Lake Dr.	Denied	
	On Behalf of: Kathryn Lynn & Raymond Lawrence Johnson, Parcel 57273.9016	Denied	
3	Dennis Rewinkle: Parcel 56032.0605, Address: 13604 N Peninsula Dr	Approved (Objection did not request classification change.)	No change to classification
	On Behalf of: Kim Jones, Parcel 56032.0601	Approved (Objection did not request classification change.)	No change to classification
5	Al Balcom: Parcel 56031.9001, No address – vacant land	Denied	
6	Juanita Richardson: Parcel 57356.9012, No address – vacant land	Denied	
7	Hannah Sims: Parcel 56142.9074 & 56142.9075, Address: 10909 N West Newman Lake Rd.	Denied	
8	Chantal Balcom: Parcel 57353.9007, Address 14428 N Muzzy Rd.	Denied	

BE IT FURTHER RESOLVED by the Board of County Commissioners of Spokane County, Washington, that the Base Assessment Map(s), filed with the Spokane County Engineer's Office, be and is hereby confirmed with those modifications as provided for hereinabove, as more particularly set forth in Attachment "A", attached hereto and incorporate herein by reference, and that the original of this Order be attached to the Base Assessment Maps, as modified herein, and maintained on file with the Spokane County Engineer. Based on the above decision with regard to the eight (8) property owners' objections, some of which were speaking on behalf of other property owners, no modifications were made by the Board of County Commissioners to the Board of Appraisers' recommendation on the ratio of benefits for respective lands within the NLFCZD with respect to Flood Control and Water Quality. Provided further in executing this Order, the Board of County Commissioners is not taking action at this time on the recommendation of the Board of Appraisers that the "...Market Value (Assessed Value) be utilized in the benefit formula rather than Current Use Value to further the 'fair and equitable' assessments."

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Spokane County, Washington, as provided for in RCW 86.09.442, that the secretary of the NLFCZD shall prepare a correct copy of so much of said Base Assessment Maps as confirmed by Order of the Board of County Commissioners, or by order of the Board of County Commissioners making any changes decreed by the court on appeal to the Spokane County Superior Court, and file the same with the Spokane County Assessor.

PASSED AND ADOPTED this 27th day of September 2022.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON



ATTEST:

Mary L. Kuney
MARY L. KUNEY, Chair

Al French
AL FRENCH, Vice-Chair

Ginna Vasquez
Ginna Vasquez, Clerk of the Board

Josh Kerns
JOSH KERNS, Commissioner

22 - 0642

Attachment "A"

MEMO

To: Spokane County Commissioners

From: Spokane County Board of Appraisers
Garrett W. Waldner, MAI, SRA, Chairman

Subject: Newman Lake Flood Control and Water Quality Assessments

Transmitted herewith is our methodology and reasoning as to the various classifications of benefits for flood control and water quality. Also attached are maps for both, color coded, to identify the areas that we concluded as the benefited areas.

It is further our recommendation that Market Value (Assessed Value) be utilized in the benefit formula rather than Current Use Value to further "fair and equitable" assessments.

Benefit Classifications

Benefits are factors that positively impact a property due to the efforts of Spokane County and their Flood Control and Water Quality programs. Without these programs, properties around the lake and in the Newman Lake area would be negatively impacted.

Considerations for **Flood Control** benefits include useability of the land created by the dam. Prior to the dam, the lake was larger, and flooded more property area around the lake. Installation of the dam meant that the lake elevation could be lowered and created additional usable land around the lake. Those properties that are now usable because of the flood control program enjoy a benefit. Other flood control benefit factors include stabilization of shoreline through maintained lake levels, use of main roads due to high water conditions prior to the project, stabilization of property values, locational strength of neighborhood, normal marketing times, proximity to lake, lake access, frontage on main road, property size, and highest and best use.

Considerations for **Water Quality** benefits include factors such as protection of lake views, control smell, physical lake usability, stabilization of property values, locational strength of neighborhood, normal marketing times, proximity to lake, lake access, frontage on main road, property size, and highest and best use.

Benefits accrue to the whole property and not just a part thereof and meaning there are no split benefits. Different property uses and/or sizes benefit at different rates.

Benefit sources include testimony from Realtors, property owners, NLFCD Board members, proximity studies, personal inspections, and appraisal experience.

Flood Control Benefits

<u>Class</u>	<u>Benefit Ratio</u>	<u>General Description (open for interpretation)</u>
1	100%	Lower agricultural land (south)
2	50%	Upper agricultural land (north)
3	50%	Non-agricultural land around the lake which receive prime benefits from the district.
4	10%	Non-agricultural land around the lake, which receive secondary benefits from the district.
5	0%	All other land within the district which will receive no benefits from the project.

Water Quality Benefits

<u>Class</u>	<u>Benefit Ratio</u>	<u>General Description (open for interpretation)</u>
1	100%	Non-agricultural land on the lakefront
2	60%	Secondary non-agricultural land/lots with or without lake access
3	30%	Tertiary lands on the scale of 5-30 +/- ac, fronting on a main road, or in relative proximity to the lake.
4	10%	Agricultural lands directly fronting on the lake or other influenced lands.
5	0%	All other land within the district which will receive no benefits from the project.

Newman Lake Property Assessment by Flood Benefit Class

- FLOD1 = 100%
- FLOD2 = 50%
- FLOD3 = 50%
- FLOD4 = 10%
- FLOD5 = Not Included

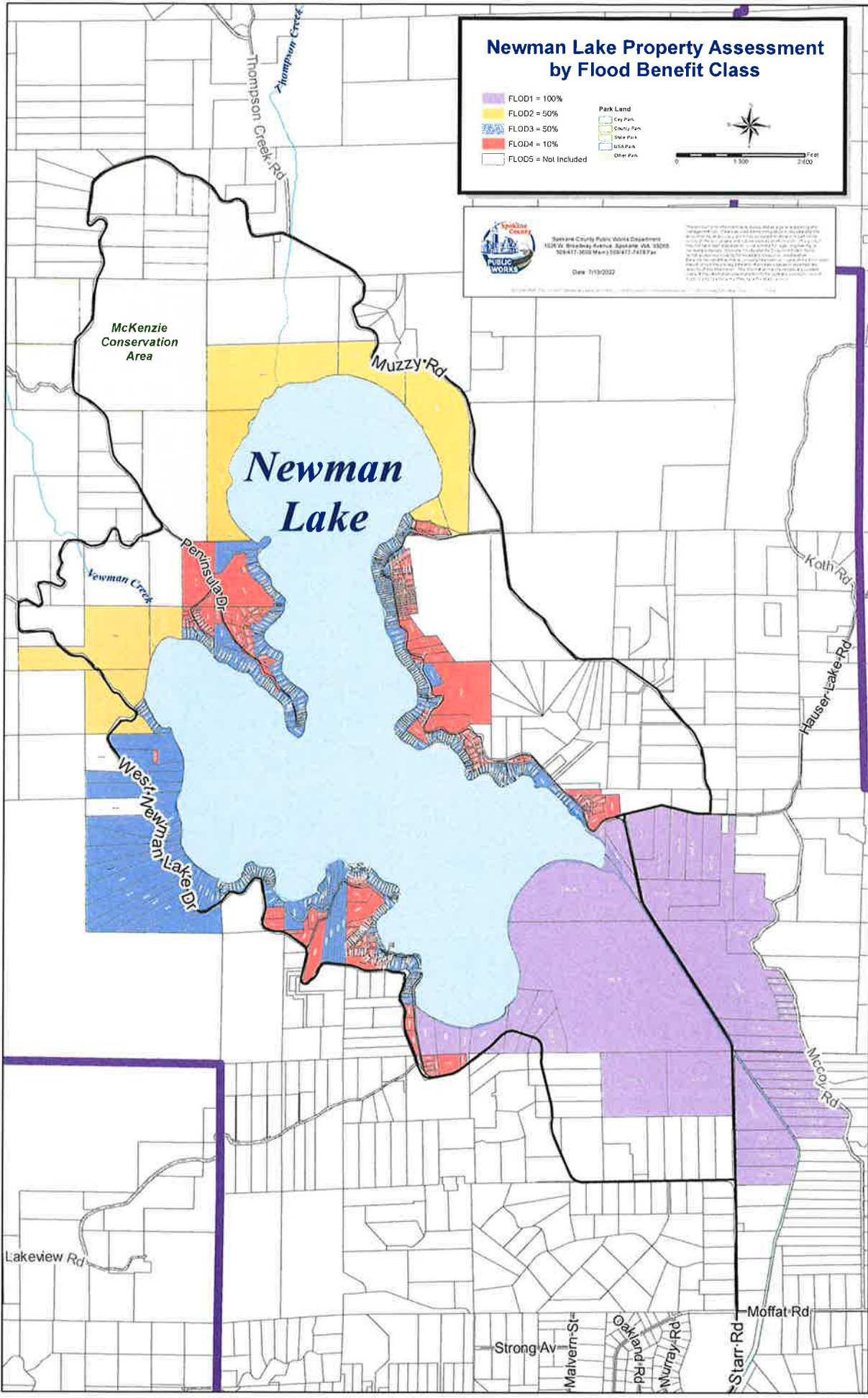
- Park Land
- City Park
 - County Park
 - State Park
 - Local Park
 - Other Park



Spokane County Public Works Department
 1525 W. Broadway Avenue, Spokane, WA, 99208
 509.477.3638 Main | 509.477.7418 Fax

Date: 7/13/2022

This report was prepared by the Spokane County Public Works Department and is intended for use by the Spokane County Board of Commissioners. It is not intended to be used for any other purpose. The Spokane County Public Works Department is not responsible for any errors or omissions in this report. The Spokane County Public Works Department is not responsible for any damages, including consequential damages, arising from the use of this report. The Spokane County Public Works Department is not responsible for any actions taken based on this report. The Spokane County Public Works Department is not responsible for any actions taken based on this report.



Newman Lake Property Assessment by Water Quality Benefit Class

- REHB1 = 100%
- REHB2 = 60%
- REHB3 = 30%
- REHB4 = 10%
- REHBS = Not Included

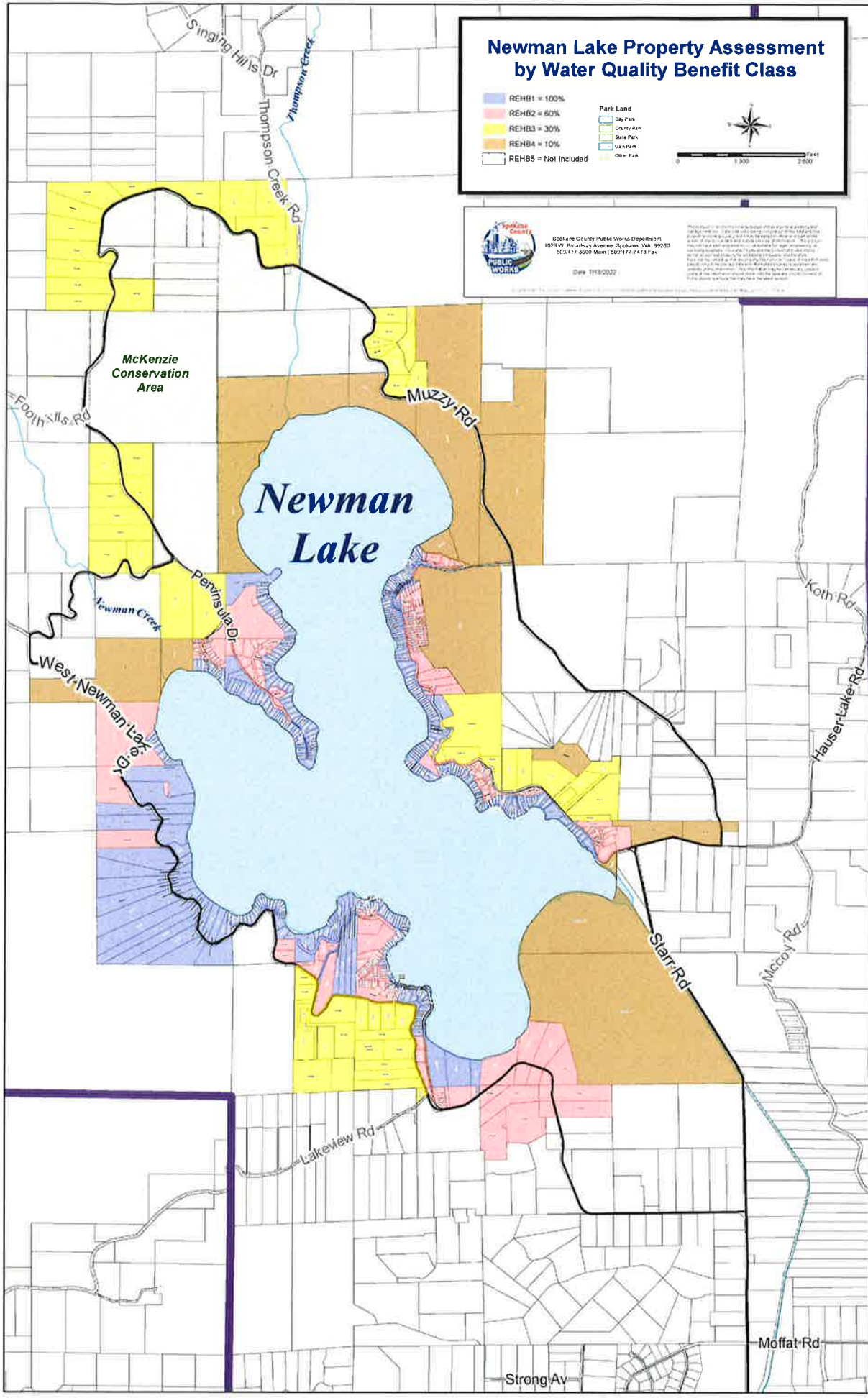
- Park Land
- City Park
- County Park
- State Park
- USDA Park
- Other Park



Spokane County Public Works Department
1026 W. Broadway Avenue Spokane, WA 99201
509.477.3000 Main | 509.477.7478 Fax

Date: 11/3/2022

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22 - 0642



Spokane County

PUBLIC WORKS

Memorandum

To: Board of County Commissioners
From: Ben Brattebo, Water Programs Manager
Date: September 27, 2022
Subject: Staff Response to Public Testimony on Newman Lake Flood Control Zone District Board of Appraisers' Recommendations
Public Hearing – September 13, 2022

This memorandum summarizes public testimony received by the Board of County Commissioners on September 13, 2022 at a public hearing on the recommendations submitted by the Newman Lake Flood Control Zone District (NLFCZD) Board of Appraisers (BOA). In conjunction with summarizing public testimony, County staff reviewed the video of the public hearing. This memorandum also summarizes County staff responses to the testimony.

Summary of Testimony at 9/13/2022 BoCC Public Hearing

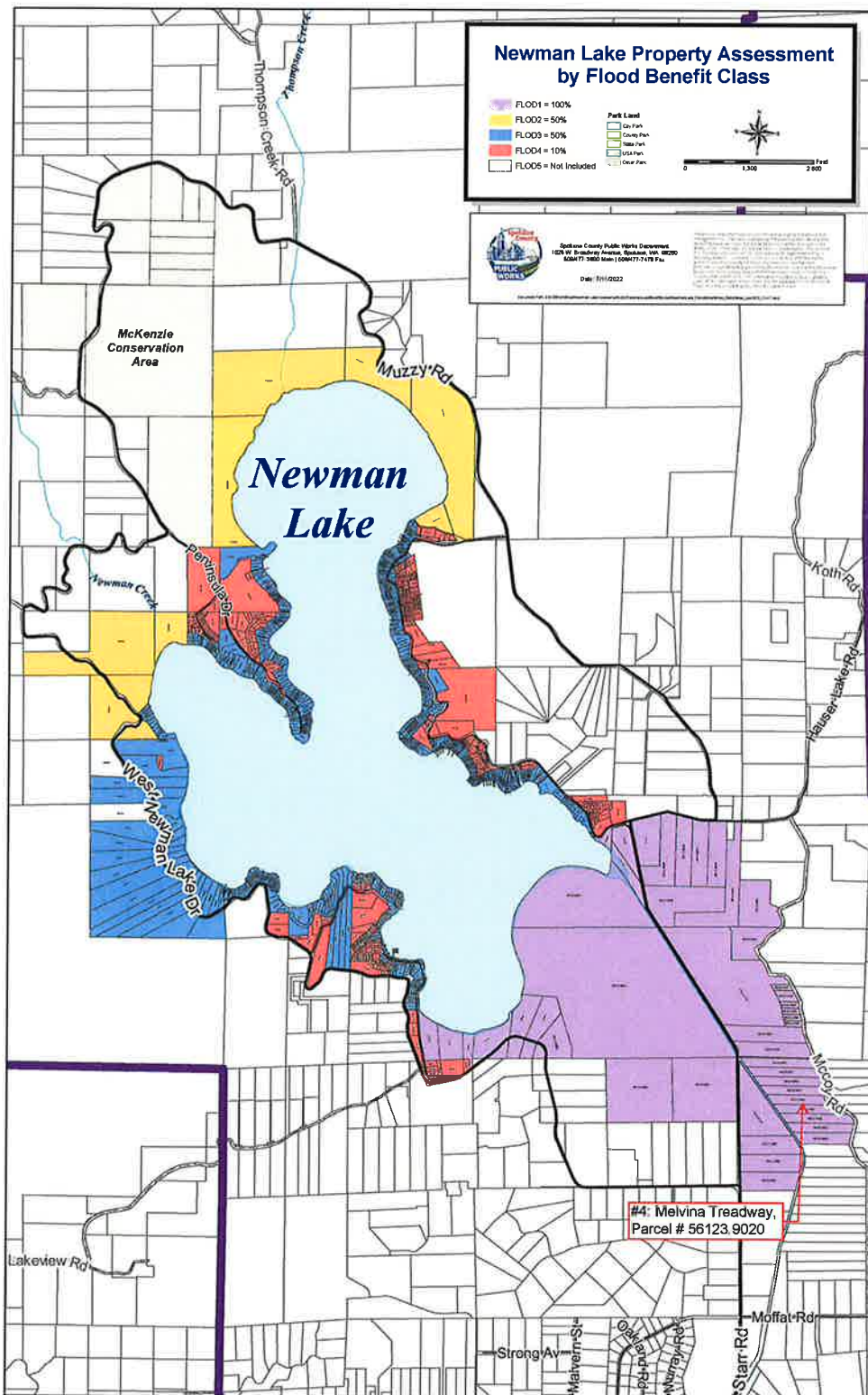
1. **Jacqueline Kabrell:** Parcel 57273.9018, Address: 16625 N Lakewood Ln.
 - a. Also speaking on behalf of 57284.9058 (Robert & Joni Mackay)
 - b. Previous benefit assessment: Flood Control (FC) 0%, Water Quality (WQ) 0%
 - c. New benefit assessment: FC 0%, WQ 30%
 - d. Individual's Comment: Disagrees with the BOA decision to add a benefit assessment to her parcel with regard to WQ. She has no access to the lake, so she has to access it the way the public does. She takes issue with the BOA changing the definitions of the benefit assessments, specifically the parcel acreage size and proximity to the lake. Believes they were not making decisions with any criteria and made the definitions broad to permit her parcel's inclusion. She wants a rationale for why she is included.
 - e. County's Response:
 - i. Regarding parcel benefit classification: She presented the same comments at the BOA meeting on 6/15/2022. The BOA's initial draft assessment map placed her parcel at WQ 60%. The proceeding meeting, the BOA reduced her parcel to WQ 30%.
 - ii. Regarding benefit classification definitions: In the 6/15/22 meeting, BOA member Garret Waldner said original definitions were a starting point for

- c. Individual's Comment: Upset that she did not know about the BOA process until she received the hearing notice postcard in late August 2022. She does not understand what is happening or what the assessments are. Wanted the BoCC to hold off making any decision until she received a packet to explain what was going on. She provided the postcard notice which she received to the Clerk of the BoCC who made a copy for the record.
 - d. County's Response:
 - i. For BOA meeting notifications, staff sent emails to the "Newman Lake Distribution List" before every meeting. In addition, all information and documentation was posted on the NLFCZD website and the Newman Lake Property Owners Association website.
 - ii. The formal notice of the County Commissioner public hearing, as required by RCW 86.09.424 et seq. was published in The Spokesman-Review legal notices, dated August 23rd, August 30th and September 6th, 2022. While not required by RCW, postcards were sent with notification of the hearing to residents within the NLFCZD.
 - iii. Attached is a summary list of several communication methods used by County staff in conjunction with supporting the BOA process
5. **Al Balcom:** Parcel 56031.9001, No address – vacant land
- a. Previous benefit assessment: FC 0%, WQ 0%
 - b. New Benefit Assessment: FC 0%, WQ 10%
 - c. Individual's Comment: Thinks the task exceeded the BOA's competency. Questions why they waited until the end of the process to adjust the benefit classification definitions. Said they did not use floodplain to evaluate FC. Mr. Balcom's properties are outside of the floodplain, so does not receive FC benefits. He stated he does not get any water quality benefits.
 - d. County's Response:
 - i. Regarding Benefit Classification Definitions: See County Response for Jacqueline Kabrell. BOA used original definitions as the starting point for decision making, then expanded them to include their rationale for revision to the benefit assessment maps.
 - ii. Regarding Floodplain: The BOA was provided the FEMA Flood Hazard Maps for Newman Lake as part of the process.
6. **Juanita Richardson:** Parcel 57356.9012, No address – vacant land
- a. Previous benefit assessment: FC 0%, WQ 0%
 - b. New Benefit Assessment: FC 0%, WQ 10%
 - c. Individual's Comment: Has no lake access, so should not be assessed for water quality. She disagrees with the benefit classification definitions. Thinks definitions were changed so they could include her property. Disagrees with additions of what constitutes a benefit to definitions. Said BOA operated with feelings, not reasons. She indicates the BOA never looked at her property.
 - d. County's Response:
 - i. Regarding Lake Access: During the meeting on 5/11/2022, she inquired why she had to pay for WQ benefits if she had no lake access. The BOA referenced the definitions for why she was included.

Summary table of communications related to the BOA process

Date	Notification	Method
08/16/21	Topic on Newman Lake Advisory Board Agenda	Meeting agenda
09/14/21	Board of Appraisers Webpage Published*	Website
09/15/21	Newman Lake Fall Open House Presentation	Public presentation
09/22/21	Community Email Meeting Notice	Email
10/11/21	Topic on Newman Lake Advisory Board Agenda	Meeting agenda
10/15/21	Community Email Meeting Notice	Email
11/01/21	Community Email Meeting Notice	Email
11/23/21	Postcard Notice of Assessment Increase with mention of BOA Work	Direct mailing
12/09/21	Community Email Meeting Notice	Email
12/21/21	Community Email NL Activities Update	Email
01/10/22	Topic on Newman Lake Advisory Board Agenda	Meeting agenda
01/14/22	Community Email Meeting Notice	Email
01/28/22	Community Email Meeting Notice	Email
02/14/22	Topic on Newman Lake Advisory Board Agenda	Meeting agenda
02/14/22	Community Email Meeting Notice	Email
03/08/22	Community Email Meeting Notice	Email
03/14/22	Topic on Newman Lake Advisory Board Agenda	Meeting agenda
03/22/22	Community Email Meeting Notice	Email
04/11/22	Topic on Newman Lake Advisory Board Agenda	Meeting agenda
04/25/22	Community Email Meeting Notice	Email
05/04/22	Community Email Meeting Notice	Email
05/24/22	Community Email Meeting Notice	Email
06/08/22	Community Email Meeting Notice	Email
06/08/22	Flyers Posted 4 locations in community	Posted flyer
06/10/22	Community Email Draft Maps	Email
06/13/22	Topic on Newman Lake Advisory Board Agenda	Meeting agenda
06/27/22	Community Email Meeting Notice	Email
07/07/22	Community Email Meeting Notice	Email
07/28/22	Community Email Meeting Notice	Email
08/03/22	Community Email NL Activities Update	Email
08/08/22	Topic on Newman Lake Advisory Board Agenda	Meeting agenda
08/23/22	Notice of Public Hearing Spokesman Publication	Newspaper notice
08/25/22	Postcard Notice of Hearing to properties in NLFCZD	Direct mailing
08/29/22	Community Email Public Hearing Notice	Email
08/30/22	Notice of Public Hearing Spokesman Publication	Newspaper notice
09/06/22	Notice of Public Hearing Spokesman Publication	Newspaper notice
09/12/22	Topic on Newman Lake Advisory Board Agenda	Meeting agenda

*webpage was frequently updated with meeting dates & documents throughout process.



Proposed Flood Control Benefit Map highlighting parcels receiving public comments