



A quality manufactured housing community for persons 55 years plus

August 19, 2008

RECEIVED

AUG 25 2008

Clallam County  
DCD

Carol Creasey, Senior Planner  
Clallam County  
223 E. 4th St., Suite 5  
Port Angeles, WA 98362

RE: PROPOSED CARLSBORG SEWER

Dear Carol:

My sincere thanks to you for the courtesy you extended to me prior to, and at, the Clallam County Planning Commission hearing I attended on Wednesday, August 13, 2008. During that Planning Commission hearing, I gave you a letter from Mr. John Woodring, Esq. (a copy of which is enclosed for your ease of review) that you said you would place into public record as my written testimony. During the very brief time allotted to me by the planning commission, in my oral testimony, I expressed very significant concern on behalf of our approximately 370 residents and their inability, based on their fixed incomes, to absorb a very substantial housing cost increase that would result from the sewer system proposed by Clallam PUD and Clallam County. I would greatly appreciate hearing back from you as to where you see the issue going from here. I would also like to request that I be placed on the mailing list for notification of any future issues related to the proposed sewer; and, that you also place our legal counsel, Mr. John Woodring, at the address below on that same list for written notifications.

Sincerely,

Jon Gibson, Member  
PARKWOOD Manufactured Housing Community, LLC

cc: John Woodring, Esq.  
State & Sawyer Building, Suite 201  
2120 State Ave. N.E.  
Olympia, WA 98506

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DCI



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John E. Woodring

Associate Attorney  
 Deric N. Young

Paralegal  
 Danni Allen

August 13, 2008

Clallam County Commissioners  
 223 East Fourth Street  
 Port Angeles, WA 98362

PUD #1 of Clallam County Commissioners  
 502 South Still Road  
 Sequim, WA 98382

Re: Parkwood Manufactured Housing Community - Sewer Construction in Carlsborg Urban Growth Area

Dear Commissioners:

I represent Parkwood Manufactured Housing Community. I am submitting comments in regard to the proposed sewer construction that would serve the Community. Parkwood is opposed to connecting to any sewers at this time on several grounds.

I. General Opposition.

A. Amount and Unpredictability of Costs.

Parkwood provides 209 affordable, quality housing units for 55 and older residents. Many tenants are on fixed incomes. The cost of the sewers has not been clearly established.

The July, 2007, Sewer Feasibility Study for the Carlsborg UGA is not definitive on the costs to Parkwood; the individual lot cost impact; how the sewer assessments would be structured; how manufactured homes would be treated in regard to single-family residential units; and how the sewers would be funded.

It appears none of these questions have been answered since the July, 2007, study.

On the funding questions, the Study indicates various assessment methods could be utilized, (i.e. area, front foot, capacity, added benefit, service connection charge, or STEP). (Study, pgs. 78 and 79, Table 22, Fig. 16). These methodologies can result in greatly varying assessment amounts. There is no indication at this time for any property owner to know what assessment method will be used to factor in the costs of sewer services.

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Further, there is no information on how manufactured housing lots in a community will be treated in regard to single-family or multi-family residential units. Will they be considered an entire Equivalent Residential Unit, a percentage of an ERU, or what?

The initial assessment and on-going monthly service charges could be significant depending on the characterization. The Study conceptual analysis places the initial assessment at \$12,000 to \$16,000 per existing single-family home lot not dividable. (Study, pg. 79, Table 23).

In addition, there would be monthly service charges. The estimated costs for single-family lots under the Study conceptual model would be \$45 - \$60 per month. (Study, pg. 81, Table 25). Taking the initial assessment amortized over 20 years at 3% interest, plus the \$45 - \$60 service charge, would total annually \$1,347 to \$1,796.

These conceptual figures would mean each lot tenant in Parkwood would be paying \$112 to \$150 per month for sewers. It must be remembered that these tenants are currently paying nothing for septic services and many are on fixed incomes. The lot rent is currently in the \$400 per month range. The sewer costs alone would be a 25% increase.

It needs to be pointed out that the manufactured housing communities in the projected Carlsborg sewer service area comprise 334 living units. (Study, pg. 23, Table 3). As noted in the Study:

The Carlsborg UGA includes about 560 acres with 828 residents in April 2006 and an annual growth rate of 0.5 percent. These are mostly retired, senior citizens living on limited incomes. Home occupancy is about 1.85 people per dwelling.

(Study, pg 5). (Emphasis added).

At 1.85 people per dwelling, the 334 homes in manufactured housing communities total 618 people, the vast majority of residents in the Carlsborg UGA. (Study, pg. 5). They would bear the financial brunt of providing sewer service on their fixed incomes. There has been no accurate information at this point to tell them what services would cost.

## II. Manufactured Housing Communities Cannot Be Required to Connect to Sewers.

A key factor that both Clallam County and the PUD have not taken into consideration to this point is that Washington law does not require a manufactured housing community to connect to sewers.

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RCW 35.67.330 provides:

- (1) Cities, towns, or counties may not require existing mobile home parks to replace existing, functional septic systems with a sewer system within the community unless the local board of health determines that the septic system is failing.
- (2) Cities, towns, and counties are prohibited from requiring existing mobile home parks to pay a sewer service availability charge, standby charge, consumption charge, or any other similar types of charges associated with available but unused sewer service, including any interest or penalties for nonpayment or enforcement charges, until the mobile home park connects to the sewer service. When a mobile home park connects to a sewer, cities, towns, and counties may only charge mobile home parks prospectively from the date of connection for their sewer service. Chapter 297, Laws of 2003 is remedial in nature and applies retroactively to 1993.

The Carlsborg sewer project is subject to this statute. Clallam County is the developer of the sewer system financially through their land use planning and general government powers. The PUD will operate the sewer system. (Study, pg. 13).

As the drafter of both the 1998 and 2003 laws, I can attest the intent behind this law is to preserve manufactured housing communities on septic systems as affordable housing. They cannot be required to hook-up to sewers unless the community septic system is failing. This means the system in the community cannot be repaired. If one or two systems in the community have failed and can be repaired, the entire community septic system is not failing.

Further, they cannot be forced to pay any costs related to bringing or operating sewers until they are required to connect due to a failing septic system. They can only be charged prospectively for costs from the date of sewer connection.

The 33 on-site septic systems in Parkwood are in good working order. None are failing. They are subject to the upkeep, inspections, and other requirements as determined by the local health authorities. Septic systems in manufactured housing communities meeting current acceptable pollutant levels, like Parkwood, are not failing. This includes the 10 mg/L standard for nitrates.

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### III. Alternative Approach.

Parkwood believes the proper approach at this time is to retain the existing, functional septic systems in the Carlsborg area and develop state mandated inspection and operation requirements. As stated in the Study:

In accordance with new on site septic requirements from Chapter 246-272A WAC, Clallam County has been developing a program to inventory, inspect and enforce on site septic systems for proper operation to protect public health and the environment. The County has an active On-Site Septic Program with an On-Site Septic Work Group meeting regularly to develop the requirements for a number of related programs, some of which are outlined below:

- Provide protection for sensitive areas
- Develop recommendations for on-site system inspections
- Identify all on-site systems within Clallam County

(Study, pg. 23).

The residents desire to extend the life of the existing on-site sewerage systems for as long as possible.

This position was extended (in) the "Recommendations of the Carlsborg Community Advisory Council" dated February 2003 with specific recommendations to improve the performance on on-site systems. Continued use of on-site sewage systems in endorsed in the "Carlsborg Capital Facilities Plan" dated October 1998.

(Study, pg 23).

Residents, including those in Parkwood MHC, do not want to suffer the majority of the expense of sewer development in the area for future users. It does not carry much weight with these people that under the Clallam County revised comprehensive plan, the projected population will be 2,140 people in 2050.

It probably does not matter to residents, who currently reside in a less populated rural environment, that Clallam County has determined to bring Carlsborg within the County GMA and are under the gun from the Growth Management Hearings Board to provide sewers to the area to maintain this status.

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Further, if nitrate levels increase to the legal thresholds, (10 mg/L), then the septic systems can be upgraded to meet current Clallam County and other legal standards. As noted in the Study:

Existing on-site sewage disposal within the Carlsborg UGA has been guided by County Policy No. 13 from Clallam County Code 31.03.350, which has three basic components:

- An on-site sewage system operations and maintenance program developed through the Carlsborg Capital Facilities Plan is intended to be implemented, which is to include periodic monitoring and inspection of the on-site systems.
- All new on-site sewage systems and all system repairs shall use enhanced treatment to achieve a minimum reduction in nitrate discharge of at least 50 percent.
- Other existing on-site sewage systems will be encouraged to upgrade to enhanced treatment.

(Study, pg. 8).

The Study states that on-site systems meeting current Clallam County requirements for nitrogen removal cost between \$18,000 - \$25,000 to install plus an additional \$3,000 to \$5,000 for system design and permit fees. (Study, pg. 81). This approach would be far less expensive than the projected cost for sewer installation and operation.

#### IV. Feasibility of Future Growth With Sewers.

It appears the primary purpose in pursuing sewers in Carlsborg is to keep the area within the Clallam County urban growth boundary for higher density development. While Parkwood has expressed concerns with the affordability, fairness, and feasibility of this policy, there is also another critical factor impacting whether the area can grow, even with sewers.

There are serious issues with the availability of water for higher density development. The Study states:

However the PUD believes the existing water right(s) may be insufficient to support service to entire UGA and adjacent LUDs into the future. Additional water rights are required, together with low impact development strategies, and are essential to support the UGA development to the land use density envisioned by Clallam County. This is a significant challenge because the Dungeness River and the related aquifer is currently being treated like a "closed" system, meaning Ecology is not issuing additional water rights.

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The PUD also has concerns regarding the ability of the Carlsborg water system to meet peak day demands. Some additional storage may be required to supply peak day demand, through water system efficiency improvements, such as reusing reclaimed water for outdoor and other non-potable purposes (which) may result in a more manageable peak demand.

(Study, pg. 28).

The Study further notes:

The instream flow rule-making process is proceeding for WRIA 18. Ecology formed the Dungeness River Executive Committee which meets regularly to provide input for developing a water supply strategy including at least the following components:

- Growth occurring within WRIA 18 for residences, businesses, and institutions
- Community wants to retain an agricultural economic base
- River has water quality, quantity, and habitat concerns for endangered species
- Tribal rights must be included in any process
- Existing infrastructure imposes certain definable constraints

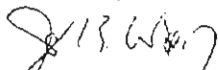
Not enough water exists for all desired uses, so conservation is essential.

(Study, pg. 32). (Emphasis added).

With all of these water competition and management issues unresolved, that may never be resolvable, does increased growth in the Carlsborg UGA make sense, especially when manufactured housing community tenants in the area will foot the costs of constructing and maintaining sewers?

Thank you for your consideration.

Sincerely,



JOHN E. WOODRING  
Attorney at Law

JEW:da

C: Jon Gibson

August 13, 2008

Board of Clallam County Commissions  
Clallam County Planning Commission

RE: Carlsborg Interim Land use

Carlsborg Industrial Park was created by the Port of Port Angeles and approved by Clallam County. A certificate of incorporation to the Carlsborg Industrial Park Property Owners Association was issued by the state of Washington July 3, 1989 (see attached).

I purchased property in the Industrial Park in April of 1996. Paid the necessary Clallam County fees to short plat the parcel. Have paid in full the L.U.D for P.U.D water etc. levied on my lot. Have paid property taxes based on the fair market value for industrial property, which in 2008 was assessed at approximately \$95,000.

It is my belief that the moratorium on commercial building permits, in the Carlsborg Industrial Park, severely and adversely affects the market value along with the taxable value of my property and many others. This decision could be considered a taking of our private property amounting to condemnation without compensation.

I fully support and urge Clallam County to appeal this decision of the Washington Growth Management hearing board.

Respectfully,

*Mike Nelson*

Mike Nelson  
72 Amber Lane  
Sequim, WA 98382

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STATE of WASHINGTON      SECRETARY of STATE

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I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

*CERTIFICATE OF INCORPORATION*

to

CARLSBORG INDUSTRIAL PARK PROPERTY OWNERS ASSOCIATION

a Washington      Miscellaneous      corporation. Articles of Incorporation were filed for record in this office on the date indicated below.

U. B. I. Number: 601 189 335

Date: July 3, 1989



Given under my hand and the seal of the State of Washington, at Olympia, the State Capitol.

Ralph Munro, Secretary of State

2-414972-6

GERALD STEEL, PE  
ATTORNEY-AT-LAW  
7303 YOUNG ROAD NW  
OLYMPIA, WA 98502  
Tel/fax (360) 867-1166

REC-1111  
JUN 17 2008  
Clallam Co. Jr  
DCC

June 13, 2008

Steve Gray, Planning  
Department of Comm. Dev.  
223 East Fourth Street  
Port Angeles, WA 98362

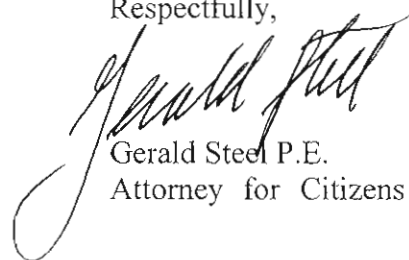
Re: Plans and regulations to be adopted to respond to non-compliance and invalidity orders for Carlsborg and Ordinance No. 832

Dear Mr. Gray:

I am writing this letter on behalf of Citizens for Carlsborg. We are very interested in any actions taken by the County regarding plans and regulations to be adopted to seek to lift the noncompliance and invalidity orders issued in DCC v. Clallam County, WWGMHB No. 07-2-0018c (FDO, April 23, 2008) that relate to Carlsborg. We request that you keep me informed of issuance of relevant draft documents and informed when hearings are scheduled that would relate to County responses to the orders of noncompliance and invalidity that effect Carlsborg. We are concerned that you continue to protect the character of our community and that you act in full compliance with state laws including the Growth Management Act and the Planning Enabling Act.

Regarding Ordinance 832, I note that you have sought to amend the Comprehensive Plan text and maps using an interim ordinance. Interim ordinances may not be used to amend Comprehensive Plan text or maps but only may be used to adopt interim official controls. We request that you comply fully and carefully with the Growth Board orders and with state law so that you minimize wasted effort and achieve compliance as soon as possible.

Respectfully,



Gerald Steel P.E.  
Attorney for Citizens for Carlsborg

DCY