

Ordinance 763

Creating a chapter of the Clallam County Code, titled Lake Sutherland Management District 2

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 27.03

LAKE SUTHERLAND MANAGEMENT DISTRICT 2

Sections:

- 27.03.010 Purpose.
- 27.03.020 Boundary.
- 27.03.030 Duration.
- 27.03.040 Improvement and maintenance activities.
- 27.03.050 Advisory committee appointment and duties.
- 27.03.070 Special revenue fund to be created.
- 27.03.080 Effective date.
- 27.03.090 Severability.

27.03.010 Purpose.

Pursuant to Chapter 36.61 RCW, the Board of Clallam County Commissioners hereby establishes Lake Sutherland Management District 2. The district is established after an election conducted pursuant to Chapter 36.61 RCW at which a majority of those casting ballots voted in favor of the District's formation.

The purpose of the Lake Management District (LMD) is to protect Lake Sutherland's beneficial uses, water quality, and wildlife habitat. It has been determined that Lake Sutherland contains Eurasian watermilfoil, a noxious weed. Containment and removal of Eurasian watermilfoil, which can inhibit multiple recreational activities such as boating, swimming and fishing, diminish aesthetic and economic values, and impair water quality and wildlife habitat, is a benefit to all lake residents who have significant opportunity for the enjoyment of the lake through active and passive recreation.

27.03.020 Boundary.

Said District shall include all properties fronting or having community access to Lake Sutherland in Clallam County, Washington with the following exceptions:

- (1) Entire parcels used exclusively for private roads or utilities;
- (2) Community open space parcels dedicated on a final plat or short plat as open space or lake access for the benefited property owners;
- (3) Lands covered by water.

A geographic representation of the boundaries is included as Attachment A.

27.03.030 Duration.

The duration of the proposed District shall be approximately 5 years and shall expire on 31 December 2009 unless otherwise extended by ordinance.

27.03.040 Improvement and maintenance activities.

The following activities for lake improvement and maintenance to prevent adverse impacts on fish and wildlife and provide for measures to protect and enhance fish and wildlife are authorized:

(1) Manage Eurasian watermilfoil in Lake Sutherland to meet recreational and aesthetic needs, fishery and wildlife habitat requirements, and ecosystem and ground water concerns.

(2) Employ best practices in control of Eurasian watermilfoil based on environmental safety and efficacy.

(3) Monitor the level of Eurasian watermilfoil in Lake Sutherland and recommend and implement actions to control and eradicate it.

27.03.050 Advisory committee appointment and duties.

An advisory committee, designated the Lake Sutherland Steering Committee, composed of up to 7 volunteers who are property owners within the district and who reflect various lake use interests and geographic distribution within the Lake Management district will be appointed by the Clallam County Commissioners in accordance with policies established for Boards and Committees. The committee will work in cooperation with assigned County staff to provide citizen input to the Board of Commissioners on management decisions within the context of this ordinance.

27.03.070 Special revenue fund to be created.

The Lake Sutherland Management District 2 Fund (LMD 2 Fund) shall be created by resolution of the Board of Commissioners. All revenues from assessments or other charges collected from properties within the District boundary will be deposited in the fund.

Expenditures shall only be used to support activities of the Lake Sutherland Management District 2 authorized in this ordinance. Any monies remaining in the fund at the end of the District's term may be expended only for those activities described in this ordinance or may be added to funds collected through the formation of another District at Lake Sutherland and expended for activities that were described in this ordinance.

27.03.080 Effective date.

This chapter shall take effect 10 days after adoption.

27.03.090 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of the chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being hereby expressly declared that this chapter and each section, subsection, paragraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that any one or more other sections, subsections, paragraph, sentences, clauses, or phrases be declared invalid or unconstitutional.

ADOPTED this nineteenth day of October 2004.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Excused Absence
Stephen P. Tharinger, Chair

M.C. Chapman
Michael C. Chapman

ATTEST:

Trish Perrott
Trish Perrott, CMC, Clerk of the Board

Howard V. Doherty, Jr.
Howard V. Doherty, Jr.

Attachment A
Lake Management District 2

