

PORT OF CLARKSTON

COMMENTS ON STORMWATER PLAN UTILITY ASSESSMENT

I. INTRODUCTION

A. The Port Site:

The Port of Clarkston (POC) is a municipality of the State of Washington. Its jurisdictional boundaries are the same as Asotin County's. The Port owns approximately 90 acres (the "Port Site" or "Site) along the south side of the Snake River in the City of Clarkston, and leases an additional 30 acres from the Corps of Engineers. (A small parcel of Port property is located outside the city limits.)

Most of the Port property is leased to Port tenants or is dedicated to public use. Representative of the Port's tenants are a restaurant, motel facility and convention center (the Quality Inn), a winery (Basalt Cellars), a grain terminal (Lewis-Clark Terminal), and a restaurant (Roosters Landing). POC also operates a crane dock, a cruise boat dock, and a public park. The northwest terminus of the "Clearwater & Snake River National Recreational Trail" is at the park.

A new "big box" retail store (Wal-Mart) has recently opened adjacent to the Port site on the south side of Port Drive. There

is an older "big box" retail store (Costco) situated just east of the Port site.

Both pedestrian and vehicular traffic move in and out of the Port to public facilities within the Port such as the park, the riverfront docks, and the trail. Other traffic moves through the park to businesses and facilities outside the park, such as Wal-Mart and Costco. There is also traffic that is more tenant specific, such as truck traffic to the grain terminals and restaurant patrons to the restaurants. Attachment 1 consists of a map of the Port site with various landmarks identified.

B. The Stormwater Mandate:

Asotin County and the cities of Asotin and Clarkston are presently engaged in developing stormwater plans as required by the Washington State Department of Ecology (DOE) pursuant to the "Eastern Washington Phase II Municipal Stormwater Permit" issued in 2007. The DOE permit was issued in response to the Environmental Protection Agency's (EPA) regulations issued under the federal Clean Water Act.

The county and the cities have recognized that compliance with the permit requirements will be costly. One proposal for paying for these plans is a public stormwater utility assessment.

Public utility assessments are widely used for funding, or partially funding, stormwater management plans.

II. DISCUSSION

POC appreciates the hard work and thoughtful, collaborative approach that Asotin County, City of Clarkston, and City of Asotin have brought to solving an unfunded mandate. Combining resources, securing grants, and reducing capital system improvement costs in utility fees have reduced the impact of this unfunded mandate on all residents of Asotin County.

POC recognizes that the county and the two cities will have to find a source of revenue to pay for the mandates of the DOE permit. Given this necessity, POC has no objection to the imposition of fair and equitable utility fees that will affect both POC directly, and its tenants indirectly.

The typical approach to setting rates for a stormwater utility is to assess each property within the jurisdiction based on a billing unit referred to as an "Equivalent Residential Unit" (ERU). ERU's are usually established based on the impervious surface area assigned to the average sized residential household in any given community. A 3,700 square foot ERU is the approximate size proposed within Asotin County. Multi-family units and commercial properties are adjusted based on the area of

impervious surface represented by the property in comparison to a single ERU. Thus, commercial facilities with large impervious surfaces such as parking lots are assessed fees based on a multiple number of ERU's.

It is not unusual for public streets and roads to be exempt from assessment. Whether public streets and roads should be exempt is a complicated question for which there is no uniform answer. For example, Issaquah charges 30% of the multi-family rate to its streets and Bothell has a similar arrangement.¹ Pullman exempts its streets, as well as certain public streets owned and maintained by Washington State University within the city.² It is POC's understanding that Asotin County and the two cities plan to exempt county roads, city streets and state highways.

Within the Port site, the Port maintains certain streets which are open to and used by the public as if they were dedicated city streets. POC is concerned that no exemption is proposed for these streets. It is POC's position that it is inequitable to

¹ Source: "Stormwater Utility Funding and Implementation" City of Cheney

² Source: "Pullman City Code 10.30". WSU is a "secondary permittee" under the Phase II Rules. The Port qualifies for a waiver as a secondary permittee under the existing rules. WSU's secondary permittee status was a factor in exempting the University's streets, but it does not appear to have been the deciding factor. It should be noted that WSU's secondary permittee status does not materially relieve the City of Pullman of the expense associated with the stormwater permit. Secondary permittee status simply adds a layer of administrative burden on the secondary permittee.

fail to recognize these streets as equivalent to the roads and streets owned and maintained by the other public entities.

By state statute, utility rates are to be equitable and uniform. (RCW 90.03.500) Functionally some of the Port's streets are undistinguishable from other streets in the City of Clarkston. Many of the streets provide key access to public amenities directly related to broadly supported community goals, such as the public access to the riverfront. For example, Port Drive, Port Way and Ninth Street all serve Granite Lake Park, which is owned and maintained by POC for general public use.

The park itself is a terminus of a 26-mile system of levy trails (the Clearwater-Snake National Recreational Trail). The Park was/is the site of 22 weddings in 2009, the annual origination point of the Seaport Strider's St. Patrick's Day run, the weekly start of a cyclist club that rides to Cloverland, a meeting point for gatherings such as the one of old car aficionados (shown among other events in collage in Attachment 2), and the site of various fund raising activities (example, "Feefee 4 DeeDee" in collage). Further, the park is the location of a new recreational boat dock and other improvements which has funding cooperation of the Washington Recreation and Conservation Board, the Port, the City of Clarkston, Clarkston Rotary, the Corps of

Engineers, and soon, Walmart. Funds for recent improvements total over \$500,000.

Fourteenth Street, Port Drive, Port Way and Ninth Street are key links between river borne and highway freight movements, and as such are part of a regional intermodal transportation system. Public roadways that comprise a link in the regional transportation system serve a public benefit. Vehicular and pedestrian traffic also use the streets for movement of goods and services that are not proprietary to any particular POC tenant. Examples include traffic moving across Port Drive, Port Way and Ninth Street to peripheral businesses and facilities, such as Costco and Wal-Mart.

The stormwater fees that will be charged on POC property in addition to the possible imposition of fees for POC streets will be considerable. In this regard, POC is not asking that it be treated differently than any other owner. POC accepts that its impervious surfaces will be assessed the same as impervious surfaces for schools, hospitals and other public and quasi-public institutions. This is equitable and uniform treatment.

The Port's public streets that are functionally equivalent to city streets and county roads should be treated the same as those maintained by the county and the cities. As it affects the Port,

the Ordinances ultimately adopted by the County and the City of Clarkston will be the governing instruments. The Port welcomes the opportunity to work on criteria that implement a "fundamentally equivalent" standard.

Respectfully submitted,

PORT OF CLARKSTON

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