

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS**

**Wednesday, November 30, 1994**

10:30 a.m. - 1:30 p.m.           Tour of Draper Valley Farms, Inc.  
3:00 p.m. - 4:30 p.m.           Public Hearing - Proposed Drainage Utility Formation.

The Skagit County Board of Commissioners met in regular session on Wednesday, November 30, 1994, with Commissioners Robby Robinson, Harvey Wolden and Robert Hart present.

**PUBLIC HEARING - PROPOSED DRAINAGE UTILITY FORMATION.**

Chairman Wolden opened the public hearing, and introduced Dave Brookings of the Surface Water Management Staff. Mr. Brookings advised that the purpose of this public hearing is to discuss the proposed formation of a drainage utility within Skagit County. Mr. Brookings reviewed a utility schedule and advised that in 1991 a \$10 per parcel charge was instituted throughout the County to develop a more equitable program concerning drainage problems. Consultant Montgomery Watson was hired to assist in this regard. A brief review of the public meetings and resultant actions ensued. The appeal that has held up the utility formation has been resolved and, therefore, formation of the utility can proceed at this point.

Mr. Brookings advised that in order to create the drainage utility and collect revenue, the monies must be collected on the annual property tax statements. Mr. Brookings stated that the deadline has been missed for collection of such revenue in 1995, but Mr. Brookings is seeking direction and understanding of the utility concept for future years.

Mr. Brookings reviewed specifics of drainage problem assessment and noted that 60-70% of all service requests received by Skagit County are drainage related. Further, drainage problems have become more complex as they involve environmental concerns that oftentimes include other government agencies such as the Department of Ecology and Fish and Wildlife. Mr. Brookings advised that development standards and stormwater facilities are now being placed in the hands of homeowners association and this has resulted in a "crisis management" approach to maintenance. The County has no jurisdiction to resolve drainage problems outside of County rights-of-way. Mr. Brookings further advised that the problems of stormwater cross many jurisdictional boundaries, and that Skagit County is missing out on thousands of dollars of state grant monies due to the lack of a Capitol Improvement Plan and a stable funding source. Mr. Brookings noted that the citizens within Skagit County are being impacted by stormwater and the County does not currently have a program in place to deal with it.

Mr. Brookings stated that interlocal agreements need to be developed to compensate one another for impacts of jurisdictional dispute. Millions of dollars are being used to finance stormwater facilities and major improvements that the County cannot take advantage of. Mr. Brookings stressed that the Department is basically putting out fires and there are many things that cannot be done because problems are not tied in to County rights-of-way.

Mr. Brookings introduced Dennis Dorratcague from Montgomery Watson, who gave a brief background of his company, describing the work they do in the areas of drainage, studies and the formation of utilities. Mr. Dorratcague noted previous experience working in county-wide situations similar to Skagit County that include both rural and suburban areas. It was noted that Montgomery Watson with the assistance of a Citizens Advisory Committee (CAC) wanted to propose an ongoing, independently financed entity to address and correct drainage problems. The types of programs include drainage utilities, flood control zone districts and sewer districts. Mr. Dorratcague stated that a drainage utility district is the best solution for Skagit County. Mr. Dorratcague indicated that the utility will strengthen development review, include an operation

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and maintenance program and a utility enterprise fund for drainage problems (dedicated money), capital funding and grant management, customer billing function will be allocated to the Assessor's Office, multi-jurisdictional management will be accomplished, public relations programs will be developed (both water quality and public education), and capital facilities plan implementation will occur. Problem areas have been identified and include South Burrows Bay, Jackman Creek, Hill Ditch, North Samish Mount Vernon District 17, and others.

A brief budget discussion ensued which noted that 39% of the funds will go to capital improvements projects and 30% of the funds will go to operation and maintenance. Mr. Dorracague noted that the CAC did not want to go into debt for this utility and wanted to have the money in hand to build any proposed capital improvements. The sources of funding include rates, grants, loans, system development charges, and bonds. The budget for the first year will be \$1.1 million and would increase to \$1.5 million by the sixth year. The specific rates classifications and service charges were briefly reviewed.

Mr. Brookings briefly reviewed a copy of the proposed ordinance forming the drainage utility and adding a chapter to the Skagit County Code. Mr. Brookings advised that much detail and time and effort have gone into the development of this ordinance and the utility itself. With the formation of the utility, there will be a mechanism in place that will allow Public Works to equitably help those needing assistance, based on how much water individual property generates, and spells out how the rate structure must be administered. Mr. Brookings stated that this will eliminate the band-aid fixes of the past and will provide more maintenance and better inspection. Mr. Brookings is asking to form the utility without a rate structure at this time to give the Department direction to finalize the billing system, begin pursuing grant funding, and allow the advisory committee to get established.

With that introduction, Chairman Wolden opened the public hearing for testimony.

Alice Sutton, Hamilton, expressed concern that too much money has been spent and is proposed for studies. Ms. Sutton indicated that the cost to taxpayers is not justified, and seems to be eating up its own revenue. Ms. Sutton noted that everyone in the County wants these problems fixed, but the question is how to pay for a solution. Ms. Sutton noted that grant funding cannot be relied upon, so taxation seems to be the easiest method of funding.

Gordon Henderson, 1182 Bayview Road, Mount Vernon, stated that he is against any more bureaucracy and that the utility is a ploy to get public money. Mr. Henderson expressed his belief that the County is adding more employees, and getting deeper and deeper into debt. Mr. Henderson further stated that he is against hiring outside people to do the work County employees are being paid to do.

Phil Daniels, Secretary of Drainage District #15 stated that it is time for the areas that are not in drainage districts and not in towns to pay their fair share of getting rid of excess water.

Stan Donogh, West Fidalgo, noted that it is time to pass the ordinance and develop more sophistication in this regard. Mr. Donogh noted that this utility may be flawed in some areas, but urged the Board to formulate the utility now and get the ball rolling.

Robert Viggers, Fidalgo Island, stated that he is for the proposed legislation. Mr. Viggers noted that development reviews with respect to drainage have not been complete in the past, and that if such reviews are improved, problems can be eliminated. Mr. Viggers urged the Board to develop a corrective scenario for Skagit County.

Roland Martin, 3011 Comanche Drive, Mount Vernon, stated that he owns rental properties and is concerned over the increased costs. Mr. Martin stressed that he wants less government involvement and is not in favor of an additional tax.

Tony Barrett, Department of Ecology, noted his support for the establishment of the utility to manage surface water. Mr. Barrett stated that some stable source of funding needs to be developed to assist with developmental review processes together with operation and maintenance programs.

Larry Kunzler, Sedro Woolley, reviewed several pieces of correspondence concerning this matter. Mr. Kunzler stated that the process of using timber funds as a slush fund for building projects should end. Mr. Kunzler reviewed maps with the Board that show historical areas where water accumulated and which were referred to as swamps.

Leonard Halverson, Sterling Road, Sedro Woolley, stated that drainage utility formation as presented was voted out of the committee without a quorum and with no draft in hand to review. Mr. Halverson asked for a recall from the Board, who, according to Mr. Halverson, refused to send it back to the committee as they should at this time. Mr. Halverson stated that this utility formation must be sent back to the committee to start over and do it correctly.

Ken Slater, 1740 Milltown Road, noted that drainage must be managed by the people who are affected and contribute, not by the Board or drainage districts. Mr. Slater stated that the drainage utility does nothing for the people and will only serve political purposes.

Dennis Hall, 1075A Josh Wilson, Mount Vernon, expressed his concern that he would be paying for the utility and derive no benefit personally.

Bob Ratfield, Blue Heron Road, Samish Island, reviewed the specific drainage problems in his area, and his willingness to pay for correction of the problems affecting his property.

Blair Painter, LaConner area, stated that he is after less government, less spending, and more effective spending. Mr. Blair noted that this project proposes raising \$1 million per year for undefined activities and continued studies. Budget surpluses were briefly discussed and Mr. Painter stated that this new activity could be funded without establishment of a new taxing source. Mr. Painter encouraged the Board to use what funds and resources the County has, and noted that a great deal could be done without the establishment of a utility district. Commissioner Hart responded that the County is precluded by the State Constitution from transferring funds in that regard. Mr. Painter noted that those who create a flooding or drainage problem should be liable to repair that problem. Mr. Painter further stated that there is no justification for the County going onto private property to take care of damage unless that damage was caused by County diverted water. Mr. Painter stated that citizens must be responsible for their own property and solve their own problems.

Herb Waltner, Commissioner for Drainage District #17 on the south side of Mount Vernon, noted that development has increased problems, and individuals should be responsible for their own work. Mr. Waltner noted that the utility is one tool that can be used to bring a jurisdiction to handle drainage problems county-wide. He noted that he is in favor of the drainage utility and thanked those who have worked on the development of the utility.

Ralph Clemons, Lyman, stated that he opposes the drainage utility ordinance because of the proposed funding methods. Mr. Clemons noted that he served on the committee and that he spoke out on funding

methods during committee meetings. Mr. Clemons thanked Mr. Kunzler and Halverson for their outstanding work on reviewing the proposed plan. Mr. Clemons indicated that the utility should look to the general fund for funding. Mr. Clemons indicated that the proposal is for a classic urban method and therefore goes astray as it is not pertinent to rural areas and seeks to tax property owners whether or not the land is improved, farmed, timbered, irrigated, or hilltop. Mr. Clemons stated that the funding proposal is flawed and asked the Board for careful consideration.

Larry Wasserman, represents the Skagit River Tribes, and supports the formation of the utility, particularly for the protection and restoration of the County's fisheries.

Greg Ariss, Department of Natural Resources, supports the formation of the utilities for the purposes described and urged the Board to take action to prevent damages to aquatic resources. Mr. Ariss noted that forest lands are the most regulated practice in this County. Mr. Ariss noted that taxing forest land owners will provide a disincentive to those trying to maintain forest areas and that it will cost the DNR over \$42,000 from its budget to fulfill the needs of this utility. Consequently, money will not be spent on thinning and planting.

Jim Parker, Highway 20, Concrete, supports the formation of the drainage utility but financing could be a problem. Mr. Parker briefly reviewed the specific drainage problems near his home. Mr. Parker reiterated that the drainage utility is the answer and urged the Board to get started.

Randy Good, 2346 Minkler Road, Sedro Woolley, noted that County revenue is higher than both Whatcom and Snohomish Counties, and that there should be enough funds in the budget for completing drainage projects. Mr. Good noted the need for citizen advisory boards and that this plan should be returned to the advisory board for more in-depth study and public input.

Stewart Glasoe, Puget Sound Water Quality Authority, read a letter which supports the formation of the drainage utility. Mr. Glasoe noted that a County stormwater program needs to address both stormwater quantity and quality and should coordinate with other jurisdictions. Mr. Glasoe supports the creation of the utility, but encouraged the Board to streamline and coordinate efforts in this regard under the Comprehensive Plan now being developed.

Bill Blake, 3210 Eastwind Street, Mount Vernon, believes that there needs to be more time to convince the public that there is a workable, equitable plan. Mr. Blake noted that the solution always seems to be bigger government, when common sense is what is needed. Mr. Blake stated that he does not understand why it is necessary to spend more and more money to accomplish less and less. Mr. Blake indicated that budget clarification is necessary in order for the public to be fully informed to make a rational decision. Mr. Blake indicated that he has not been persuaded today to support the formation of the drainage utility.

Carol Ehlers, Fidalgo Island, stated that she wants a drainage utility, but is not sure she wants this one. Ms. Ehlers asked the Board to remand the utility formation back to the committee or hold their own study sessions in the evenings. Ms. Ehlers expressed concern that a small percentage in area and numbers will be carrying the whole load, and that this is no more fair than the diking districts. Ms. Ehlers stated that the County must take responsibility for their permitting decisions.

Bill Heiser, Burlington, spoke to specific problems involving his farmland and to the lack of assistance he has received from the Public Works Department.

Keith Brown, Sedro Woolley, expressed concern about more and bigger government and less and less work.

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Mr. Brown called for more work from public servants, less commissions and more efficiency. Mr. Brown urged the Board to use assets and capabilities the County currently has to solve the drainage problems, and not add more commissions or bureaus. Mr. Brown indicated that need for government to serve the people, not tell the people what to do.

Todd Power, Burlington, reviewed the situation with his farmland and stated his support for the utility, if done right.

Jess Knutzen, 1183 Avon Allen Road, Burlington, and a member of the Flood Control Committee, stated that the committee did not support the entire recommendation due to funding concerns. Mr. Knutzen stated that this is a *minimum program*, not a *luxury program*. Further, the committee put in much time and, as always, not everyone agreed with the outcome. Mr. Knutzen stated that this is a good start and there is plenty of room for correction or modifications.

Jan O'Conner, Sedro Woolley, indicated that she lives in a developed area that she feels should be exempt from any additional taxes.

Don Kaaland, Collins Road, Sedro Woolley, noted his agreement with Mr. Brookings when he said that we should do things right and not just apply a band-aid.

Earl Lind, Britt Road, Mount Vernon, District 17, noted the blockage of the Skagit River at the mouth of the river and that no drainage system in the world can stop the onslaught of water.

A discussion ensued on the responsibility for dredging the river, and the involvement of the Corps. of Engineers.

Mr. Lind added that people will not object to paying additional taxes if they see a solution.

Ms. Sutton reiterated that the citizenry is sick of waste, and noted that too much money has been spent with not enough projects being done.

Mr. Kunzler again alluded to his maps showing historical drainage problems and noted that in some areas drainage is getting worse. Mr. Kunzler stated that a farmer pays drainage district taxes in order to do business. Mr. Kunzler further noted that \$600,000 was paid for the Montgomery-Watson draft document, and that no final document has ever been produced. Mr. Kunzler expressed his belief that due to the conduct of Mr. Brookings and the notification of those involved, this entire hearing is in violation of the Administrative Code. Mr. Kunzler indicated that Mr. Brookings has been contacting select individuals without giving notice to everyone. Mr. Kunzler further pointed out that the Board all live in uninvolved areas if the utility is approved in its current form. The utility proposed is taxing those who are not causing any of the problems, according to Mr. Kunzler. He then gave the specific example that the proposed study of the Samish River Basin would be funded by 28% of the people at a total of \$1 million. Mr. Kunzler recommended that the Board send the utility formation back to the Flood Control Committee as requested for further refinement. Mr. Kunzler urged the Board not to form the utility in its current form.

Doris Robbins, Edison, mentioned the importance of water quality.

Carol Ehlers, Anacortes, stated that County staff needs to follow the law for everyone everywhere, and at this point the formation of the utility does not do that. Ms. Ehlers stressed the need to take responsibility for decisions made. Ms. Ehlers noted the need to have all studies and information in a central location for

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reference.

Mr. Parker stated that it is time to stop pointing fingers, to roll up our shirtsleeves and get something done.

Mr. Henderson suggested that inmates could be used to clean up the rivers.

There being no further public comment forthcoming, Commissioner Hart moved to close the public hearing. The motion was seconded by Commissioner Robinson, and carried unanimously.

Chairman Wolden noted that the Board will deliberate the questions raised and will consider what needs to be done, with further discussions noted on the Agenda as published in The Skagit Valley Herald.

**ADJOURNMENT.**

Commissioner Robinson motioned to adjourn the proceedings. Commissioner Hart seconded the motion. The motion was carried unanimously.

**BOARD OF COUNTY COMMISSIONERS**  
**SKAGIT COUNTY, WASHINGTON**



  
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Harvey Wolden, Chairman

  
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Robby Robinson, Commissioner

  
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Robert Hart, Commissioner

ATTEST:

  
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Patti J. Owen, Clerk  
Skagit County Board of Commissioners