

THE COURIER-TIMES

THURSDAY, JUNE 1, 1939

Petition for Skagit Flood Control District Refused

Petition for a flood district in the upper Skagit, to help maintain revetment work, was refused by J. B. Fink, head of the state department of conservation and development, in an opinion given to the petitioners this week. Fink recommended a district be formed under the 1937 state law which provides no limit to the tax which could be levied. The petition asked for a district under the 1935 act, which fixed the limit of the tax at 2 mills.

The decision, and action taken by a large number of farmers in the district, again brings the matter of flood control to a standstill. Farm land is being washed into the river every day by the acre, while half a million dollars, appropriated to build protecting revetments, is awaiting use. Some farmers hope to get together to discuss plans, but so far everyone seems to have a different idea. The government refuses to build more revetments unless the county keeps its agreement to maintain them, and the county commissioners claim they have no funds for maintenance. It has been stated that some action might be taken, if all concerned can agree on a plan.

This petition was thereupon by the director referred to the flood control engineer of his department for preliminary investigation and report.

The investigations have now been completed and the report rendered and placed among the records of the department.

Said report and other available and pertinent data and information are made the basis for the following:

(Continued on Page 5)

REFUSE PETITION FOR FLOOD DIST.

(Continued from Page 1)

Findings

1. The organization of a flood control district, including substantially the territory embraced by, and with the objects set forth in this petition is desirable from the standpoints of both local and public interests.

2. Under existing federal policies and programs, the petitioners are justified in anticipating that the construction cost of the flood control works will be borne by the federal government, and that Skagit county will make the necessary local contribution in conformity with law and with policies already established.

3. The average annual cost of maintaining the flood control works, while not immediately ascertainable, is estimated to be well within the probable average annual amount of damages sustained by property within the proposed district, and the assumption of such cost by the benefited property would, therefore, be justified.

4. Since Skagit county is apparently unable to assume the burden of future maintenance incident to federally constructed flood control works, it is apparent that no further federally constructed works will be undertaken until and unless the area directly benefited is organized to assume that burden.

5. Benefits from the maintenance of works to control the revetment of Skagit river within this area do not accrue solely to private municipal, county, state and other non-taxable property as well. The statute under which it is here proposed to organize places the entire financial burden upon taxable property within the district, even though a very large portion of the benefits would accrue to valuable public properties.

6. The taxable value of all property within the proposed district as reported by the county assessor and the state tax commission is approximately \$2,710,000. The maximum corresponding annual revenue from the two mill levy, permissible without a vote, would

be about \$5,420.00, and that from a five mill levy, permissible by a favorable vote, would approximate \$15,500.00.

7. The two mill levy is deemed inadequate for district purposes, especially during the first several years of district operations. A five mill levy is estimated to be adequate, but since it is dependent upon a year-by-year favorable vote, it is not a safe basis for a district's financial program.

8. According to the written opinion of the attorney general, a flood control district, organized under the provisions of Chapter 160, Laws of 1939. On the basis of this ruling such a district may to all intents and purposes be deprived of the taxing privilege purportedly granted by the act under which it is organized, and may, therefore, be impotent.

On the basis of the foregoing findings the director drew the following:

Conclusions

The law under which it is proposed to organize the district as well as the general taxing laws of the state appears to preclude the levy of sufficient taxes to enable the district to exercise the functions for which it would have been created. In the opinion of the director, the organization of the district is, therefore, not justified and the petition is hereby dismissed.

Since the director finds that the organization of a flood control district embracing substantially the territory described in this petition would be fully justified by the benefits likely to accrue to public and private interests by reason thereof, he believes it to be within his province to recommend that interested property owners give due and careful consideration to the organization of such a district in conformity with the provisions of Chapter 72, Laws of 1937, under which the district is empowered to make adequate assessments against both private and public properties in proportion to the benefits accruing thereto.

A copy of this report and finds is being forwarded to Mr. Frank C. Goodyear, Route 1, Sedro-Woolley, Washington, whose name appears first on said petition, and a copy hereof, together with a copy of said petition, is being filed with the board of county commissioners of Skagit county.

Done at Olympia, Washington, the 20th day of May, 1939.

J. B. FINK,
Director, Department of Conservation and Development