



**Vancouver Lake Watershed Partnership
Meeting # 2 Summary
4-6 PM, Wednesday, April 16, 2014
Clark Regional Wastewater District
8000 52nd Court, Vancouver, WA**

ATTENDEES

Members and Facilitated Group Participants:

- Patty Boyden, Port of Vancouver
- Brian Carlson, City of Vancouver
- Ron Wierenga, Clark County
- Jeff Schnabel, Clark County
- Iloba Odum, Department of Ecology
- Bruce Wiseman, Port of Ridgefield
- Thom McConathy, NE Hazel Dell Resident
- Jane Van Dyke, NE Vancouver Resident
- Gary Kokstis, West Vancouver Resident
- Bob Rowe, Vancouver Audubon
- Lehman Holder, Vancouver Resident
- Vern Veysey, NE Vancouver Resident
- Jacqueline Edwards, Felida Moorage
- Stephen Willie, Private Citizen
- Chris Hathaway, Lower Columbia Estuary
- Brett Raunig, Department of Ecology

Staff:

- Loretta Callahan, City of Vancouver
- Jeff Mize, Clark County
- Julie Rawls, Port of Vancouver

Consultant Team:

- Jim Gladson, BergerABAM
- Traci Chumbley, BergerABAM
- Phil Trask, PC Trask and Associates

Other:

- Steve Bollens, WSU
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WELCOME, AGENDA REVIEW, PUBLIC COMMENT

JIM GLADSON

Jim welcomed everyone and introduced the agenda. He explained that the meeting would provide more details and technical information regarding the formation of lake districts, special districts,

etc., to help inform the group's future deliberations and decision-making around the future organization and funding of the partnership.

FORMING A LAKE DISTRICT

RICH DOENGES

Jim introduced Rich Doenges (Dept of Ecology). Rich has been with Ecology since January. Formerly, he was the water quality and lake management manager for Thurston County.

Rich provided background on two lake management districts (LMDs) (Lake Lawrence and Long Lake) and one special district (Black Lake) in Thurston County. Please see the presentation materials at the links below for more information.

- Lake management districts and special districts:
<http://sites.cityofvancouver.us/vancouverlake/Lake%20Management%20Districts%20vs.%20Special%20Purpose%20Districts.pdf>
- Forming a lake management district:
<http://sites.cityofvancouver.us/vancouverlake/LMD%20Formation%20Guidelines.pdf>

Thurston County Lake Management Districts (Lake Lawrence and Long Lake)

- The focus was controlling aquatic vegetation - both nuisance and invasive species. Some water quality issues, such as blue-green algae, are addressed with these LMDs as well.
- LMDs in Thurston County are a partnership between the property owners around the lake and local government (in this case, the county).
- LMDs are formed by the residents – the properties that benefit from the improvements around the lake.
- The money collected goes to the county and the county is responsible for the budget and program administration. The county works closely with a steering committee that is composed of residents of the LMD. Ultimately, the final say rests with the county.
- Although the Lake Lawrence LMD has been in existence for 20 years, LMDs usually sunset after 3-5 years. This short duration allows LMDs to be reformed to accommodate needed changes in scope of work, budget, etc.
- Forming an LMD is a fairly lengthy process – petition, advertisements, public process, assessment procedures, etc.
- Before an LMD is formed, the state departments of Ecology and Fish and Wildlife must be notified.
- Because a lot of property surrounding Vancouver Lake is publicly owned, there may be difficulty in forming a LMD because the people who are benefiting from the formation of the LMD must vote on its formation.

- An LMD can carry out a wide range of activities that support and encourage the use of the lake, such as ensuring mitigation of invasive aquatic vegetation, nuisance weeds (through physical control methods and chemical application), and blue-green algae infestation, protecting water quality and the shoreline, etc.
- Notes on forming an LMD:
 - Defining the boundary – Obviously, shoreline property owners would benefit from an LMD. However, in Long Lake and Lake Lawrence, some properties that do not border the lake are included in the LMD because they are part of a residential development that has designated access to the lake.
 - Before the two LMDs in Thurston County were formed, they were supported, via a public process, by a lake management plan that established the mission, vision, goals, history of problems, what improvements were needed, and how much they would cost.
 - Requiring a petition up front, as was done in Thurston County, is a good way to show elected officials that there is a fair amount of cohesive support for the LMD.
- The county has control of the funding, but staff works in very close coordination with the steering committee when preparing the annual work plan and budget.

Thurston County Special District – Black Lake

- The special district focused mostly on water quality and dealing with aquatic plants (nuisance and noxious species and blue-green algae).
- Those who formed the special district felt that they needed more resources than were available from the county and state. They also wanted more flexibility and bigger sense of ownership over lake management activities than would be afforded with an LMD.
- The major advantages of a special district lie in how voting takes place, the flexibility in terms of rate structure and boundaries, and its more autonomous governing board.
- The disadvantages of a special district are that it is a form of government and must be responsible for public funds and must pay for accounting, contract administration, and legal services.

Questions/Comments

- Jim – Is a lake management plan a precursor to the formation of an LMD? Rich stated that there needs to be a plan that outlines the problems, the solutions, and the budget needed to accomplish them, because without such a plan, you don't know how much money to request.
- Jim – If this group wants to form an LMD, is there potential for funding from Ecology or some other source to develop the precursor plan? Phil stated that the Partnership/WSU had received a \$50,000 grant from that program.

- Thom – An LMD is not a good fit for Vancouver Lake; neither is a special district. Rich was unsure what governance structures would be better, but he thought that a special district would fit better due to its flexibility.
- Iloba – What happens after the LMD’s 3-5-10 year lifetime? Rich stated that the LMDs are reformed after they expire. There is a continual termination and renewal of LMDs. Those who form the LMD don’t want a permanent taxing situation – they want to have the LMD for a finite period. Although the LMD needs re-approval by voters, at least they can tell the voters that “this isn’t a permanent thing,” and so receive better support. Recent revisions to the RCW allow “any” length of time. LMDs are no longer required to sunset.
- Gary –Vancouver Lake is a regional asset. LMDs have known problems, known solutions, and budget estimates and timeframes. Vancouver Lake doesn’t have any of these and will be a tough sell.
- Thom – There are other lake-type improvement entities that are written into the RCWs. Rich was not familiar with beach management districts, irrigation districts, and other taxing districts.

GOVERNANCE ALTERNATIVES – INTERVIEW FINDINGS

PHIL TRASK

In addition to Rich Doenges, Phil interviewed Rob Zisette (Hererra Environmental Consultants); Beth Ladue and Sally Abella (King County Environmental); Liz Seebacker (Ecology); Rich Doenges (Ecology); Gene Williams (Snohomish County) and Dan Smith (Federal Way)

Phil asked the interviewees if they manage any LMDs. He also asked what that experience is like, and inquired about the history behind the LMDs they manage. In addition, Phil asked whether the interviewees knew of any districts that were formed outside the legislative process, but none of the interviewees could name any.

- Most districts being formed are LMDs. Not many special districts (like Black Lake) are being formed.
- Most of the groups that Phil inquired about seemed to start with a management plan – something they could sell to the public.

Also, Phil noted that most of districts did not include major capital improvements in their work plans. The most money received annually by any of these districts was \$30,000. Most districts collect \$12-15,000 annually. Most are in King County with a lot of houses or privately owned parcels around the lake.

- Snohomish County (Lake Goodwin and Lake Shorecrest): After 10 years, the county moved away from districts because the RCW was amended and became more complex and harder to implement. The district generated \$30,000 but it cost \$35,000 to implement the first year.

- City of Federal Way (Steel Lake and Lake Geneva): Message: Be careful in how narrowly you define the scope of work needed and budget when going out to the voters. The work that needed to be done ended up being outside the scope. So the money accumulated (\$10-15,000) ended up having to be reallocated back to the landowners.

Questions/Comments

- Jane Van Dyke – Who was included within the boundaries of the districts? Phil stated that the farther away from the lake the boundaries got and the less dense the population, the harder it was for the legislative bodies to justify a levy and get the votes needed.
- Gary – Any sense of how the boards are constructed and governed? How they're elected? What their terms are? Phil stated that most of the LMD boards are considered advisory in nature. Special districts have to have officers, accountants, etc.
- Vern – Stated that LMDs are not the immediate answer. And special districts have to compete with other entities such as fire districts for levies. Ron responded to Vern's comment by stating that these types of assessments do not affect the County's ability to levy taxes.

TAXING DISTRICTS OVERVIEW – CASE STUDIES

RON WIERENGA

Ron met with John Payne, Deputy Treasurer of Clark County. The Treasurer is responsible for levies, assessments, and taxes.

- Senate Bill 6031 from the 2014 session made changes to RCW 36.61. Highlights of changes:
 - LMDs are formed by legislative body or by petition of 20% of the landowners within the district (formerly 15%)
 - Property acquisition was added as an activity allowed by an LMD.
- Cities, towns, and flood control districts are also authorized to assume some of the numbered activities listed in RCW 36.61 that an LMD can do. Drainage, irrigation, and diking districts do not have the same authority as a flood control district.
- There is no formula for determining the district boundary as long as the case is made that those included within the boundary are benefiting from the LMD. But the larger the boundary, the harder it is to sell to the public.
- Part of the resolution to establish the district is that there must be a program that outlines what the LMD is going to do – what you're collecting the money for (e.g., weed control, outreach and education, water quality monitoring, or the establishment of a lake management plan, etc.). You have to set that budget and look at the properties you have and that's how you come up with the assessment. The budget can only be adjusted 110% of what it was originally. The reason LMDs sunset is so there are opportunities to adjust the plans and budgets accordingly to accommodate the varying activities and amounts.

- Brian Carlson stated that stormwater management fees could be used to fund many watershed management activities related to Vancouver Lake. For example, a special district area could be formed within the affected watersheds and fees be assessed on top of current stormwater fees to fund such activities. This would be a fee, not a tax. This would require an inter-local agreement between the City of Vancouver and the County or similarly, the formation of Joint Municipal Utility Service (such as the Clark Regional Wastewater District [CRWWD] alliance for managing sewage collection and discharge). Another possibility is the conservation district provision of the RCW. Drainage, diking, and irrigation districts don't seem like a good fit. Another option would be getting the state legislature to form a special district.

ACTION ITEMS AND NEXT MEETING AGENDA

GROUP DISCUSSION

Next Meeting – Date/Time/Location

The next meeting of the Partnership will be from 4 to 6 PM Wednesday, May 21, 2014 at the Water Resources Education Center at 4600 SE Columbia Way in Vancouver. Correction: Location has been changed to the Port of Vancouver administrative offices due to a meeting conflict.

Suggested Action Items/Agenda Topics

The group provided feedback on topics that should be addressed in the next Partnership meeting.

- Ron suggested that we look at other possibilities such as not-for-profit and watershed council districts. He will organize a sub-group from within Partnership members to share their experience at the May 21 meeting.
- Brian will contact John Peterson (CRWWD) as a possible guest speaker on formation and operation of a joint municipal utility service. Phil will put together a PowerPoint presentation of needs based on the December 2013 annual report and the 5-year research plan, as well as a ballpark budget for the items in the list.