
From: Nancy Alyanak <bc98229@comcast.net>
ent: Thursday, July 26, 2018 12:38 PM
To: LWStormwaterUtility
Subject: Lake Whatcom Watershed Ownership Map Confusion

The ownership map posted on the meetings website invites confusion as to what acreage is subject to the Service Area Fee. The RCW Statute establishing the service area exempts forestland or timber land from the fee, but only if that land is devoted primarily to growing **and** harvesting timber. The map does not distinguish between forestland intended for harvest and forestland intended to remain as forest.

For example, Whatcom County's new ~7000 acres of parkland is shown as "commercial forestry" on the ownership map, leaving readers with the impression it is fee exempt. However, unless the county intends to log their parkland forest at some future date, that acreage is not fee exempt. The park's Forest Management Plan does not include any discussion of future logging operations. Instead, forest restoration is the plan goal. Whatcom County's new parkland does not meet the Service Area fee exemption requirement.

Below are the relevant RCW sections:

RCW 36.89.080

Stormwater control facilities—Rates and charges—Limitations—Use.

(3) Rates and charges authorized under this section may not be imposed on lands taxed as forestland under chapter 84.33 RCW or as timberland under chapter 84.34 RCW.

RCW 84.33.035

Definitions.

(5) "Forestland" is synonymous with "designated forestland" and means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres that is or are devoted primarily to growing and harvesting timber. Designated forestland means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

RCW 84.34.020

Definitions.

(3) "Timberland" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timberland means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

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July 26, 2018

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From: Nancy Alyanak <bc98229@comcast.net>
ent: Thursday, August 02, 2018 1:10 PM
To: LWStormwaterUtility
Subject: Text of public comment read at August 1, 2018 meeting

Below is a comment I read at August 1, 2018 meeting. Please include it in your August 1 meeting comments document.

Why a Fee on Parcel Size Instead of a Fee on Impervious Surfaces ?

Impervious surface fees target roofs. Homeowners live under those roofs and homeowners will pay most of that fee, even though the majority of impervious surface runoff is not from roofs. Transportation contributes far more stormwater runoff than the single family residential roofs targeted by that fee. (Schuyler, 1994)

Impervious surface is not even the largest stormwater contributor -- Steep slopes are (Schuyler, 1994). The lake is surrounded by steep slopes. The topography promotes rapid runoff and high sediment loads (RESPEC,2018 fig.8). Phosphorus is carried with the sediment. Parcel size insures that steep acreage is part of the fee structure.

A parcel size fee also includes the new 7000 acre county park because forested parcels are not fee exempt unless the forest land is devoted primarily to growing AND harvesting timber. Forest restoration is the park goal, not forest logging. The new park, and much other forest acreage in the watershed does not meet fee exemption requirements very clearly spelled out in the code used to create this service area.(RCW 36.89.080)

The new park is projected to attract 200,000 visits/yr (Park Plan 2016 p.8). The homeowners should not be expected to cover the stormwater costs of the county's new public attraction. A parcel size fee distributes the fee burden among all -- rather than just throwing homeowners under the bus.

Reference Documents:

Schuyler, T.R., 1994, "The Importance of Imperviousness", Watershed Protection Techniques, vol. 1, no. 3, Fall 1994

RESPEC 2018, Donigian, A.S. & A. Mishra, "Lake Whatcom Hydrologic Model Review", Whatcom County Contract No. 211707030, RESPEC External Memorandum, July 2018

RCW 36.89.080: Stormwater control facilities—Rates and charges—Limitations—Use
Chapter 84.33 RCW: Timber and forestlands
Chapter 84.34 RCW: Open space, agricultural, timberlands...

Park Plan 2016: Lookout Mountain Forest Preserve and Lake Whatcom Park Recreational Trail Plan, Whatcom Co. Parks & Recreation, June 2016

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