

From: Council
To: Blystone, Kate; Boxx, Becky; Council Members; Craven, Rebecca
Date: 11/19/2009 8:52 AM
Subject: Fwd: Question pertaining to the West Blaine UGA
Attachments: WEST BLAINE.doc

>>> <zajal@aol.com> 11/19/2009 2:08 AM >>>

Mr. David Stalheim
Director
Whatcom County Planning and Development Service

Dear David:

I have this few questions about the West Blaine UGA that I would like for you to please answer for me, prior to the Public Hearing on the UGA issue that is scheduled for November 24, 2009, if possible.

I also respectfully ask the Commissioner for Public Lands to please review these questions too as I think that the Conversion Option Harvest Plan (COHP) concept seems to serve no useful purpose other than to allow for the more lenient FPA Permits to be used in place of the more stringent Title 20 land clearing criteria, and therefore, this policy should be changed to abolish the use of COHP within UGA's in the future.

The questions are in an attached word file below, for your review. Thank you in advance for your assistance.

Also, I am still waiting for our Tax Assessor's answer to my Freedom of Information Act (FOIA) request asking specifically if trailers being used as residences were included in the "average tax assessed valuation" for the Birch Bay Incorporation Feasibility Study. In other words, how does the Assessor treat trailers for property tax purposes? Please answer this question, Keith, prior to this important Public Hearing, as well, the answer is very important to the County Council's decision whether to expand or contract that UGA because your answer could prove incorporation is simply not economically feasible, since nearly 50% of Birch Bay residences are recreational travel trailers. The Berk Report distorted this fact in their report.

Sincerely,

Lincoln Rutter

Cc: The Whatcom County Council, Tax Assessor and The Commissioner for Public Lands

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“WEST BLAINE” URBAN GROWTH AREA (UGA) QUESTIONS

Since approximately 90% of the WBUGA was cleared and the stumps pulled out under the Class III Forest Practices Act (FPA) permits, my questions only pertain to that specific area within that UGA:

- 1.) If the DNR forester had not raised the airplane for herbicide issue and made the exception to the normal “DNR policy” that he said he did, then would the land have been “converted” in May of 2002 instead of sometime in 2003?
- 2.) If it had been converted in 2002 because stump pulling had been considered by DNR as a “conversion activity,” would Whatcom County Title 20 “clear and grade permits” been required instead of the more lenient FPA standards? If not, why not?
- 3.) Given that much of the acreage has very serious surface and groundwater movement issues (that affect neighboring downstream properties) and is also adjacent to “feeder bluffs” which are part of a known geologically hazardous area which previously prompted the DNR to purchase a portion of that land and lease it back to local residents, would Title 20 have likely required more mitigation than the Class III FPA’s actually did?
- 4.) In approximately 2007 (I believe), the Whatcom County Tax Assessor told me that many of the parcels in question were zoned, “Designated Forestland” and as such were valued by the DNR (not the County) at approximately \$1,536 per acre (the going forestland rate for that year) which resulted in a property tax payment of \$22 per acre per year, although, the Commissioner of Public Lands has recently informed me that the land was converted back in 2003, therefore, can you explain to me why if the land had been converted it would still be receiving a state tax exemption for forestry treatment several years later?
- 5.) In other words, should conversion have ended the tax exemption, and if not, why not?
- 6.) When did the state tax exemption for forestry begin for that land; if a tax exemption for forestry was in affect in 1997, then how did the acreage get included in an UGA when the Growth Management Act (GMA) mandates that only land scheduled to be developed to “urban levels of development” be included in UGA’s?
- 7.) Conversely, if the land was included in a UGA in 1997 as being scheduled or “planned” to become urban in less than 20 years, then how did that land either receive -- or manage to continue to receive -- a tax exemption for forestry in 2002, given that it takes 60 years to grow trees to marketable timber?
- 8.) In this case, which government agency Whatcom County or the DNR is responsible for administering state property tax exemptions for forestry? If no trees were ever replanted upon this acreage after the Class III FPA Permits were issued by DNR, then why is or was the property receiving a tax exemption several years later? What is such an exemption for?
- 9.) Whatcom County apparently approved a Conversion Option Harvest Plan (COHP) in 2002 which stated that (under penalty of perjury in fact) there was no plan to develop this acreage; is this statement logically consistent with the fact that the land was at that time included in a UGA which requires development within 20 years?
- 10.) Does including “forestland” in UGA’s result in a “giving” of taxpayer’s funds to the landowner in the sense that the forestland tax rate is only \$22 per year, and because developers pay virtually no “impact fees” in Whatcom County, the existing taxpayers (that pay far higher rates of taxation) must foot the bill for all required public infrastructure expenditures to service that UGA? Is this fair or reasonable in your opinion?