

PROPOSED BY: PLANNING & DEVELOPMENT SERVICES

INTRODUCED: NOVEMBER 5, 2025

RESOLUTION NO: _____

**APPROVING RECOMMENDATION ON APPLICATION FOR
OPEN SPACE CURRENT USE ASSESSMENT**

WHEREAS, The Open Space Taxation Act, codified as Chapter 84.34 RCW, gives counties authority to approve applications for current use classification and reclassification for the following classifications: Farm and Agricultural Land, Open Space Land, Farm & Agricultural Conservation Land, and Timber Land; and

WHEREAS, Pursuant to Whatcom County Code, Section 3.28.020, applications for the classification of Open Space Land and Open Space Farm & Agricultural Conservation Land are received and evaluated by Whatcom County Planning and Development Services Department staff, and the results of this evaluation are then presented to the Whatcom County Planning Commission for their review and consideration in making recommendations to the County Council on whether to approve the applications in whole or in part; and

WHEREAS, Pursuant to RCW 84.34.055 and WAC 458-30-330, Whatcom County has adopted a Public Benefit Rating System (PBRs) by Ordinance # 95-040, which is used by staff to rate applications for Open Space Land and Open Space Farm & Agricultural Conservation Land; and

WHEREAS, Applications for Open Space Land and Open Space Farm & Agricultural Conservation Land are evaluated with the Public Benefit Rating System and assigned a Public Benefit Rating (PBR) that corresponds with a staff recommendation of approval or denial and must receive a score of 45 or above for a staff recommendation of approval; and

WHEREAS, In accordance with the Whatcom County Open Space Policies and Public Benefit Rating System, public access is a condition of approval for Open Space Land applications, *except* that this requirement may be waived by the Council when the purpose of the classification is for the conservation of wetlands; or when there is a documented occurrence of: State or Federal Threatened Endangered Species, Federal Proposed Endangered or Threatened Species, State Sensitive or Monitor Species; or when there is a known or potentially significant archaeological site; and

WHEREAS, On October 9, 2025, the Whatcom County Planning Commission held a public hearing and considered staff recommendations and all input from the public on applications; and

WHEREAS, Pursuant to WAC 197-11-800(6)(c), matters relating to Open Space Current Use Assessment are determined not to be major actions and thus exempt from environmental review under the State Environmental Policy Act (SEPA); and

WHEREAS, Pursuant to RCW 36.70.390, the statutory requirements regarding legal notice have been met; and

WHEREAS, The County Council has approved the following Findings of Fact and Reasons for Action:

1. Whatcom County received an application to classify land as Open Space Land (OSL).
2. Upon receipt of the application, Planning and Development Services evaluated the open space land applications with the Public Benefit Rating System (PBRs) and for conformance with the Open Space Taxation Act (RCW 84.34).
3. PDS staff conducted a site visit and evaluated the subject property, which yielded a PBRs score of 50.87. The landowner requested a waiver of public access. Whatcom County Open Space Policies and Criteria and Public Benefit Rating System dictates that scores over 45 receive a staff recommendation for approval, and therefore, PDS recommends approval of this Open Space application.
4. PDS prepared a report for the Planning Commission with a recommendation to approve the application based on a review of the applicable evaluation criteria and scores assigned. This report was presented to the Whatcom County Planning Commission and to members of the public who were present at the Whatcom County Planning Commission public hearing held on October 9, 2025.
5. The Planning Commission considered staff findings and recommendations and unanimously voted to recommend denial of the Open Space Land application (OSP2025-001) *unless* public access was allowed.
6. The landowner has agreed to limited public access as outlined in a Supplemental Memorandum to Stevens Open Space Application. The Public Benefit Rating System was updated to reflect the public access allowances would yield a score of 66.17.

NOW, THEREFORE, BE IT RESOLVED BY THE WHATCOM COUNTY COUNCIL:

1. The below listed application for open space current use assessment is hereby approved subject to the conditions listed below:

1. OSP2025-001 – Collin Stevens III

Application to classify the following parcels to Open Space Land**

- 3903123672840000
- 3903122992990000
- 3903122993500000
- 3903123643450000

***Classification does not apply to any present or future non-qualifying 1.0-acre residential homesite.*

Public Benefit Rating: 66.17

Staff **recommends** approval

2. Approval is conditioned upon limited public access being granted to the property. Upon approval, public access rules will be developed that specify which qualified organizations may lead tours on the property with proper notice to the landowner.
3. Adjudication of invalidity of any of the sections, clauses, or provisions of this resolution shall not affect or impair the validity of the resolution as a whole or any part thereof other than the part so declared to be invalid.

APPROVED this _____ day of _____, 2025

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

ATTEST:

Cathy Halka
Clerk of the Council

Kaylee Galloway
Council Chair

APPROVED AS TO FORM:

Approved via email on 10/23/2025 by Greg Greenan

Senior Deputy Prosecuting Attorney