

# Open Space Applications

Whatcom County Council

April 28, 2026

Alexander Harris, Planner II  
Whatcom County Planning & Development Services



# 1970 Open Space Taxation Act

- Concern over conversion of resource lands, shorelines, wetlands, scenic vistas, historical sites, recreation opportunities
- Allow property owners to have their lands valued at its current use, not highest and best use (fair market value)
- Reduced property taxes
- Incentive to preserve as open space

# Whatcom County's Open Space Programs

## Assessor's Office

### Designated Forestland (DFL)

- Must be used for commercial forestry, with a forest mgmt plan
- Highest tax reduction

### Open Space Farm & Agricultural Land (OSAG)

- Must be used for commercial ag
- Second highest tax reduction

## Planning & Development Services

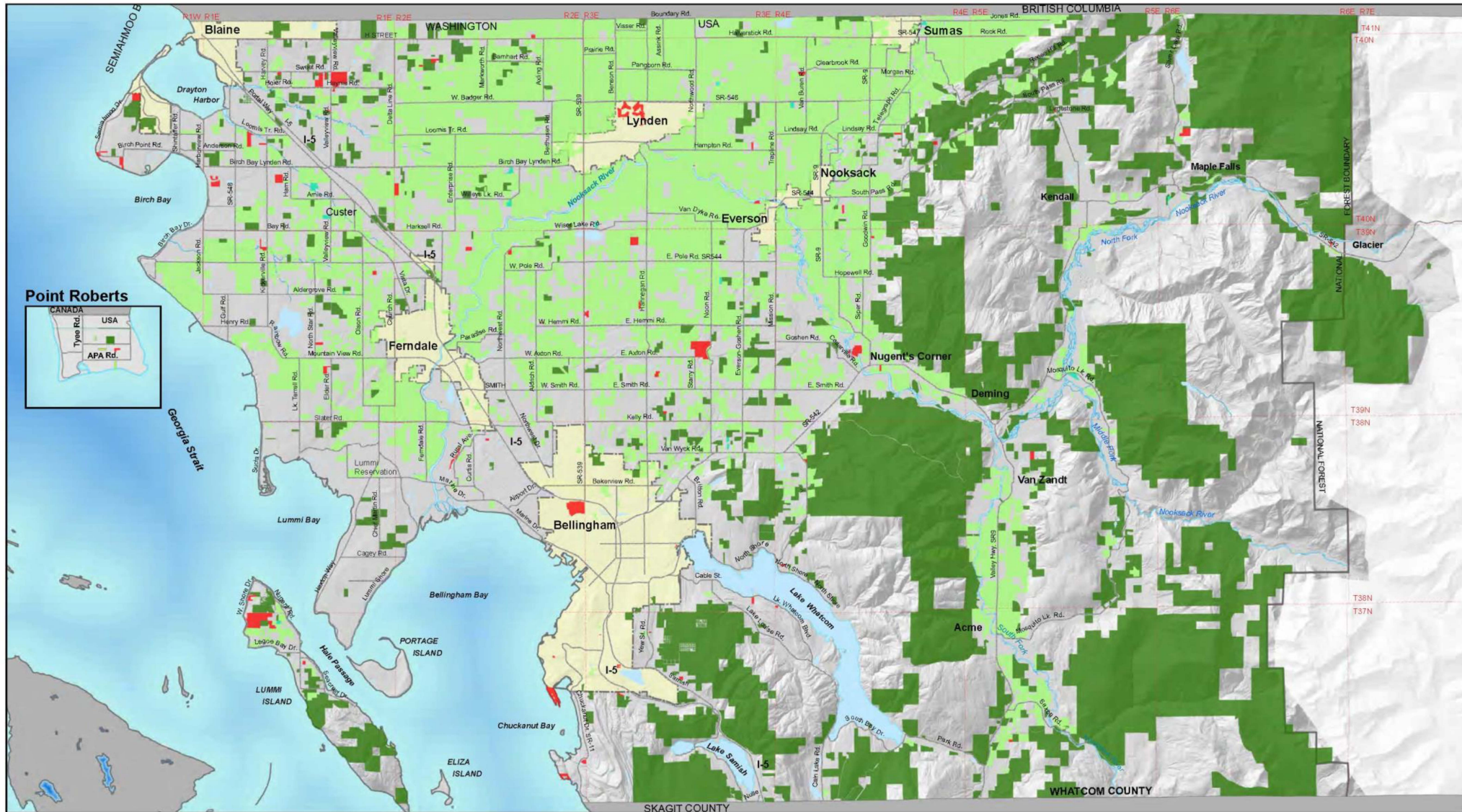
### Public Benefit Rating System (PBR)

### Open Space Land (OSL)

- Must provide benefits to the general public (e.g. recreational uses, conservation benefits, etc)
- Public access required
- Lowest tax reduction

### Open Space Farm & Agricultural Conservation Land (OSFAC)

- Must be considered "Traditional Farmland," similar criteria to OSL
- Public access required
- Same tax reduction as OSL



**Whatcom County  
Property Tax  
Reduction Programs  
RCW 84.33; RCW84.34**

- Farm & Agricultural Land
- Designated Forest Land
- Open Space Land
- Farm & Agricultural Conservation Land

Source:  
 -Whatcom County PDS 2015 (base)  
 -Whatcom County Assessor 2015  
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0 0.5 1 2 3 4 Miles

# Process

## **PDS Staff**

- Receive applications, conduct site visit
- Score property according to Public Benefit Rating System (PBRS)
- Recommendation to Planning Commission

## **Planning Commission**

- Recommendation to County Council to approve in whole, in part, or deny individual applications

## **County Council**

- Approve in whole, in part, or deny individual applications

## **County Assessor**

- Makes adjustments to assessed value and notifies owner of new value
- Ensures long-term compliance with Open Space Tax Agreement

# Public Benefit Rating System (PBRS)

- Range of potential points relative to benefit provided to the public.
- Points entered into PBRS formula, score produced.
- Minimum PBRS score of 45 required for staff recommendation of approval.
- PBRS score determines new “current use” per acre value.
- **Public access required:** Council MAY waive requirement for known habitat of endangered species, known archaeological sites, or wetland conservation.

Whatcom County  
Open Space Policy and Criteria  
  
and  
  
Public Benefit Rating System, 1995

WHATCOM COUNTY OPEN SPACE POLICY AND CRITERIA  
AND PUBLIC BENEFIT RATING SYSTEM

**I. APPROVAL CRITERIA: OPEN SPACE/OPEN SPACE AND OPEN SPACE/FARM & AGRICULTURE CONSERVATION**

Washington State law specifies that:

In determining whether an application made for open space current use taxation status should be approved or disapproved, pursuant to RCW 84.34.020, subsection (1)(b) (Open Space/Open Space) or subsection (c) (Open Space/Farm & Agriculture Conservation), the Whatcom County Planning Commission will consider in its recommendations to the County Council whether or not preservation of the current use of the land, when balanced against the resulting revenue loss or tax shift from granting the application will:

1. Conserve or enhance natural, cultural or scenic resources, or
2. Protect streams, stream corridors, wetlands, natural shorelines and aquifers, or
3. Protect soil resources and unique or critical wildlife and native plant habitat, or
4. Promote conservation principles by example or by offering educational opportunities, or
5. Enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, or
6. Enhance recreation opportunities, or
7. Preserve historic and archaeological sites, or
8. Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property.

**II. PUBLIC BENEFIT RATING SYSTEM**

- A. Based on the first seven (7) approval criteria listed above in conjunction with number eight (8) above, the Planning Department staff will assign each application for Open Space/ Open Space and Open Space/Farm & Agriculture Conservation a **PUBLIC BENEFIT RATING** using the method described below.
- B. A parcel must receive a **PUBLIC BENEFIT RATING** of at least forty five (45) to be recommended for approval.
- C. The **PUBLIC BENEFIT RATING** will be used by the County Assessor's office in determining the amount of tax reduction for Open Space/Open Space and Open Space/Farm & Agriculture Conservation parcels.

# Example PBRS Scoring Sheet:

| Basic Value Criteria - Open Space Land (BV) |  |            |         |
|---|--|------------|---------|
| <b>1</b>                                    | <b>Conserve or Enhance Natural, Cultural or Scenic Resources (10 pts)</b>  | Max        | Rating  |
|   | Conserve or enhance natural, cultural or scenic resources  | 2          | 2       |
|   | Lands which possess unique scenic vistas available to the public or are within the visual corridor of scenic roads or highways                               | 2          | 0       |
|   | Lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitation       | 2          | 2       |
|   | Lands which can serve to prevent the spread of high density residential development into less developed areas  | 2          | 0       |
|   | Lands located adjacent to airports   | 2          | 0       |
|   | <b>Total:</b>  | 10         | 4       |
| <b>2</b>                                    | <b>Protect Streams, Stream Corridors, Wetlands, Natural Shorelines And Aquifers (10 pts)</b>   | Max        | Rating  |
|   | Lands within a 100-year floodplain   | 1.66666667 | 0       |
|   | Lands within or adjacent to areas of domestic water supply   | 1.66666667 | 0       |
|   | Lands near or adjacent to streams or rivers where, if alterations were to occur, a resulting loss of quality would also occur in the conditions of water and | 1.66666667 | 1.66667 |
|   | Lands which provide for preservation of bogs or swamps   | 1.66666667 | 1.66667 |
|   | Lands adjacent to bodies of water, both marine and fresh   | 1.66666667 | 1.66667 |
|   | Lands including and adjacent to wetlands and tidal areas (these lands would not necessarily be approved contingent upon public assess agreement due t        | 1.66666667 | 1.66667 |
|   | <b>Total:</b>  | 10         | 6.66668 |
| <b>3</b>                                    | <b>Protect Soil Resources and Unique or Critical Wildlife and Native Plant Habitat (10 pts)</b>  | Max        | Rating  |
|   | Lands where slopes exceed 25% or areas where underlying geology and soils are known to produce unstable conditions   | 3.33333333 | 3.333   |
|   | Lands where, if alterations were to occur, a resulting high risk of soil erosion would follow  | 3.33333333 | 2.2     |
|   | Lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of                                | 3.33333333 | 3.333   |
|   | State or Federal Endangered Species  |            |         |
|   | State or Federal Threatened Species  |            |         |
|   | Federal Proposed Endangered or Threatened Species  |            |         |
|   | State Sensitive or Monitor Species as listed in the Washington Department of Wildlife Non-game Data System. (On parcels where there is this docume           |            |         |
|   | <b>Total:</b>  | 10         | 8.866   |
| <b>4</b>                                    | <b>Promote Conservation Principles by Example or by Offering Educational Opportunities (10 pts)</b>  | Max        | Rating  |
|   | Lands which are an example of application of conservation principles   | 5          | 5       |
|   | Lands which offer opportunities for conservation education such as interpretive centers or trails  | 5          | 0       |
|   | <b>Total:</b>  | 10         | 5       |

# **Two Applications for Review:**

**OSP2025-002 - Lane**

**OSP2025-003 - bp**

# OSP2025-002 – Lane

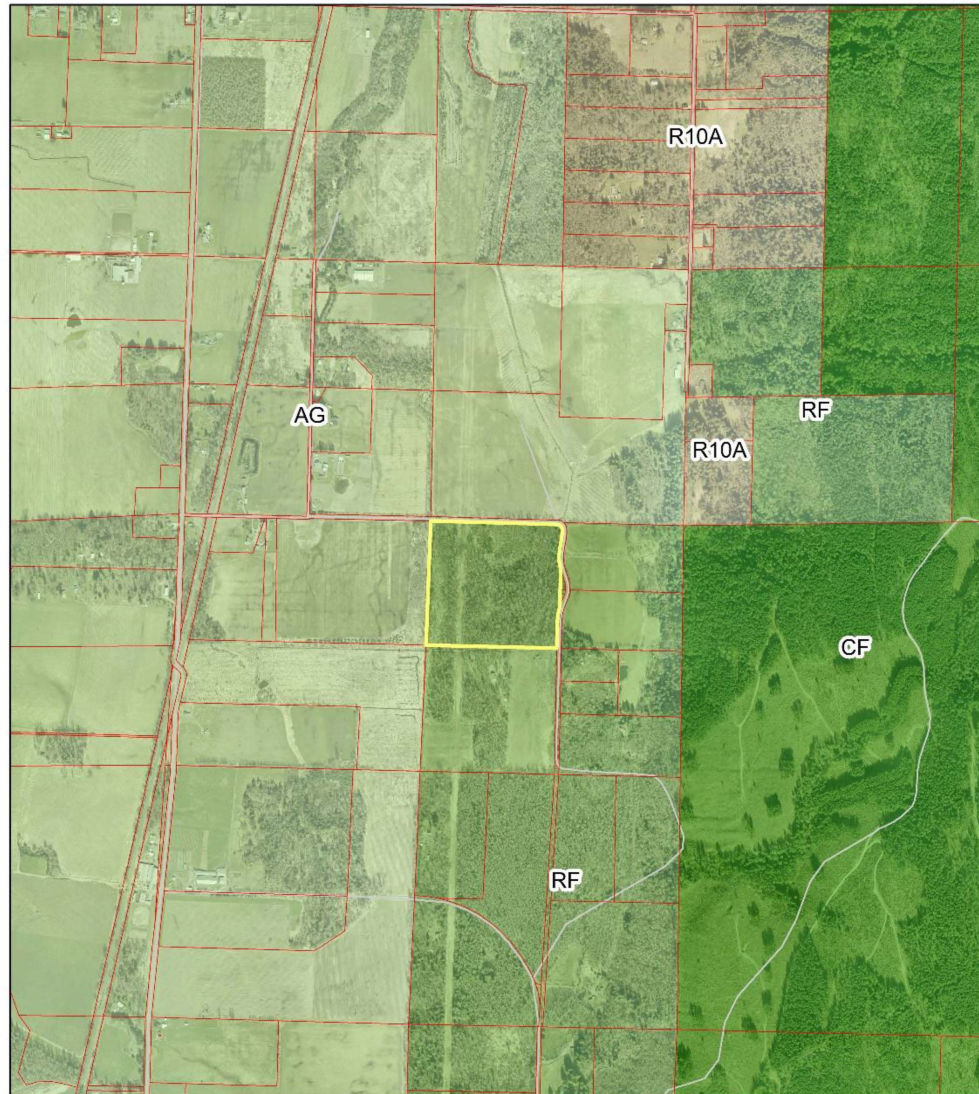
- Application to classify one parcel as Open Space Land
- **Acreage:** 38.64 acres
- **PBRS score:** 58.64
- **PDS recommends approval**
- **Planning Commission recommends approval**
- Petition for waiver of public access (WLT conservation easement, endangered species, and wetlands)



Aerial Imagery (2024)





Lidar Tree Height (2016)



### Open Space Land

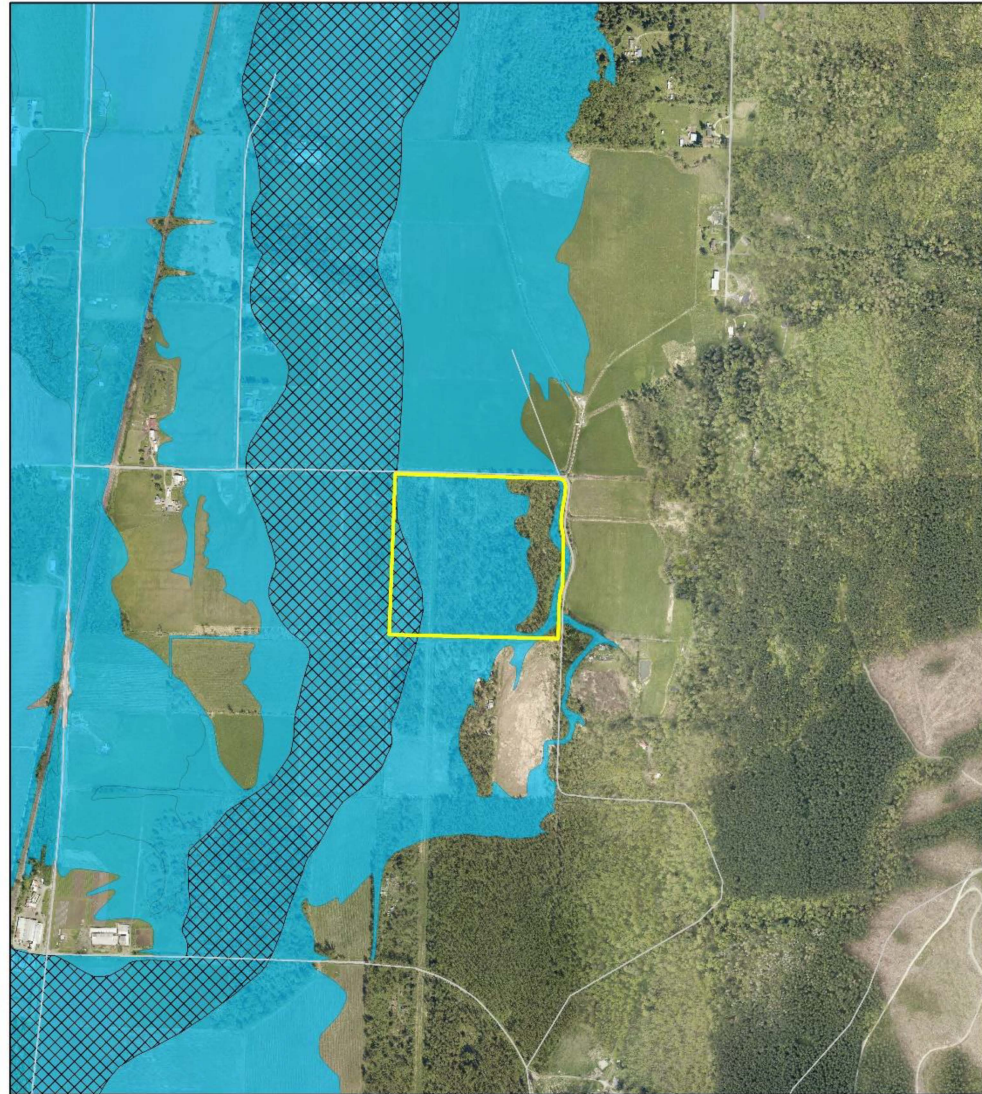
OSP2025-002 Lane Application



-  Lane OSL
-  Rural
-  Agriculture
-  Rural Forestry
-  Commercial Forestry
-  Zoning Boundaries



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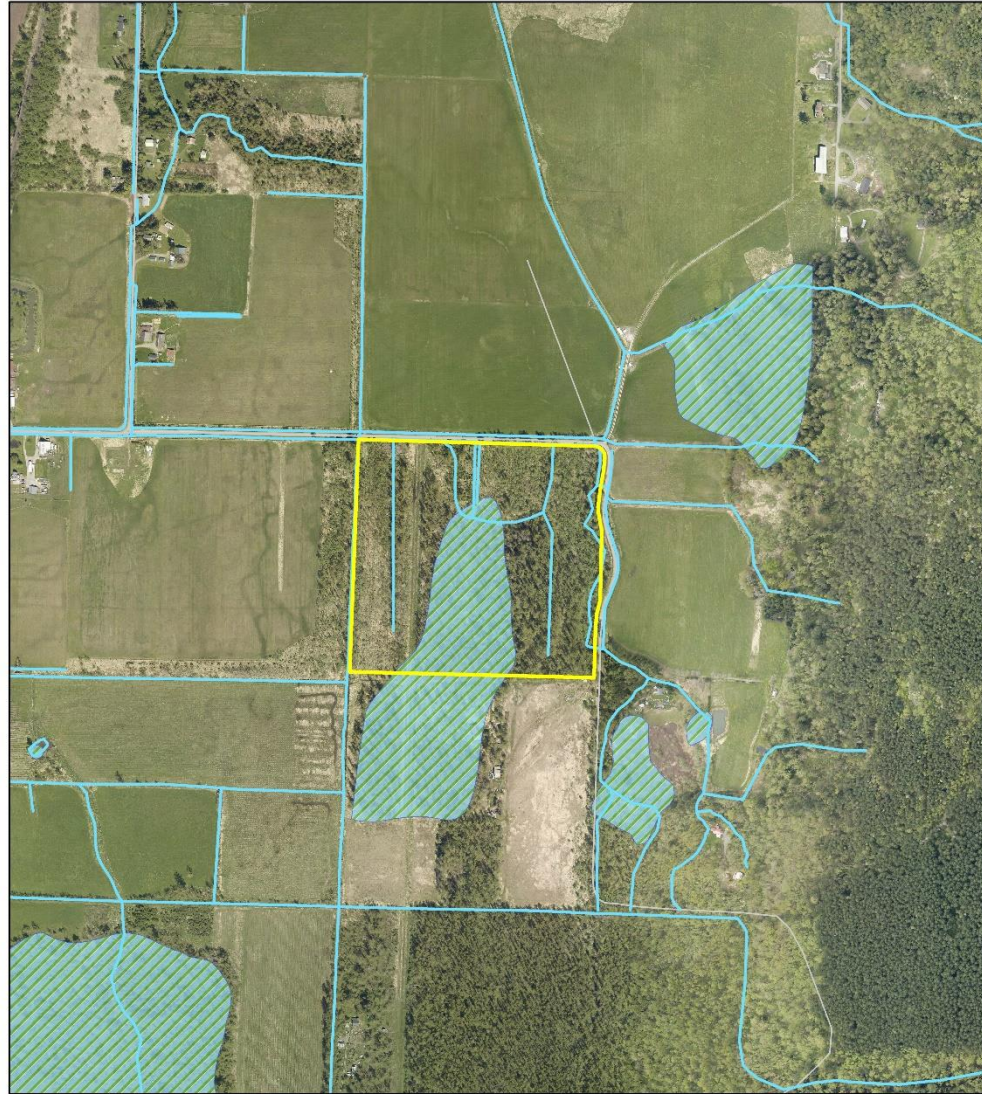
### Open Space Land OSP2025-002 Lane Application

-  Lane OSL
-  Floodway
-  FEMA 100-year Floodplain



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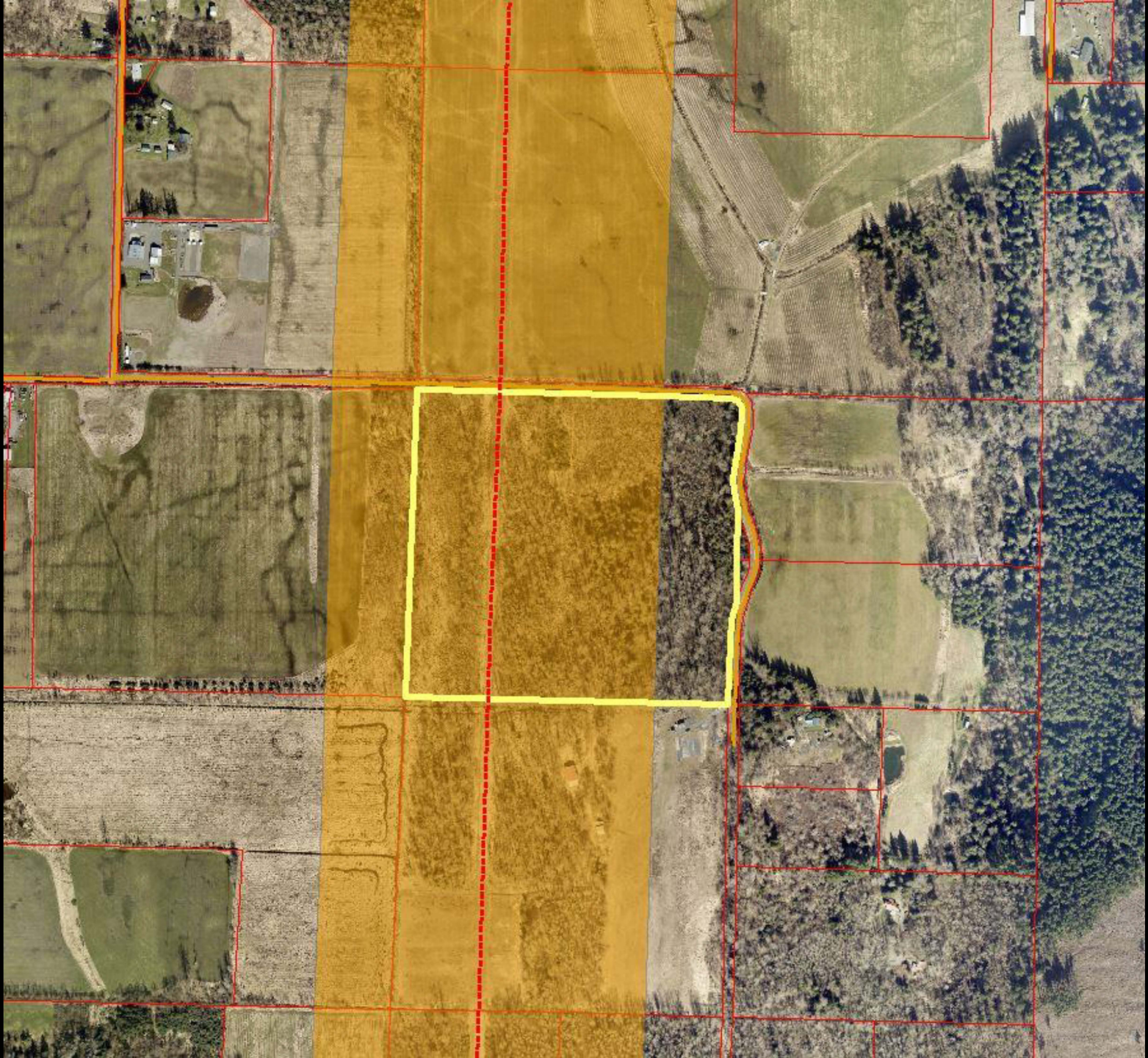


### Open Space Land OSP2025-002 Lane Application

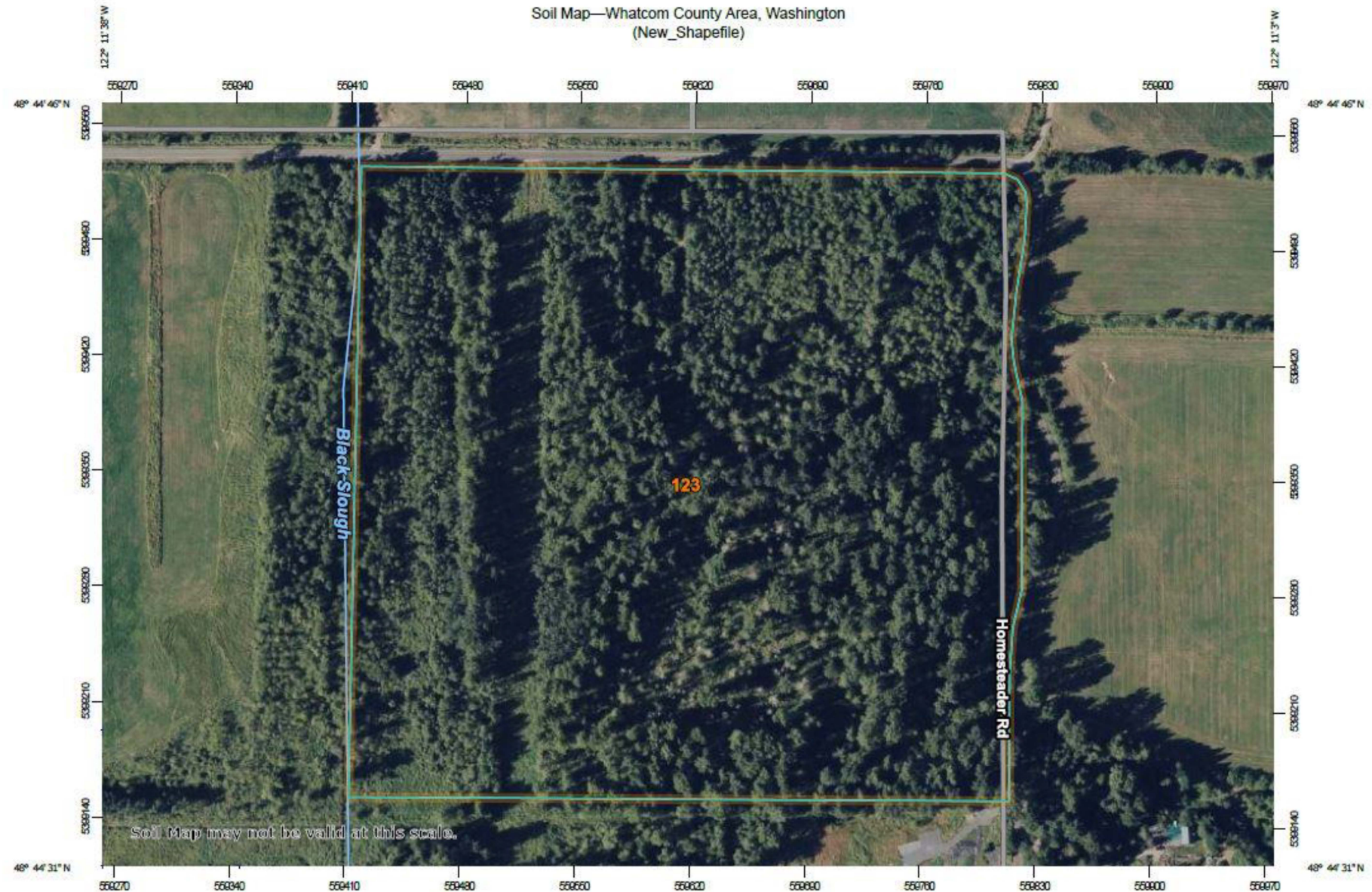
-  Lane OSL
-  Modeled Wetlands (NWI)
-  Rivers & Streams



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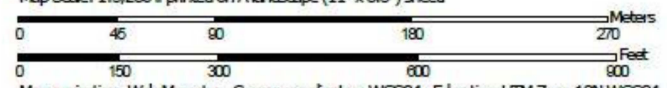
Soil Map—Whatcom County Area, Washington  
(New\_Shapefile)



Soil Map may not be valid at this scale.



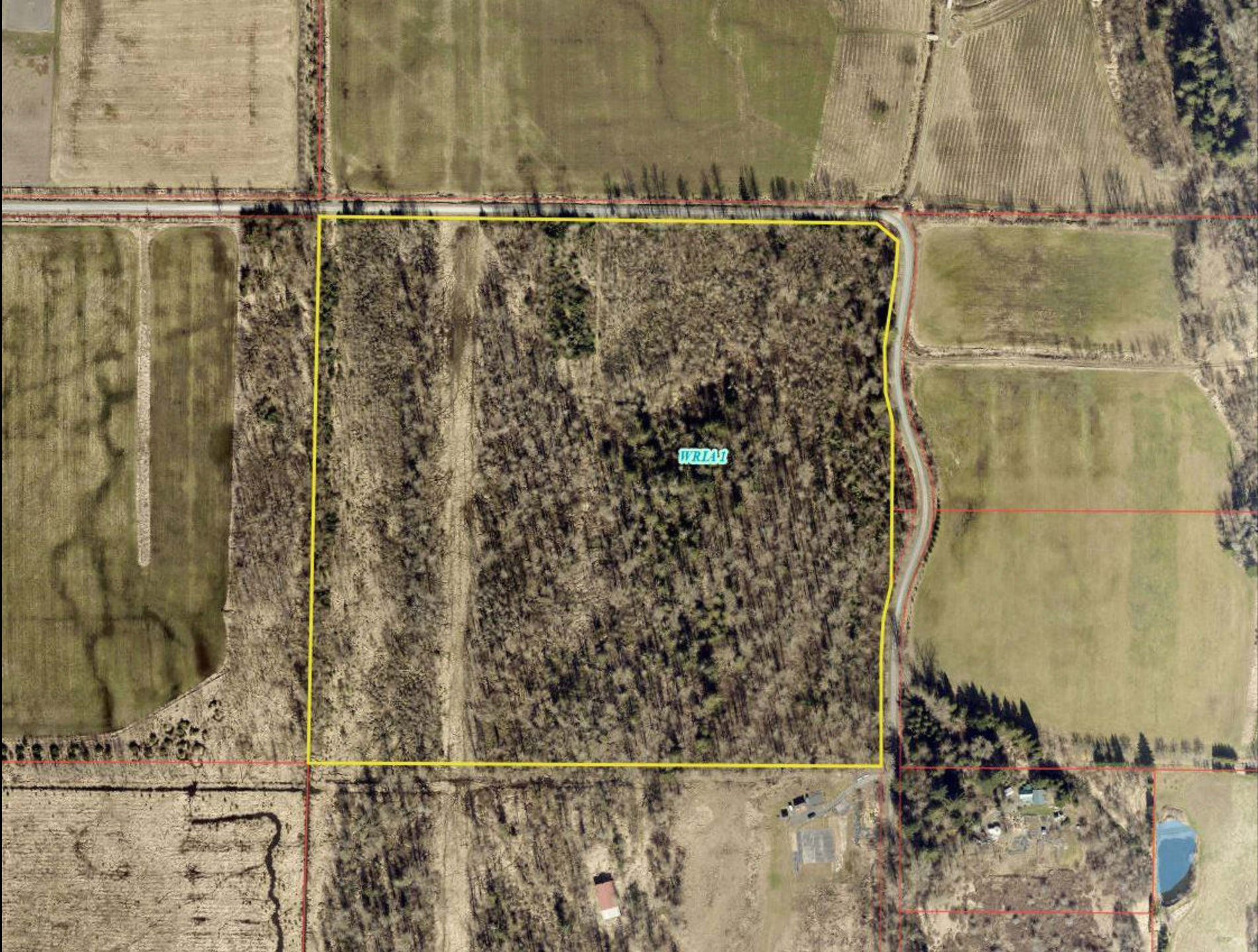
Map Scale: 1:3,260 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

Map Unit Legend

| Map Unit Symbol             | Map Unit Name                                   | Acres in AOI | Percent of AOI |
|-----------------------------|---|--------------|----------------|
| 123                         | Puget silt loam, drained, 0 to 2 percent slopes | 38.1         | 100.0%         |
| Totals for Area of Interest |   | 38.1         | 100.0%         |



WRL11











2060602587  
 Page: 1 of 10  
 6/15/2006 2:43 PM  
 ENSE \$41.00  
 Whatcom County, WA  
 Request of: WHATCOM LAND TRUST

After Recording Return To:

Whatcom Land Trust  
 P.O. Box 6131  
 Bellingham, WA 98227



DOCUMENT TITLE: **HOMESTEADER ROAD CONSERVATION EASEMENT**

GRANTOR: **KEN W. LANE AND CAROLYN F. LANE**

GRANTEES: **WHATCOM LAND TRUST**

ABBR. LEGAL DESCRIPTION: **NW NE Sec 32, T38N, R5E** See Exhibit A for full legal

ASSESSOR'S TAX PARCEL NUMBERS: **380532 327466**

**HOMESTEADER ROAD CONSERVATION EASEMENT**

**I. PARTIES**

This Grant of a Conservation Easement is made by Ken W. Lane and Carolyn F. Lane, referred to hereafter as Grantors, to Whatcom Land Trust, a Washington nonprofit corporation, referred to hereafter as Grantee.

**II. RECITALS**

Grantors own real property of approximately 34 acres in Whatcom County, Washington, referred to hereafter as the Property, the legal description of which is attached as Exhibit "A" and a property map of which is attached as Exhibit "B."

The Grantee is a publicly supported, nonprofit corporation organized to preserve the ecological, wildlife habitat, scenic, agricultural, recreational and open space value of land. It qualifies under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt nonprofit organization.

**III. DESCRIPTION OF PROPERTY**

The Homesteader Road property is a 34 acre tract of land located in the middle of the South Fork Nooksack Valley, north of Acme, south of Van Zandt and east of Highway 9. The majority of the property is a mature forested wetland, composed primarily Black cottonwood, Red alder and birch. A stream flows north along the east boundary of the property and water ponds on the surface of the property during winter months.



**WHATCOM**  
 LAND TRUST  
 EST. 1984

August 5, 2005

To Whatcom County Planning Commission and County Counsel,

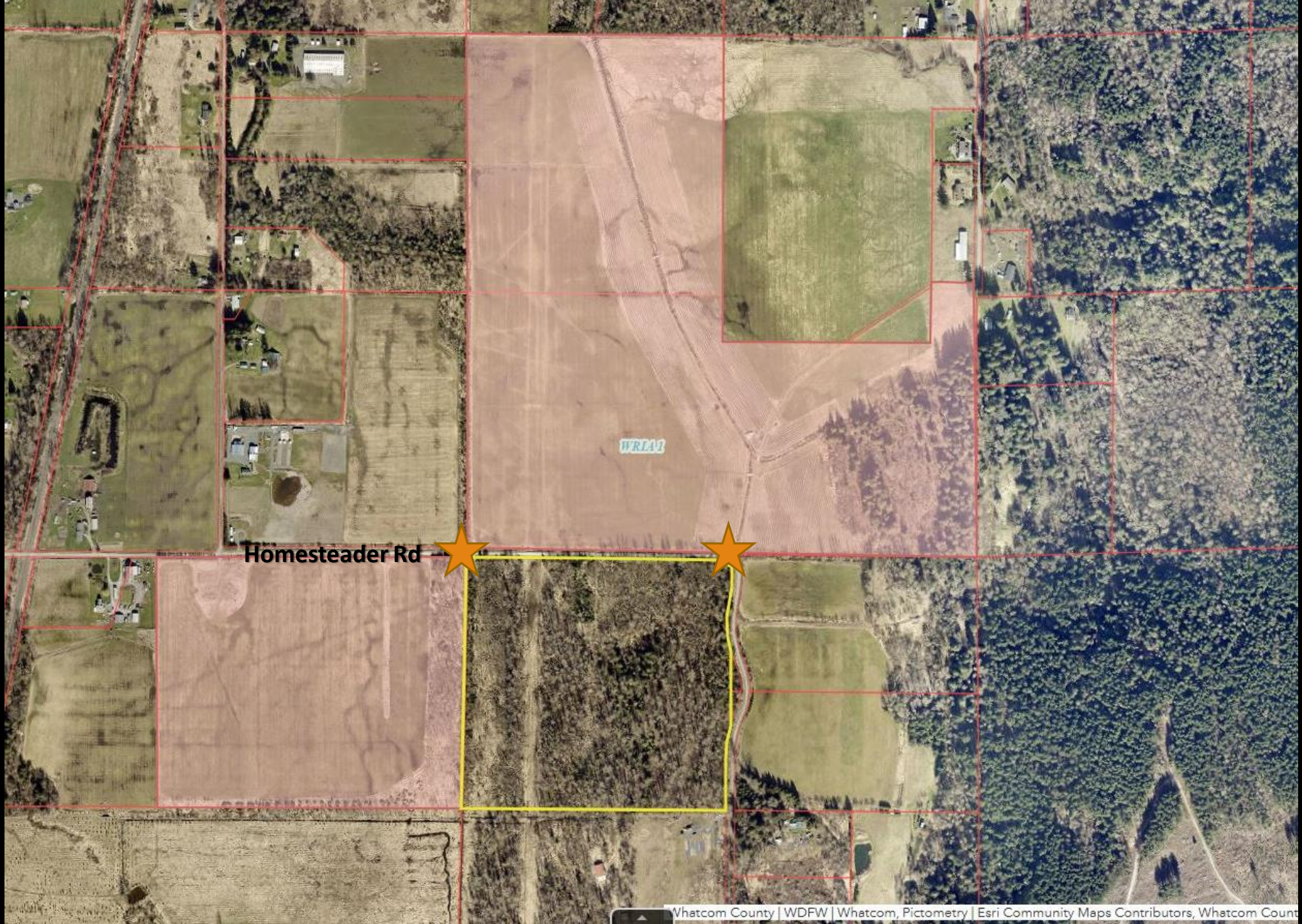
The property at 5569 Homesteader Road is encumbered by a Conservation Easement (CE), titled the "Homesteader Conservation Easement" (AF 2060602587), held by Whatcom Land Trust. The landowners of the property informed us that they are applying for Whatcom County's Open Space Current Use Program and for a waiver of the public access requirement. We agree with the application for the Open Space Program and the waiver of the public access requirement, as the goals of the Open Space Program and the waiver of the public access requirement directly align with the purpose, intent and language of the conservation easement.

Every CE is rooted in a "purpose statement" that serves as its foundational basis, stating the reason for conserving the property and influencing what the easement both allows and restricts. The purpose statement of the Homesteader CE is to "To protect the wetlands, wildlife habitat, and open space of the property." As stated in Section III of the CE, the property contains sensitive wetland habitat: a portion of the Black Slough wetland system, a tributary to the South Fork of the Nooksack and an important rearing area for South Fork Chinook salmon, is present on the property and provides significant ecological benefit to the South Fork Valley. To fulfill this purpose statement, the Homesteader CE restricts both development and use of the property: Section VII states that it is prohibited to "Hunt fish and trap" (3), "Operate off-road motorized vehicles..." (7), "Construct buildings or structures" (8), and "Make equestrian use of foot trails" (15). Additionally, Section XV, titled "No Public Access," states that "nothing in this easement shall be construed to grant public access to the Property."

Considering that the original intent of the CE was to protect the ecological values of this sensitive, wetland system from intensive use, we agree that waiving the public access requirement is supported by the language and intent of the easement. In addition to the alignment with the waiver of public access, the conservation easement's purpose and restrictions also fulfills the Open Space Program's goals of conserving natural resources, protecting native plant and wildlife habitat, and protecting stream corridors and wetlands.

Sincerely,

Tyler Yung  
 Conservation Easement Coordinator  
[tyler.y@whatcomlandtrust.org](mailto:tyler.y@whatcomlandtrust.org)  
 (360) 872-3318



Homesteader Rd

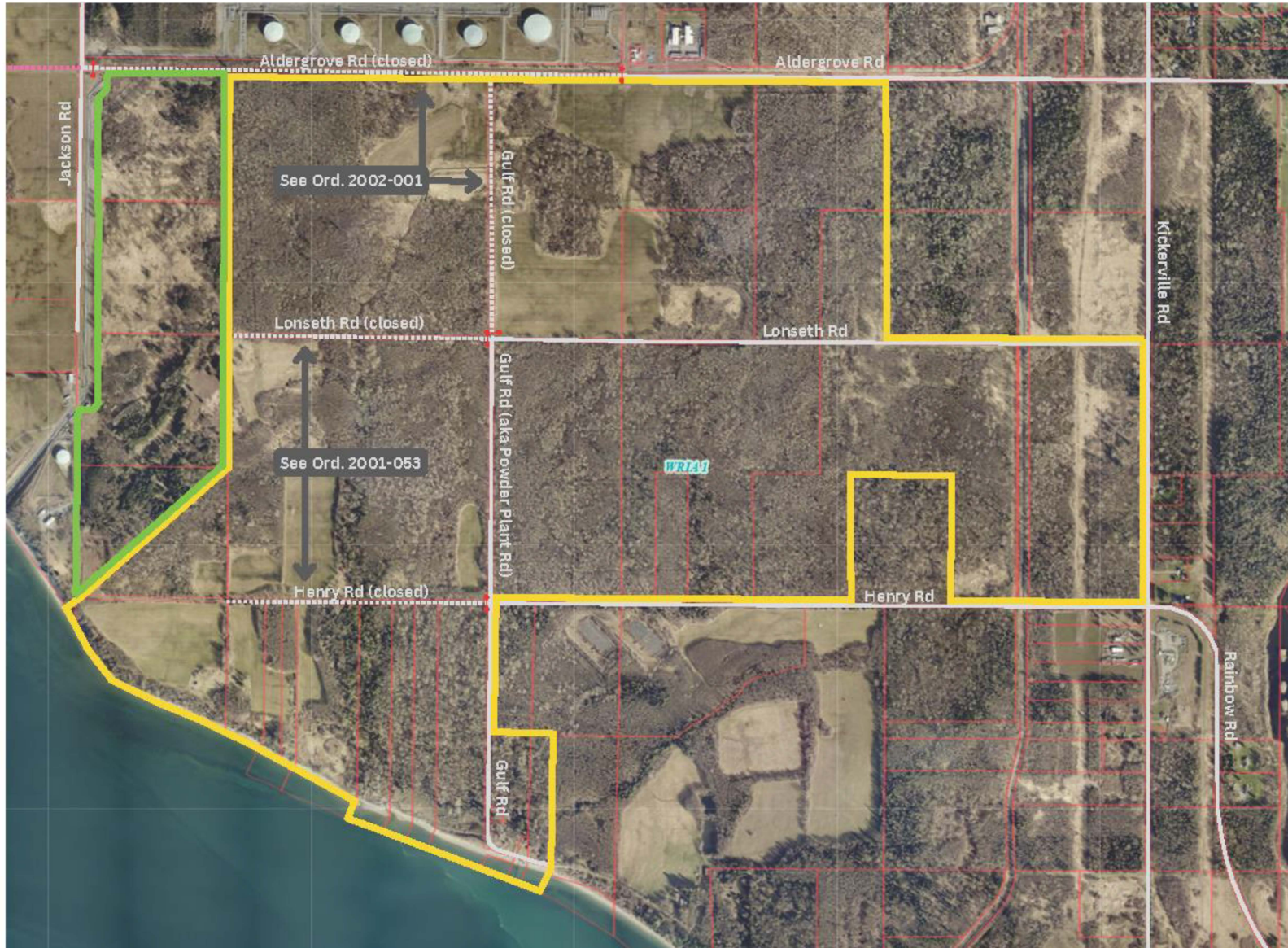
WRLAT



# OSP2025-003 - bp

## OSP2025-003 - bp

- Application to re-classify four parcels from OSAG to Open Space Land (OSL)
- **Acreage:** 138.29
- **Zoning:** Heavy Impact Industrial
- **PBRS score:** 43.05
- **PDS does not recommended approval**

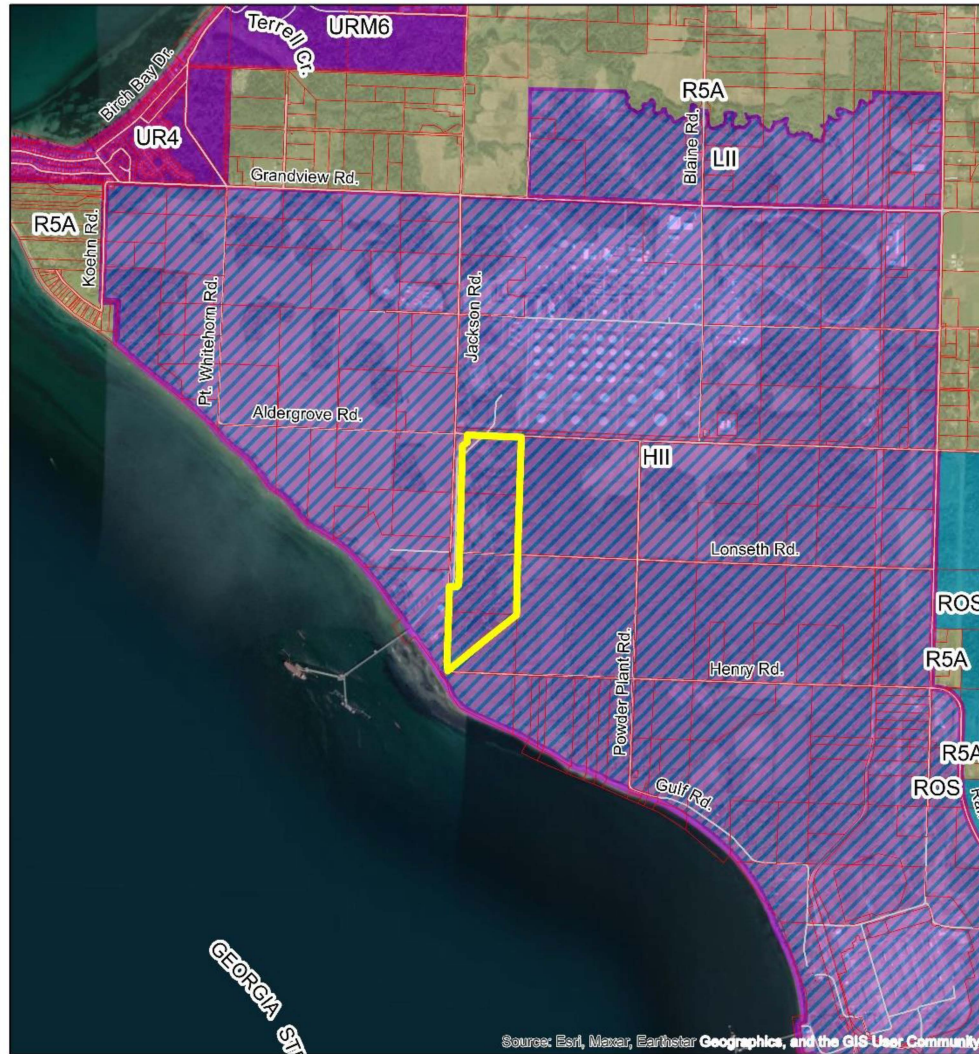


**bp Open Space Application  
Road Access**

February 4, 2026

- OSP2025-004 BP OSL (1,091 acres)
- OSP2025-003 BP Re-Classify (138 acres)

- County-maintained road open to vehicular access
- bp-maintained road open to non-motorized access
- Gate

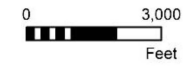


Sources: Esri, Maxar, Earthstar Geographics, and the GIS User Community

### Open Space Land

OSP2025-003 bp Application

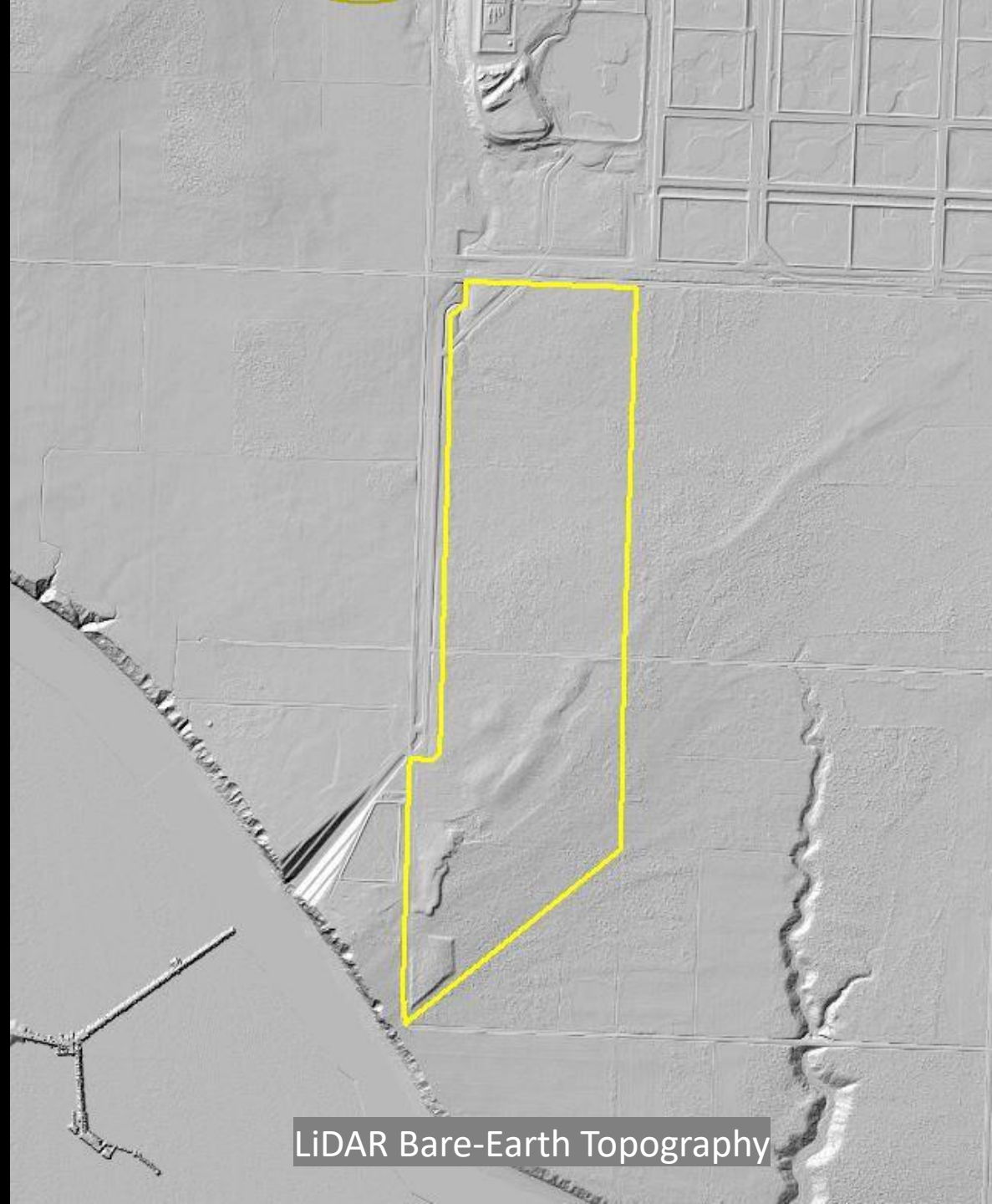
- bp-osp2025-0003
- Urban Growth Area
- Major/Port Industrial UGA
- Rural
- Public Recreation



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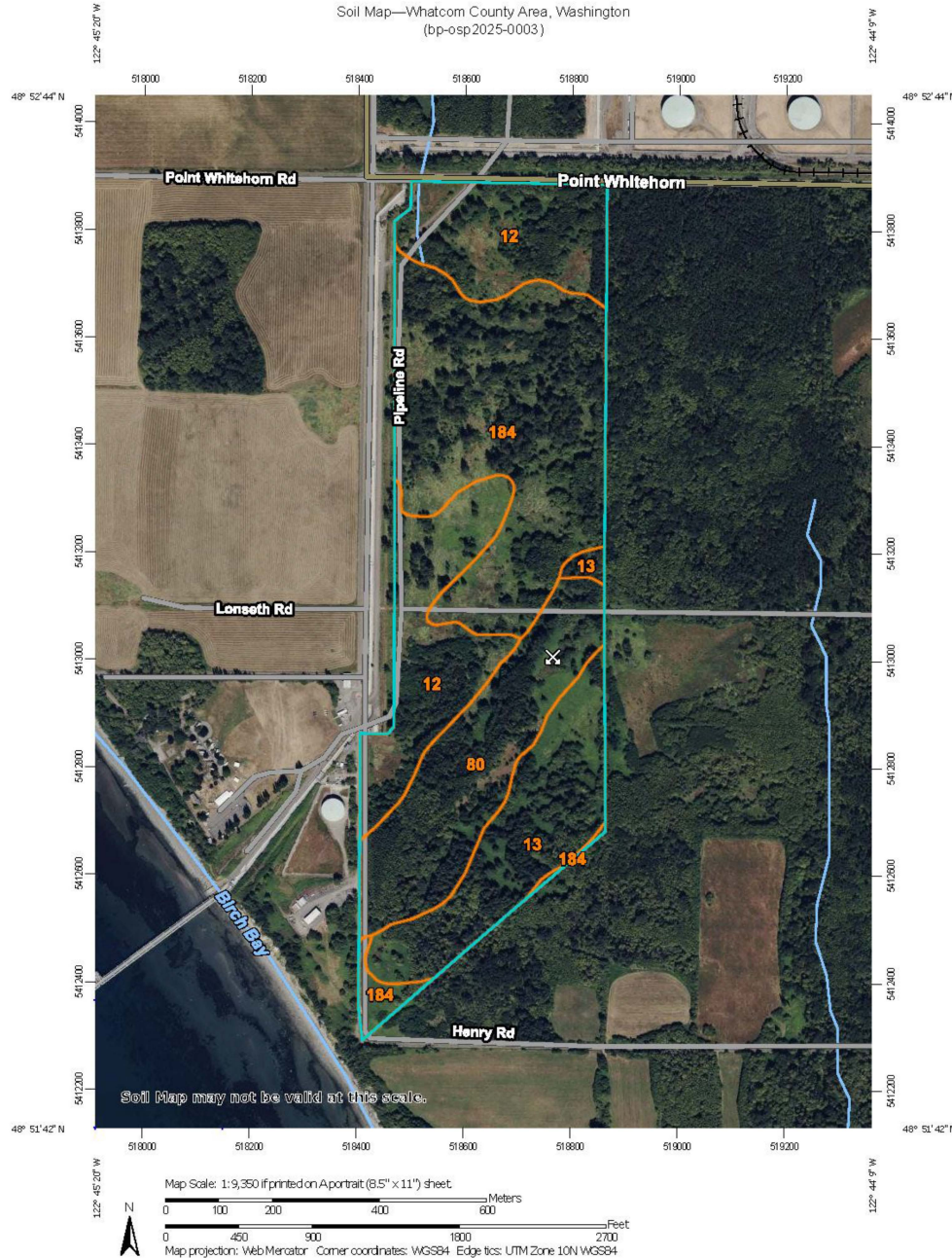


LiDAR Tree Height



LiDAR Bare-Earth Topography

Soil Map—Whatcom County Area, Washington  
(bp-osp2025-0003)



MAP LEGEND

- Area of Interest (AOI)**
  - Area of Interest (AOI)
- Soils**
  - Soil Map Unit Polygons
  - Soil Map Unit Lines
  - Soil Map Unit Points
- Special Point Features**
  - Blowout
  - Borrow Pit
  - Clay Spot
  - Closed Depression
  - Gravel Pit
  - Gravelly Spot
  - Landfill
  - Lava Flow
  - Marsh or swamp
  - Mine or Quarry
  - Miscellaneous Water
  - Perennial Water
  - Rock Outcrop
  - Saline Spot
  - Sandy Spot
  - Severely Eroded Spot
  - Sinkhole
  - Slide or Slip
  - Sodic Spot
- Water Features**
  - Streams and Canals
- Transportation**
  - Rails
  - Interstate Highways
  - US Routes
  - Major Roads
  - Local Roads
- Background**
  - Aerial Photography
- Other Features**
  - Spoil Area
  - Stony Spot
  - Very Stony Spot
  - Wet Spot
  - Other
  - Special Line Features

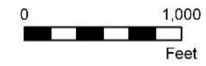
Map Unit Legend



| Map Unit Symbol                    | Map Unit Name                                | Acres in AOI | Percent of AOI |
|------------------------------------|--|--------------|----------------|
| 12                                 | Birchbay silt loam, 0 to 3 percent slopes    | 39.3         | 27.5%          |
| 13                                 | Birchbay silt loam, 3 to 8 percent slopes    | 23.6         | 16.5%          |
| 80                                 | Kickerville silt loam, 3 to 8 percent slopes | 27.0         | 18.9%          |
| 184                                | Whitehorn silt loam, 0 to 2 percent slopes   | 52.9         | 37.1%          |
| <b>Totals for Area of Interest</b> |  | <b>142.8</b> | <b>100.0%</b>  |



## Open Space Land

OSP2025-003 bp Application



-  bp-osp2025-0003
-  Tax Parcels2

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PRIVATE  
NO  
TRESPASSING









# Questions?

THIS PROPERTY IS  
DESIGNATED  
**OPEN SPACE**

Pursuant to the provisions of RCW 84.34, public access is permitted for recreational purposes subject to the terms and conditions of Whatcom County Open Space Agreement:

#