

SPONSORED BY: _____
PROPOSED BY: _____
INTRODUCTION DATE: _____

RESOLUTION NO: _____

**APPROVING RECOMMENDATIONS ON APPLICATIONS 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 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 24, 2024, 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. In 2024, Whatcom County received four applications to reclassify land under the open space current use program (Chapter 84.34. RCW) on lands located within the jurisdiction of Whatcom County.
2. Three of the applications were for reclassification from Open Space Farm and Agricultural Land to Open Space Land (OSL) and one application was for reclassification from Open Space Farm and Agricultural Land to Open Space Land (OSL), in the subclassification Open Space Farm and Agricultural Conservation Land. 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 prepared a report for the Planning Commission with a recommendation on whether to approve in whole or in part or to deny the applications 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 24, 2024.
4. PDS recommended approval of two of the Open Space Land applications (osp2024-0004 and osp2024-0005) based on an assigned Public Benefit Rating (PBR) score of more than 45 points, a score that must be attained for a staff recommendation of approval pursuant to Whatcom County Open Space Policies and Criteria and Public Benefit Rating System.
5. PDS did not recommended approval of two Open Space Land applications (osp2024-0001 and osp2024-0003) based on an assigned Public Benefit Rating (PBR) score of less than 45 points, a score that must be attained for a staff recommendation of approval pursuant to Whatcom County Open Space Policies and Criteria and Public Benefit Rating System.
6. Whatcom County Planning Commissioners considered staff findings and recommendations and voted to not recommend approval of application.

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

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

- 1. OSP2024-00004 – Ryan Nachreiner & Sarah Soltis**
Application to reclassify property to Open Space Land
3804 Gilmore Road, Everson WA 98247

GEO ID: 3904033014730000

Public Benefit Rating: 53.31

Staff does **recommend** approval

Planning Commission does **recommend** approval

2. OSP2024-00005 – Rich & Kathleen Greenbaum

Application to reclassify property to Open Space Land Farm and
Agricultural Conservation Land

8972 Frost Road Sumas, WA 98295

GEO ID: 4005083481700000 & 4005083431030000

Public Benefit Rating: 51.53

Staff does **recommend** approval

Planning Commission does **recommend** approval

- 2. 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 _____, 2024

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis
Clerk of the Council

Barry Buchanan
Council Chair

APPROVED AS TO FORM:

George Roche

Civil Deputy Prosecutor