

**RESOLUTION NO. \_\_\_\_\_**

**APPROVING RECOMMENDATIONS ON APPLICATIONS FOR OPEN SPACE LAND CLASSIFICATION**

**WHEREAS**, RCW 84.34 and RCW 84.33 give counties authority to approve applications for current use tax classification for the following categories: Open Space Land, Open Space Farm & Agricultural Land, and Designated Forestland; and

**WHEREAS**, Pursuant to Whatcom County Code, Section 3.28.020, applications for the classification of Open Space Land are received and evaluated by staff at Whatcom County Planning & Development Services (PDS), and the results of these evaluations 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

**WHEREAS**, Applications for Open Space Land and Open Space Farm & Agricultural Conservation Land are evaluated with the Public Benefit Rating System and assigned a PBRs score that results in a staff recommendation of approval or denial, with a score of 45 or above required for a staff recommendation of approval; and

**WHEREAS**, In accordance with the Whatcom County Open Space Policies and the PBRs, 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 a State or Federal Threatened Endangered Species, Federal Proposed Endangered or Threatened Species, or State Sensitive or Monitor Species, or when there is a known or potentially significant archaeological site; 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 for the OSP2025-002 Lane application:

1. PDS received an application for OSL classification on a 38.64-acre parcel.
2. PDS staff conducted a site visit and evaluated the subject property according to the PBRs, which yielded a score of 58.64.
3. PDS policy dictates that scores over 45 receive a staff recommendation for approval, and therefore, PDS recommends approval of this Open Space application.
4. The Planning Commission reviewed the application and held a public hearing at their March 10, 2026 meeting. The Planning Commission voted to recommend approval of the application; and,

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

Action for the OSP2025-003 bp application:

1. PDS received an application for four parcels (138.29 acres) to be re-classified from Open Space Farm & Agricultural Land (OSAG) to Open Space Land (OSL).
2. PDS staff conducted a site visit and evaluated the subject property according to the Public Benefit Rating System, which yielded a score of 43.05.
3. PDS policy dictates that scores over 45 receive a staff recommendation for approval, and therefore, PDS **does not** recommend approval of this Open Space application.
4. The Planning Commission reviewed the application and held a public hearing at their March 26, 2026 meeting. The Planning Commission voted to send the application to Council without a recommendation.

**NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Council that the OSP2025-002 Lane application is hereby approved for Open Space Land classification; and

**BE IT FURTHER RESOLVED** by the Whatcom County Council that the OSP2025-003 bp application is hereby denied for Open Space Land classification; and

**BE IT FINALLY RESOLVED** by the Whatcom County Council that 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 \_\_\_\_\_, 2026

WHATCOM COUNTY COUNCIL

ATTEST:

WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Cathy Halka, Clerk of the Council

\_\_\_\_\_  
Kaylee Galloway, Council Chair

APPROVED AS TO FORM:

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Civil Deputy Prosecutor