

# **Whatcom County**

## **2024 Open Space Applications**

**Alexander Harris** – CEP Outreach Coordinator

**Lauren Templeton** – CEP Administrator

November 19, 2024

# 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 (PBRS)

### 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'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

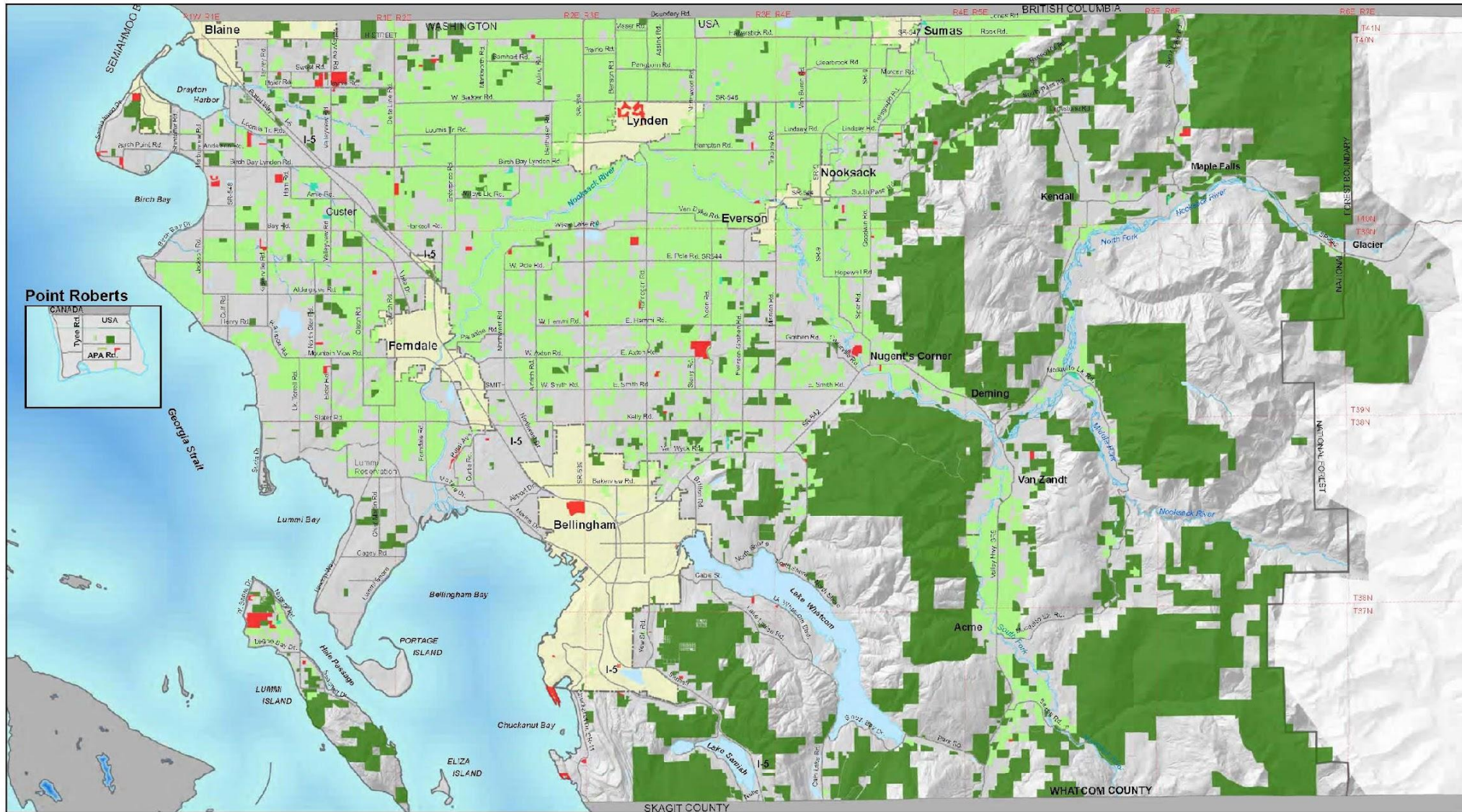
### Public Benefit Rating System (PBRS)

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

Source:  
-Whatcom County PDS 2015 (link)  
-Whatcom County Assessor 2015

**USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:**

Whatcom County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either express or implied. No representation or warranty is made concerning the accuracy, currency, completeness or quality of data depicted on this map. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Whatcom County harmless from and against any damage, loss, or liability arising from any use of this map.

0 0.5 1 2 3 4 Miles

# Process

## **PDS Staff**

- Receive applications, conduct site visit
- Score property according to Public Benefit Rating (PBR) System
- 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

# Public Benefit Rating (PBR) System

- **Qualitative not quantitative**
  - Range of potential points relative to benefit provided to the public
  - Points entered into formula (PBR)
  - Minimum PBR score of 45 required for staff recommendation of approval
  - PBR used to arrive at 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

Basic Value Criteria - Open Space Land (BV)								
1	<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
2	<b>Protect Streams, Stream Corridors, Wetlands, Natural Shorelines And Aquifers (10 pts)</b>						Max	Rating
	Lands within a 100-year floodplain						1.6666667	0
	Lands within or adjacent to areas of domestic water supply						1.6666667	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						1.6666667	1.6667
	Lands which provide for preservation of bogs or swamps						1.6666667	1.6667
	Lands adjacent to bodies of water, both marine and fresh						1.6666667	1.6667
	Lands including and adjacent to wetlands and tidal areas (these lands would not necessarily be approved contingent upon public assess agreement due t						1.6666667	1.6667
<b>Total:</b>						10	6.6668	
3	<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						3.3333333	3.333
	Lands where, if alterations were to occur, a resulting high risk of soil erosion would follow						3.3333333	2.2
	Lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of						3.3333333	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	
4	<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



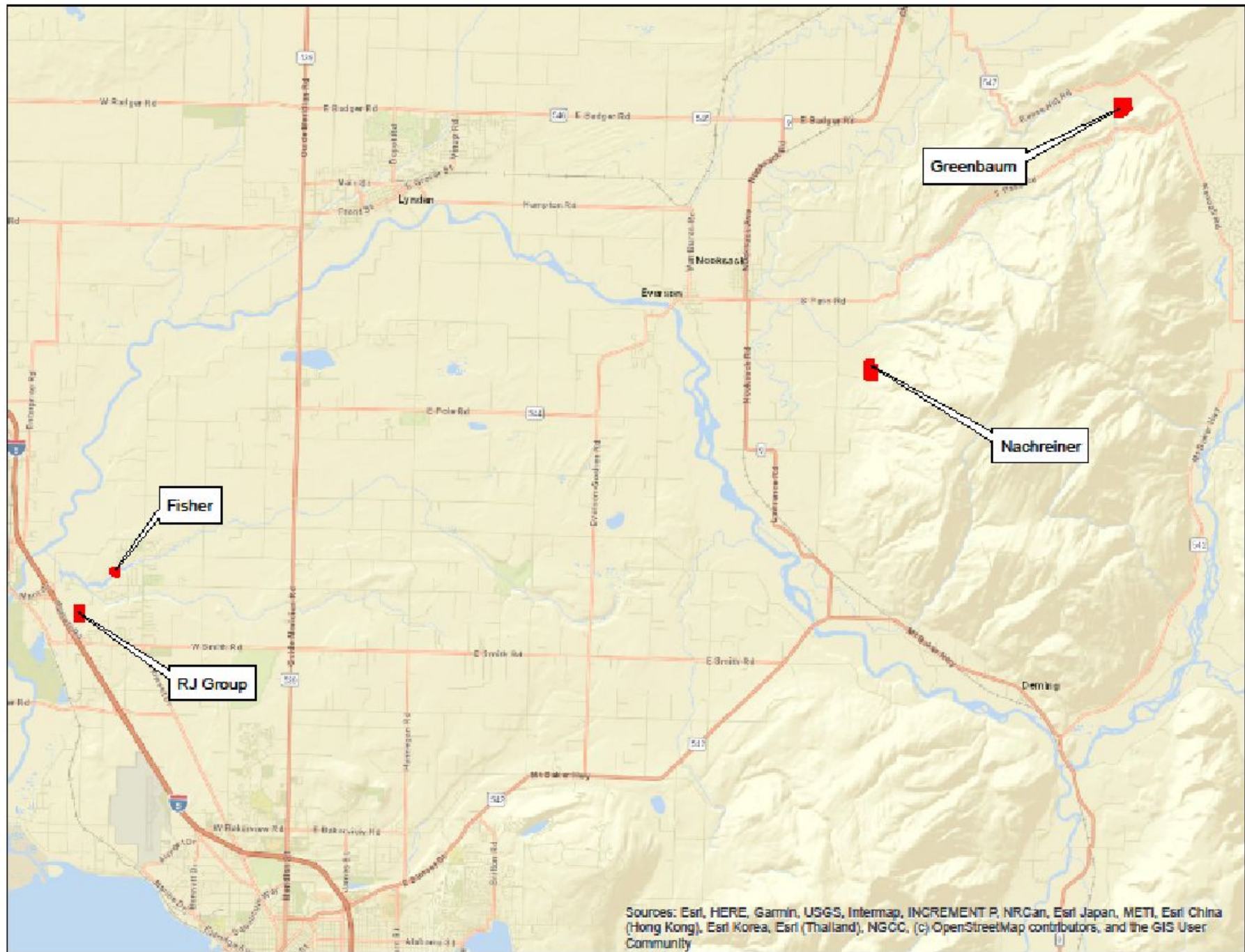
# 2024 Applications

## Not Recommended for Approval

- OSP2024-0001 – Fisher
- OSP2024-0003 – RJ Group

## Recommended for Approval

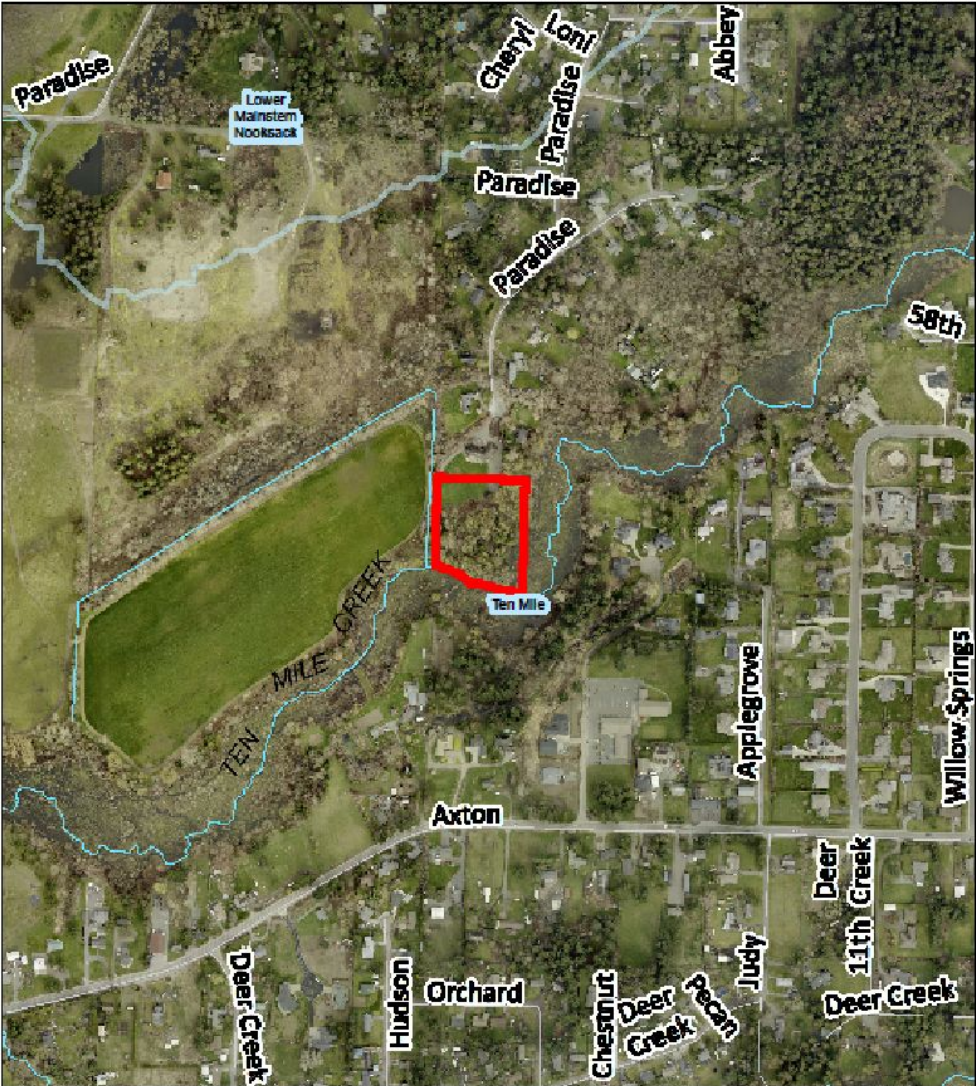
- OSP2024-0004 – Nachreiner
- OSP2024-0005 – Greenbaum



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

# OSP2024-0001 Fisher

- Application to reclassify as **OSL** from **OSAG**
- 3.11 acres
- PBR = 36.50
- **Not recommended for approval**



**Open Space Land**  
OSP2024-00001 Scott & Nancy Fisher, ~3.11 acres

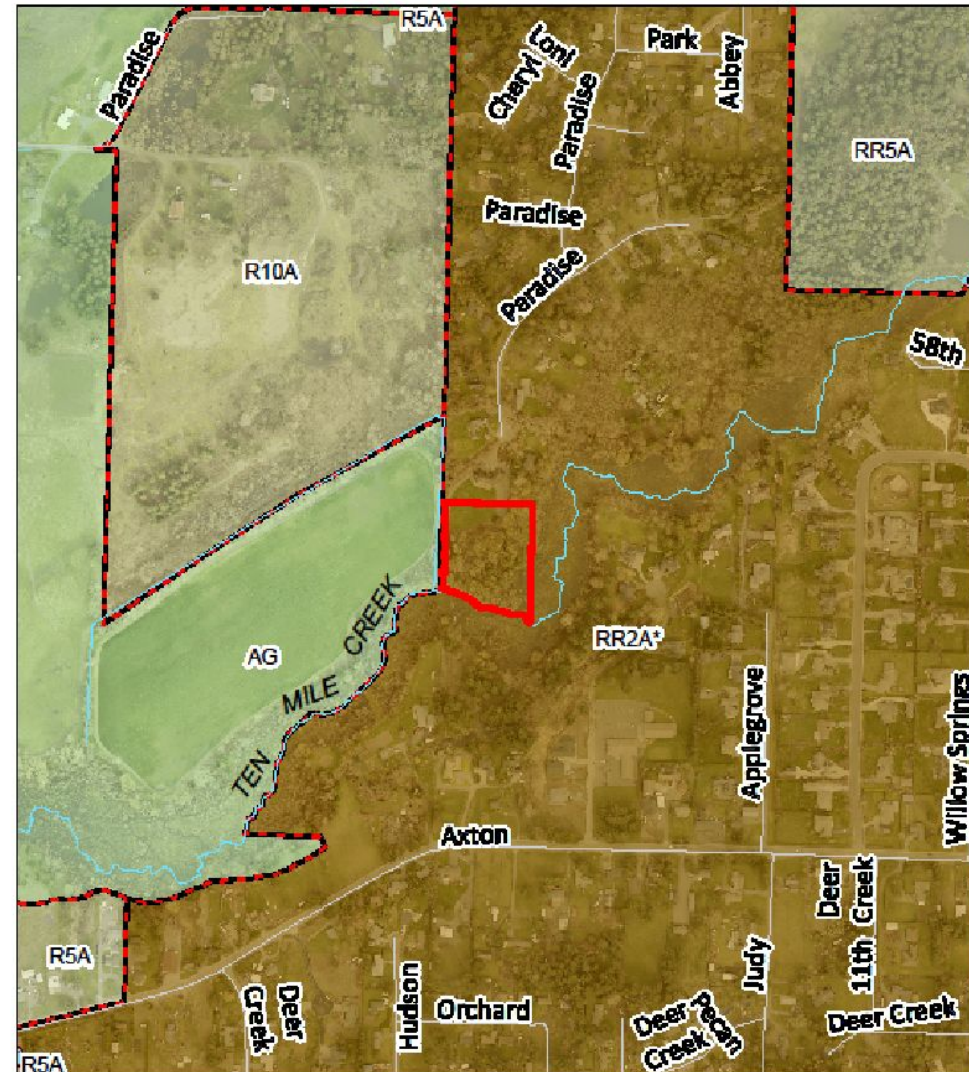
 Subject Site



USE OF THIS MAP IS LIMITED TO THE CITY OF EVERETT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CITY OF EVERETT DOES NOT WARRANT THE ACCURACY OF THIS MAP. THE CITY OF EVERETT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CITY OF EVERETT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP. THE CITY OF EVERETT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP.

# OSP2024-0001 Fisher

- Application to reclassify as OSL from OSAG
- 3.11 acres
- PBR = 36.50
- Not recommended for approval



## Open Space Land

OSP2024-00001 Scott & Nancy Fisher, ~3.11 acres

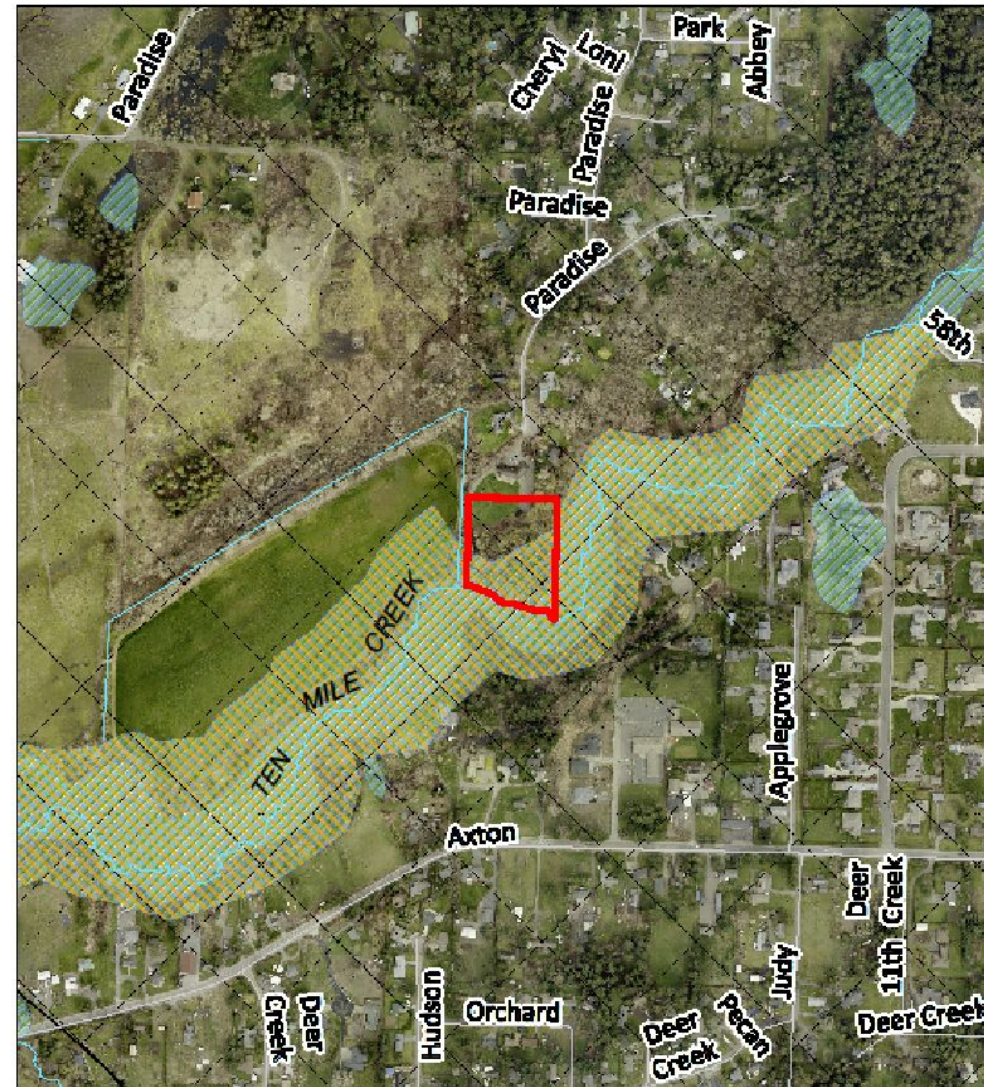


USE OF: FUTURE ZONING DISTRICTS ARE SUBJECT TO THE CITY'S ZONING ORDINANCE AND ANY AMENDMENTS THEREOF.

Map shown is not a guarantee of any specific zoning district or use. The City of Axton reserves the right to change zoning districts and use designations at any time without notice. The City of Axton is not responsible for any errors or omissions on this map. The City of Axton is not responsible for any damages or losses resulting from the use of this map. The City of Axton is not responsible for any claims or liabilities arising from the use of this map.

# OSP2024-0001 Fisher

- Application to reclassify as OSL from OSAG
- 3.11 acres
- PBR = 36.50
- Not recommended for approval



## Open Space Land

OSP2024-00001 Scott & Nancy Fisher, ~3.11 acres

- Subject Site
- Rivers & Streams
- Surficial Aquifers
- Habitat Conservation Area, State Priority Habitats
- Wetlands




USE OF THIS MAP IS LIMITED TO THE SPECIFIC DATA REPRODUCED ON THIS MAP. THE CITY OF HOUSTON AND THE HOUSTON AREA WATER UTILITIES AUTHORITY MAKE NO WARRANTY, REPRESENTATION OR GUARANTEE OF ANY KIND, EXPRESS OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THE INFORMATION PROVIDED ON THIS MAP. THE USER ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS MAP.

# OSP2024-0003 RJ Group

- Application to reclassify as OSL from OSAG
- 20 acres
- PBR = 31.70
- Not recommended for approval



**Open Space Land**  
OSP2024-00003 Robert Janicki - Ferndale 65, LLC. ~20 acres

 Subject Site



USE OF AERIAL PHOTOGRAPHS FOR THE PURPOSES OF THIS APPLICATION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies and departments of the City of Ferndale, including but not limited to the Planning and Public Works Department, the Fire Department, and the Police Department, before submitting this application to the City Council.

2. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies and departments of the State of Washington, including but not limited to the Department of Ecology, the Department of Transportation, and the Department of Social & Health Services, before submitting this application to the City Council.

3. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies and departments of the United States Forest Service, including but not limited to the Pacific Northwest Region, before submitting this application to the City Council.

# OSP2024-0003 RJ Group

- Application to reclassify as **OSL** from **OSAG**
- 20 acres
- PBR = 31.70
- **Not recommended for approval**





## Open Space Land

OSP2024-00003 Robert Janicki - Fermdale 65, LLC, ~20 acres

	Subject Site		Zoning Boundaries
	Incorporated City Limits		
	Rural		
	Rural Neighborhood		
	Public Recreation		

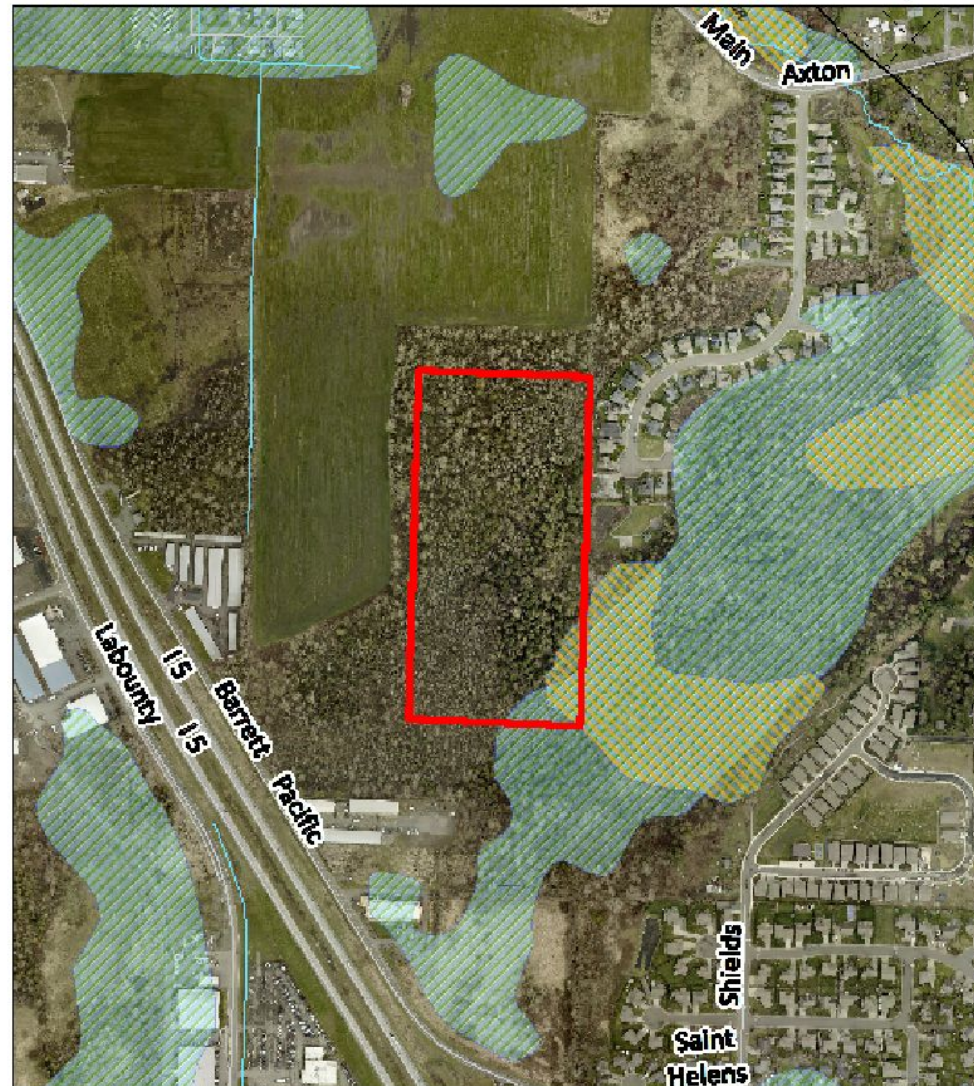
0 1,000 Feet

USE OF ANY OTHER RIGHTS OR INTERESTS IN THIS LAND IS SUBJECT TO THE CITY OF SAINT HELENS ZONING ORDINANCES. THE CITY OF SAINT HELENS IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS MAP. THE CITY OF SAINT HELENS IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS MAP. THE CITY OF SAINT HELENS IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS MAP.

# OSP2024-0003 RJ Group

- Application to reclassify as **OSL** from **OSAG**
- 20 acres
- PBR = 31.70
- **Not recommended for approval**



## Open Space Land

OSP2024-00003 Robert Janicki - Ferndale 65 LLC, ~20 acres

- Subject Site
- Rivers & Streams
- Surficial Aquifers
- Habitat Conservation Area, State Priority Habitats
- Wetlands



**USE OF STATUTE AND ITS REGULATORY AND POLICY DUTIES**  
**WEDNESDAY, FEBRUARY 14, 2024**

Washington Department of Ecology  
 1000 University Street, Olympia, WA 98501  
 Phone: 360-487-2000  
 Fax: 360-487-2001  
 Website: www.ecy.wa.gov





# OSP2024-0004 Nachreiner

- Application to reclassify as **OSL** from **DFL**
- 20 acres
- PBR = 53.31
- **Recommended for approval**



## Open Space Land

OSP2024-00004 Ryan Nachreiner & Sarah Soltis, ~20 acres

 Subject Site

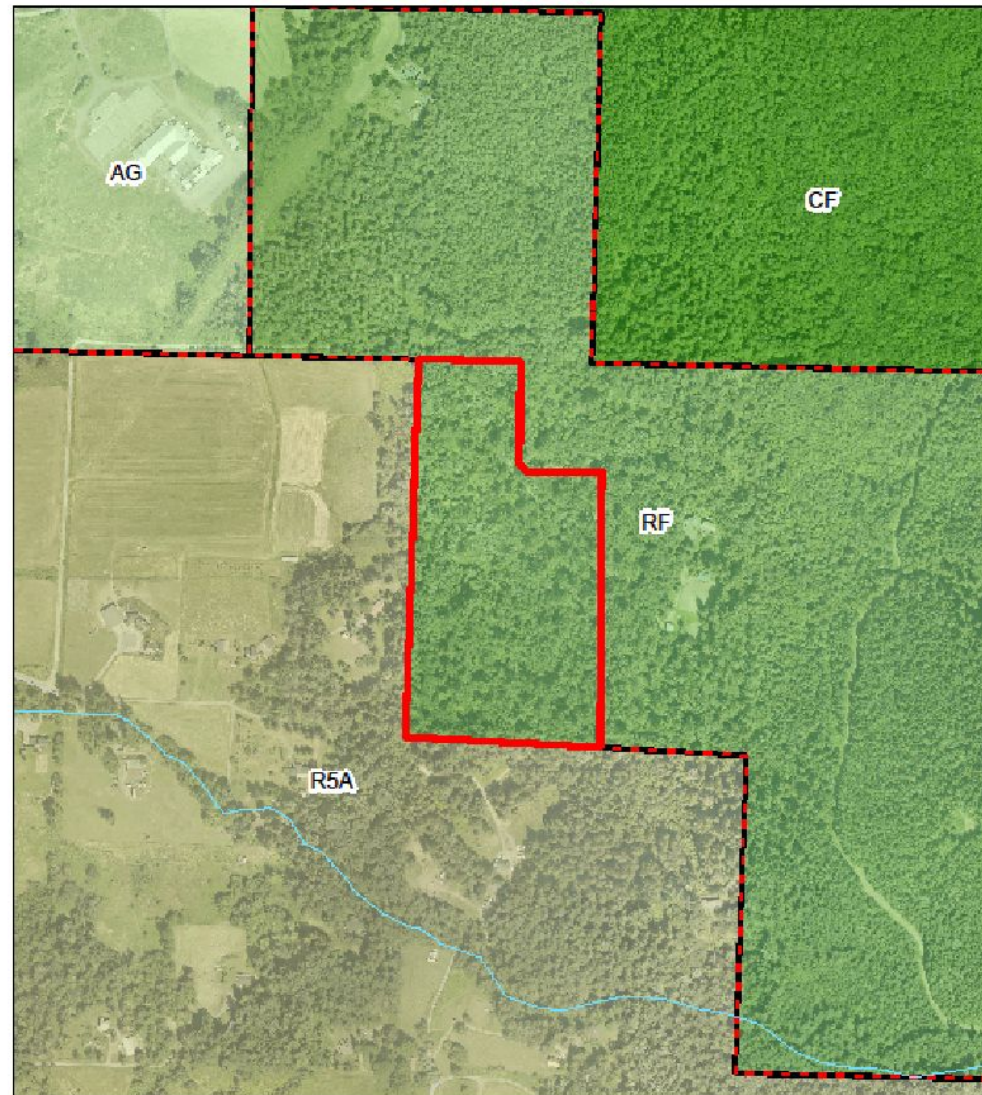


**USE OF AERIAL PHOTOGRAPHS FOR APPLICABLE AREAS OF OPEN SPACE LAND**

City of Sumas, WA, does not warrant the accuracy or completeness of the information contained in this aerial photograph. The information is provided for informational purposes only. The City of Sumas, WA, is not responsible for any errors or omissions in this information. The City of Sumas, WA, is not responsible for any damages, including consequential damages, arising from the use of this information. The City of Sumas, WA, is not responsible for any damages, including consequential damages, arising from the use of this information.

# OSP2024-0004 Nachreiner

- Application to reclassify as **OSL** from **DFL**
- 20 acres
- PBR = 53.31
- **Recommended for approval**



### Open Space Land

OSP2024-00004 Ryan Nachreiner & Sarah Soltis, ~20 acres

Subject Site Zoning Boundaries

- Rural
- Agriculture
- Rural Forestry
- Commercial Forestry



USE OF ANY MAP OR MAP PRODUCT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE LICENSE AGREEMENT. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.






# OSP2024-0004 Nachreiner

- Application to reclassify as **OSL** from **DFL**
- 20 acres
- PBR = 53.31
- **Recommended for approval**



## Open Space Land

OSP2024-00004 Ryan Nachreiner & Sarah Soltis, ~20 acres

-  Subject Site
-  Rivers & Streams
-  Surficial Aquifers
-  Habitat Conservation Area, State Priority Habitats
-  Wetlands



USE OF ANY MAP OR MAP PRODUCT BY ANY ENTITY DOES NOT CONSTITUTE AN ENDORSEMENT OR RECOMMENDATION BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES. THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES DOES NOT WARRANT THE ACCURACY OF ANY MAP OR MAP PRODUCT. THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF ANY MAP OR MAP PRODUCT.



# OSP2024-0005 Greenbaum

- Application to reclassify as OSFAC from OSAG
- 39.97 acres
- PBR = 51.53
- Recommended for approval



## Open Space Land

OSP2024-00005 Rich & Kathleen Greenbaum, ~39.97 acres

 Subject Site



**USE OF MATERIALS AND DATA FOR THIS APPLICATION IS LIMITED TO THE FOLLOWING PURPOSES:**

1. To determine the eligibility of the subject site for Open Space Land designation.

2. To determine the appropriate management plan for the subject site.

3. To determine the appropriate fee for the subject site.

4. To determine the appropriate boundary for the subject site.

5. To determine the appropriate zoning for the subject site.

6. To determine the appropriate use for the subject site.

7. To determine the appropriate ownership for the subject site.

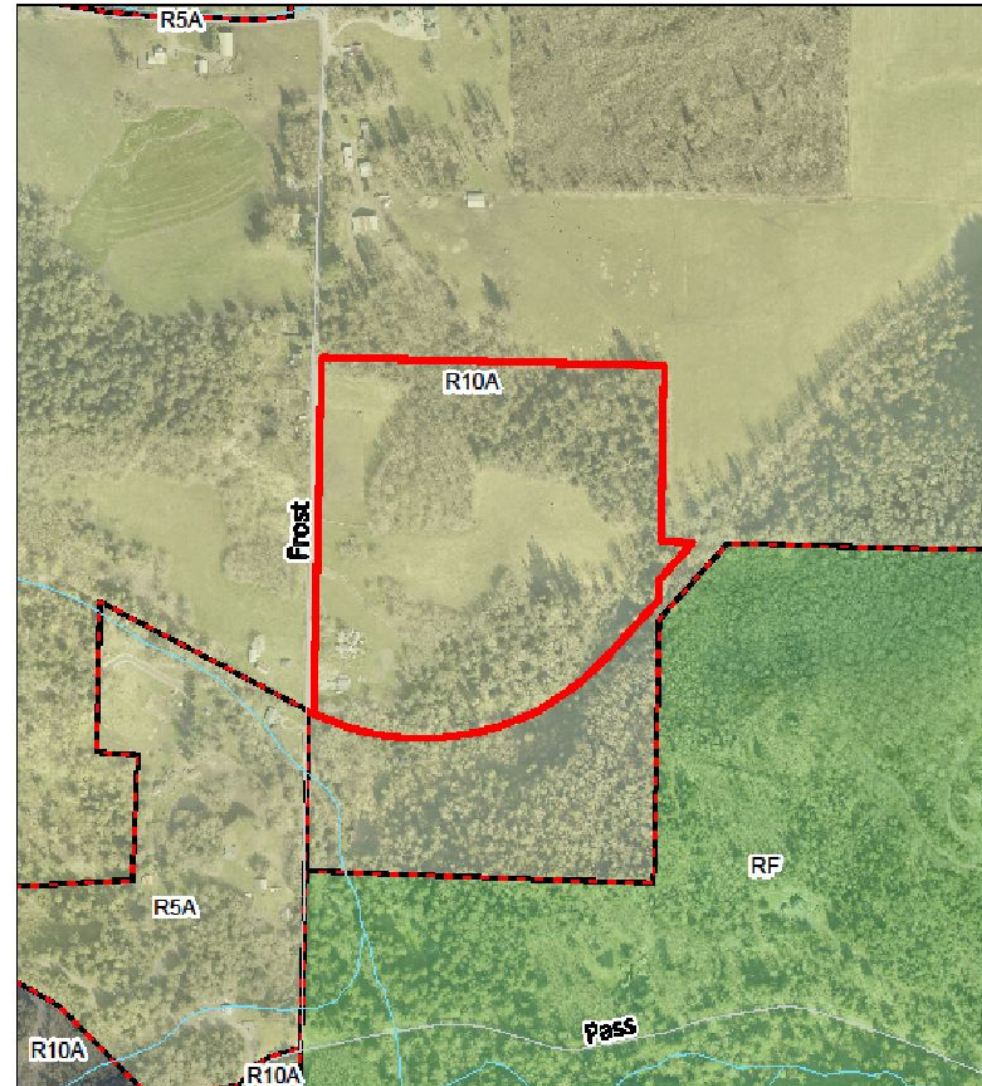
8. To determine the appropriate control for the subject site.

9. To determine the appropriate liability for the subject site.

10. To determine the appropriate insurance for the subject site.

# OSP2024-0005 Greenbaum

- Application to reclassify as OSFAC from OSAG
- 39.97 acres
- PBR = 51.53
- Recommended for approval



### Open Space Land

OSP2024-00005 Rich & Kathleen Greenbaum, ~39.97 acres

Subject Site Zoning Boundaries

- Rural
- Rural Forestry
- Mineral Resource Lands



**USE OF SYMBOLS AND ITS COLOR BY THE TOWN'S OFFICE OF PLANNING AND ZONING**

Where the use of symbols and colors is not specified in the Comprehensive Plan, the Office of Planning and Zoning shall use the following symbols and colors:

Where the use of symbols and colors is not specified in the Comprehensive Plan, the Office of Planning and Zoning shall use the following symbols and colors:

# OSP2024-0005 Greenbaum

- Application to reclassify as OSFAC from OSAG
- 39.97 acres
- PBR = 51.53
- Recommended for approval



## Open Space Land

OSP2024-00005 Rich & Kathleen Greenbaum, ~39.97 acres

- Subject Site
- Rivers & Streams
- Surficial Aquifers
- Habitat Conservation Area, State Priority Habitats
- Wetlands



USE OF ANY INFORMATION ON THIS MAP IS AT THE USER'S SOLE RISK.

Map data is derived from various sources including aerial photography, ground surveys, and other data. The user assumes all responsibility for the accuracy and reliability of the information presented on this map. The user also assumes all responsibility for any and all damages, including consequential damages, arising from the use of this map.



# Planning Commission and Public Hearing - Oct. 24, 2024

## Not Recommended for Approval

- OSP2024-0001 – Fisher
- OSP2024-0003 – RJ Group

## Recommended for Approval

- OSP2024-0004 – Nachreiner
- OSP2024-0005 – Greenbaum

# Update: Mapping Open Space Parcels

- WCC request: publish a map showing the location of parcels enrolled in open space that require open public access.
- PDS staff have sent the first wave of letters to landowners.
- Updates will be provided as this effort moves forward.



# 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 AGREE-  
MENT No.