



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2022-627

File ID:	AB2022-627	Version:	1	Status:	Approved
File Created:	10/27/2022	Entered by:	JFleisch@co.whatcom.wa.us		
Department:	Planning and Development Services Department	File Type:	Resolution		
Assigned to:	Council Planning and Development Committee	Final Action:	12/06/2022		
Agenda Date:	12/06/2022	Enactment #:	RES 2022-053		

Primary Contact Email: jfleisch@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Resolution approving recommendations on three applications for open space current use assessment

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Presentation and review of three (3) applications to the Open Space Land program received by Planning and Development Services in 2021. The applications were evaluated by staff and presented to the Planning Commission for review and a public hearing on October 27, 2022. The Planning Commission recommended approval of all three applications.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
12/06/2022	Council Planning and Development Committee	RECOMMENDED FOR APPROVAL	
		Aye: 3	Donovan, Elenbaas, and Galloway
		Nay: 0	
		Absent: 0	
12/06/2022	Council	APPROVED	
		Aye: 6	Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway
		Nay: 0	
		Absent: 1	Kershner

Attachments: Proposed Resolution, Staff Memo, Staff Report, Application Evaluation Forms and Maps

SPONSORED BY: _____

PROPOSED BY: Planning

INTRODUCTION DATE: _____

RESOLUTION NO: 2022-053

**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 27, 2022 the Whatcom County Planning Commission held a public hearing and considered staff recommendations and considered 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 2021, Whatcom County received seven applications to classify or reclassify land under the open space current use program (Chapter 84.34. RCW) on lands located within the jurisdiction of Whatcom County. Prior to the Planning Commission Public Hearing, four applications were subsequently withdrawn by the applicants.
2. Of the remaining three applications: two applications were for reclassification to Open Space Farm and Agricultural Conservation Land (OSFAC), and one application was for reclassification to Open Space Land (OSL). Upon receipt of the applications, Planning and Development Services staff evaluated the open space land applications with the Public Benefit Rating System (PBRs), and also for conformance with the Open Space Taxation Act (RCW 84.34).
3. Staff prepared a report for the Planning Commission with a recommendation on whether to approve in whole or in part or to deny the application based on review with 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 27, 2022.
4. Staff recommended approval of three Open Space Land applications based on an assigned Public Benefit Rating (PBR) score of greater than 45 points which must be attained in order for a staff recommendation of approval pursuant to Whatcom County Open Space Policies and Criteria and Public Benefit Rating System.
5. Whatcom County Planning Commissioners considered staff findings and recommendations and voted to recommend approval on three applications.

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

1. The Planning Commission recommendations on the applications for open space current use assessment listed below are hereby approved:

OSP2021-00002 – Leslie Grace & Jeremiah Schwartz – 1092 E Laurel Rd, Bellingham

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

GEO ID: 390321252335; ~8.85 Open Space Land application acres (~9.85 total parcel acres)

Public Benefit Rating: 50.74

Staff **recommends** approval

Planning Commission **recommends** approval

OSP2021-00003 – Whatcom Land Trust – Skookum Creek Watershed, South Fork Valley

Application to classify property as Open Space Land

GEO ID: 370619505496; ~1018.57 Open Space Land application acres (~1018.57 total parcel acres)

Public Benefit Rating: 46.93

Staff **recommends** approval

Planning Commission **recommends** approval

OSP2021-00004 - Intalco – Multiple properties along Unick Rd, Douglas Rd, Mountain View Rd and Lake Terrel Rd, Ferndale, WA

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

GEO ID: 390121300061; 390121331202; 390121368057;
390121464064; 390128047195; 390128051070; 390128109194;
390128113071; 390128176199; 390128178069; 390128226481;
390128235343; 390128245204; 390128248066; 390128307481;
390128309330; 390128311065; 390128311201; 390128372483;
390128374063; 390128375336; 390128378200; 390128472510;
390128477374; 390128478308; 390128481439; 390128486044;
390128486224; ~615 Open Space Land application acres (~615 total

parcel acres)

Public Benefit Rating: 68.65

Staff **recommends** approval

Planning Commission **recommends** approval

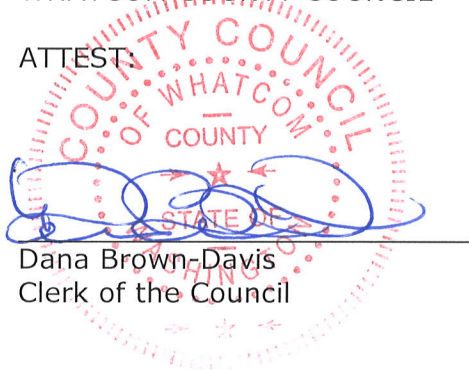
2. Adjudication of invalidity of any of the sections, clauses, or provisions of this resolution shall not affect or impair the validity of the resolution as a whole or any part thereof other than the part so declared to be invalid.

APPROVED this 6th _____ day of December _____, 2022


WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

ATTEST:



Dana Brown-Davis
Clerk of the Council



Todd Donovan
Council Chair

APPROVED AS TO FORM:

Approved by email /s/ Royce Buckingham/M Rouse
Civil Deputy Prosecutor