

**WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT**

**STAFF RECOMMENDATIONS TO THE WHATCOM COUNTY PLANNING
COMMISSION ON NINE APPLICATIONS TO CLASSIFY LAND AS "OPEN
SPACE LAND" AS AUTHORIZED UNDER CHAPTER 84.34 RCW & WHATCOM
COUNTY ORDINANCE NO. 1995-040**

Open Space Applications 2022

Introduction:

This report summarizes staff findings and recommendations on a total of nine applications for classification of land as "Open Space Land" as authorized under the Open Space Taxation Act, Chapter 84.34 RCW, and Whatcom County Ordinance No. 1995-040.

This report is prepared for the Whatcom County Council and staff requests that the County Council consider them and make recommendations as to whether they should be approved in whole or in part, or denied. Whatcom County Council is the acting granting authority for review in making a final decision on each application.

The report is composed of five main parts:

1. Background information on the Open Space Taxation Act;
2. Role of Staff, Planning Commission, and County Council in application review, approval or denial;
3. Open Space Land evaluation criteria: Public Benefit Rating System (PBRs).
4. Summary of nine applications to classify land pursuant to applicable state and local regulations;
5. Application review, staff findings of fact, proposed conclusions, and staff recommendations;

I. Background Information

The Open Space Taxation Act was passed by the Washington State legislature in 1970. In part, the law was created to provide a solution to and address a statewide concern that lands in the state were being irrevocably converted to uses inconsistent with commercial agriculture, commercial forestry, and the conservation or preservation of farmland, shorelines, wetlands, scenic vistas, historical sites of importance, and recreational opportunities.

The Open Space Taxation Act codified in Chapter 84.34 of the Revised Code of Washington (84.34 RCW) gives counties the authority to assess the value of property on the basis of its *current use* rather than what might be considered highest and best use i.e. fair market value. Lands classified under the open space current use program receive a significant reduction in assessed value (tax reduction); thereby providing a financial incentive to property owners to voluntarily conserve and preserve open space lands as defined in state law and further defined by county ordinance.

Classifications

There are three major classifications and one sub-classification authorized by the Open Space Taxation Act (Chapter 84.34 RCW):

1. Open Space Land [RCW 84.34.020(1)]

Applications for open Space Land are received and processed by Planning & Development Services.

Open Space Lands (OSL) are generally land which, if preserved in the present use, would:

- Conserve and enhance natural or scenic resources; or
- Protect streams and water supply; or
- Promote conservation of soils, wetlands, beaches or tidal marshes; or
- Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; or
- Enhance recreation opportunities; or
- Preserve historic sites; or
- Preserve visual quality along highway, road, and street corridors or scenic vistas; or
- Retain in its natural state tracts of land not less than 1 acre within an urban growth area (UGA) and conditionally open to the public; or

A subset of OSL includes Farm and Agricultural Conservation (OSFAC) Land. OSFAC lands are :

- Land that was previously classified as farm and agricultural land and no longer meets the criteria for continued classification; or
- Land that is traditional farm land that has not been irrevocably devoted to a use inconsistent with commercial agriculture.

2. Farm and Agricultural Land [RCW 84.34.020(2)]

Applications for Farm and Agricultural Land are received and processed by the County Assessor's Office.

- Lands of a certain size that are used for commercial agricultural purposes. Applicants may be required to demonstrate revenue produced from commercial agriculture.

3. Timber Land [RCW 84.34.020(3)]

(Note: Whatcom County terminated its Timber Land program under Whatcom County Ordinance No. 2014-055. As a result of this action, all lands formerly classified as timber land became Designated Forest Land, a program administered by the County Assessor in accordance with RCW 84.33.)

Staff from PDS and the Assessor's Office work closely and function as a team in monitoring and maintaining existing agreements on approved applications, as well as processing new applications. Applications and fees for Open Space Land and Farm and Agricultural Conservation Land are received by Planning & Development Services Department.

II. Application Processing - Roles of Staff, Planning Commission, County Council & Assessor's Office in Processing Applications for Open Space Current Use Taxation.

Three applications that are the subject of this report are located within the jurisdiction of *unincorporated* Whatcom County, while the other six applications of this report are located within an *incorporated* area; two in the City of Bellingham and four in the city of Ferndale.

When land that is the subject of application is located within an *unincorporated* area, Whatcom County planning staff evaluates each application in accordance with the appropriate evaluation criteria, and based on application scores, makes recommendations to the Whatcom County Planning Commission on whether to approve or deny the applications. The Planning Commission in turn makes recommendations to the County Council as to whether individual applications should be approved in whole or in part or denied. Whatcom County Council is the granting authority, and pursuant to state law is charged with approving in whole or in part or denying each application.

When land that is the subject of application is located within an *incorporated* area, Whatcom County planning staff evaluates each application in accordance with the appropriate evaluation criteria, and based on application scores, makes recommendations to the Whatcom County Planning Commission on whether to approve or deny the applications, who in turn make recommendations to the County Council as to whether individual applications should be approved in whole or in part

or denied. The granting authority on applications in an incorporated area is composed of the legislative authorities of the city and county in which the application is located, the granting authority may meet together as one body, or by taking separate action. To approve an application when meeting separately, actions taken by each jurisdiction must be identical.

Upon approval or denial, and upon successful execution of an open space taxation agreement between the county and the applicant/owner, the county assessor is notified, who then makes adjustments on the basis of the approved current use value of the parcel, and notifies the owner of the new 'official value'.

As discussed earlier in this report, the nine subject applications are to classify or reclassify land as Open Space Land or Open Space Farm and Agricultural Conservation Land. Applications for Open Space Land are evaluated with the Whatcom County Open Space Policy and Criteria and Public Benefit Rating System, 1995 (PBRs). A copy of the PBRs is attached at the end of this report for reference. The PBRs authorizes the Planning Commission to make recommendations to the County Council on applications for Open Space Land *after considering the potential loss/gain of revenue or shift in taxes that would occur as a result of approval relative to the public benefit of the resource being conserved or preserved as measured with the Public Benefit Rating System*. Because the taxing districts are primarily budget-based, the taxing districts do not gain/lose money. Rather, when one tax payer pays less in taxes as a result of their assessment, the other tax payers in the taxing district pay more so that the taxing district collects the same amount in revenue. Conversely, when a tax payer pays more in taxes as a result of their assessment, the other tax payers in the taxing district pay less so that the taxing district collects the same amount in revenue. This important distinction helps define the role of the Planning Commission in making recommendations to the County Council on whether to approve or deny applications for Open Space Land, and in understanding how the Public Benefit Rating System is applied.

Public Hearing

Prior to issuing a decision on an application for open space land, the granting authority is required to hold a public hearing.

III. Evaluation Systems

Open Space Land and its sub-classification Farm and Agricultural Conservation Land are evaluated with the Whatcom County Public Benefit Rating System (PBRs). The PBRs was originally approved by Council in 1987 by resolution, then amended in 1989 by resolution, and adopted by ordinance in 1995 (WC Ord. 1995-040).

Whatcom County Open Space Policy & Public Benefit Rating System

The Public Benefit Rating System is an evaluation tool consisting of natural resource, recreation, historical site, and agricultural land priority resource categories that

correspond to a range of potential points that may be assigned relative to the amount of benefit that may be provided to the public as a result of approving each application, as measured with the Public Benefit Rating System. Generally, resources of importance identified in the PBRS include lands that preserve, protect, conserve or enhance farmland, streams, shorelines and associated buffers, critical areas, ground water protection areas, threatened or endangered wildlife and wildlife habitat, opportunities for public recreation, scenic views and vistas, historic property, cultural resources, and others.

Applications for Open Space Land are also evaluated on the quality of the applicant's proposed public access. It is part of the Whatcom County Public Benefit Rating System Public Access Policy to require public access **unless** there is known habitat for an endangered species of wildlife, or where there is a known archeological site, or when the purpose of the open space is for wetland conservation.

In cases such as those listed above, when the County Council is acting as the granting authority, the requirement of public access may be waived at Council discretion. The Public Access Policy also contains a requirement that owners of property approved as Open Space Land post an Open Space sign that displays the rules of conduct for public access.

Although the open space current use program is a State mandate and applies statewide, not all counties have adopted a Public Benefit Rating System. The purpose of the Public Benefit Rating System is to assist the granting authority in developing a measure of consistency in awarding reduction in assessed value according to a point system that corresponds to the relative importance of the resource being conserved. One reason a county may elect to adopt a PBRS is because decisions made by the granting authority (County Council), whether to approve or deny applications may only be appealed to Superior Court for *arbitrary and capricious* actions, and a PBRS may help to ensure uniformity and consistency when the PBRS is applied as a tool to determine reduction in market value.

Local priority resources that have been identified as providing public benefit if conserved, preserved, protected and enhanced, along with the corresponding range of potential points awarded for preserving or conserving those resources (i.e. the Public Benefit Rating System) were all adopted after consideration by the Planning Commission, and adopted by Council who heard from the public on this matter at a series of public hearings in the late 1980's. The PBRS was originally approved by Council in 1987 by resolution, amended in 1989 by resolution, and then later revised and adopted by ordinance in 1995 (WC Ord. 95-040). The last revision to the PBRS in 1995 added new criteria for evaluating applications in accordance with amendments to open space taxation act in 1993. The PBRS update in 1995 added a new sub-classification of open space land, *farm and agricultural conservation land* and removed timber land from the Public Benefit Rating System; otherwise the PBRS has not changed in approximately 36 years.

Even though the PBRs has a point system, at its core the PBRs is a *qualitative* as opposed to a *quantitative* system. Many observers, Planning Commissioners, Council Members, and members of the public alike, have commented that the PBRs is a subjective tool.

Listed below is a brief summary of some of the resources that have been identified in the County's Public Benefit Rating System.

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

Once staff review has been completed and points are awarded, they are computed with a formula developed by the County Assessor resulting in a score that is called a Public Benefit Rating (PBR). A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The PBR represents the degree of conformance with the county's adopted Basic Value and Public Benefit Value criteria that are part of the PBRs. The Public Benefit Rating (PBR) is used as a factor applied to another computed value to arrive at a new current use per acre value for the property, once approved. Attached to this report for reference is a document that gives a hypothetical example describing this formula, and also contains a discussion of the shift or off-set in taxes resulting from approving an application for Open Space Land.

IV. Applications Summary

(Nine applications received, one staff recommendation)

1. OSP2022-00002 – Brian & Loretta Sheldon

Application to classify property as Open Space Land
7172 Valley View Rd., Ferndale

GEO ID: 390102026390; ~3.98 Open Space Land application acres
 (~4.98 total parcel acres)

Public Benefit Rating: 26.58

2. OSP2022-00003 – Patricia Otto

Application to reclassify property from Designated Forest Land to Open Space Land

3695 Agate Bay Lane, Bellingham

GEO ID: 380313590033;380313443033;380418028041;380313465165;
380324458504; ~100 Open Space Land application acres
(~99 total parcel acres)

Public Benefit Rating: 54.92

3. OSP2022-00004 – Colleen and Erwin Martens

Application to classify property as Open Space Land

8277 Semiahmoo Drive, Blaine

GEO ID: 405121407231; ~6.02 Open Space Land application acres
(~8.41 total parcel acres)

Public Benefit Rating: 25.86

4. OSP2022-00005 – RJ Group #1

Application to classify property as Open Space Land

Property along Northwest Drive, Bellingham

GEO ID: 380211234330; ~36.67 Open Space Land application acres
(~36.67 total parcel acres)

Public Benefit Rating: 32.16

5. OSP2022-00006 – RJ Group #2

Application to classify property as Open Space Land

Property along Northwest Drive, Bellingham

GEO ID: 380211340415; ~6.73 Open Space Land application acres
(~6.73 total parcel acres)

Public Benefit Rating: 29.28

6. OSP2022-00007 – RJ Group #3

Application to classify property as Open Space Land
5195 Creighton Road, Ferndale

GEO ID: 390233103385; ~5.52 Open Space Land application acres
(~5.52 total parcel acres)

Public Benefit Rating: 36.58

7. OSP2022-00008 – RJ Group #4

Application to classify property as Open Space Land
5190 Creighton Road, Ferndale

GEO ID: 390233103355; ~7.87 Open Space Land application acres
(~7.87 total parcel acres)

Public Benefit Rating: 36.88

8. OSP2022-00009 – RJ Group #5

Application to classify property as Open Space Land
5189 Creighton Road, Ferndale

GEO ID: 390233103325; ~5 Open Space Land application acres
(~5 total parcel acres)

Public Benefit Rating: 27.04

9. OSP2022-00010 – RJ Group #6

Application to classify property as Open Space Land
5185 Creighton Road, Ferndale

GEO ID: 390233103295; ~5 Open Space Land application acres
(~5 total parcel acres)

Public Benefit Rating: 27.04

V. Application Review & Staff Findings

Staff findings for 2023 Open Space applications are listed in summary below.

All applications have been reviewed by staff. Attached for reference at the end of this report are site evaluation worksheets, maps, and other supporting documents. A power point slide show of each property along with staff comments and recommendations will be presented to the Planning Commission.

Open Space Land (OSL) Applications for Open Space Land are evaluated by staff in accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (1995), often referred to as the Whatcom County **PBR**. A Public Benefit Rating or **PBR** (evaluation score) is calculated based on overall aggregate points assigned after review with the PBR, based on a formula developed by the County Assessor. Applications must receive a Public Benefit Rating of at least 45 points for a *staff recommendation of approval*.

1. OSP2022-00002 – Brian & Loretta Sheldon

Discussion: On August 5, 2022, Planning & Development Services received an application from Brian and Loretta Sheldon to classify approximately 3.98 acres as Open Space Land. The Sheldon application consists of a single parcel and is subject to the zoning regulations located in Title 20, Chapter 20.36 – Rural (R5) District, with a density of one dwelling unit per 5 acres, and is designated Rural in the Comprehensive Plan

The property is located on Valley View Rd ~5 miles north/northwest of Ferndale and ~.75 miles north of Hwy548/Grandview Rd.

The subject property contains wetlands.

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBR), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The applicant is requesting a waiver from the public access requirement for wetland preservation.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 26.58 (for details, please see attached evaluation worksheet OSP2022-00002). The hypothetical tax shift if approved is a net decrease to the property owner. The other tax payers within the same taxing districts would have their cumulative taxes increased by a comparable amount.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The application has received a PBR less than 45, and

therefore staff cannot recommend approval of the Sheldon application for Open Space Land classification.

2. OSP2022-00003 – Patricia Otto

Discussion: On October 19, 2022, Planning & Development Services received an application from Patricia Otto to reclassify approximately 100 acres as Open Space Land. It is the understanding of PDS staff that the subject parcels no longer meet the requirements for Designated Forest Land status and the applicant is applying for reclassification to Open Space Land, consistent with RCW 84.34.020(1).

The Otto application consists of five parcels. Two parcels are subject to the zoning regulations located in Title 20, Chapter 20.36 – Rural (R5) District, with a density of one dwelling unit per 5 acres, and is designated Rural in the Comprehensive Plan. The other three parcels are subject to the zoning regulations located in Title 20, Chapter 20.42 – Rural Forestry (RF) District, with a density of one dwelling unit per 20 acres, and is designated Resource Land in the Comprehensive Plan.

The property is located on Agate Bay Lane ~9 miles east/northeast of Bellingham.

The subject property contains slopes of Squalicum Mountain, wetlands, and is located in the Lake Whatcom Watershed, identified as a significant conservation area for protection of Lake Whatcom.

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRs), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The applicant is requesting a waiver from the public access requirement for wetland preservation but if not waived, the property is available for public access, consistent with an Open Space Agreement.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 54.92 (for details, please see attached evaluation worksheet OSP2022-00003). The hypothetical tax shift if approved is a net increase to the property owner. The other tax payers within the same taxing districts would have their cumulative taxes reduced by a comparable amount.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The application has received a PBR more than 45, and therefore staff recommends approval of the Otto application for Open Space Land reclassification.

3. **OSP2022-00004 – Colleen and Erwin Martens**

Discussion: On November 2, 2022 Planning & Development Services received an application from Colleen and Erwin Martens to classify approximately 6.02 acres as Open Space Land.

The Martens application consists of a single parcel and is subject to the zoning regulations located in Title 20, Chapter 20.36 – Rural (R5A) District, with a density of one dwelling unit per 5 acres, and is designated Rural in the Comprehensive Plan

The property is located on Semiahmoo Drive, ~8.5 miles south/southwest of Blaine.

The subject property is in an aquifer recharge zone of high susceptibility.

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRs), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The property is available for public access, consistent with an Open Space Agreement.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 25.86 (for details, please see attached evaluation worksheet OSP2022-00004). The hypothetical tax shift if approved is a net decrease to the property owner. The other tax payers within the same taxing districts would have their cumulative taxes increased by a comparable amount.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The application has received a PBR less than 45, and therefore staff cannot recommend approval of the Martens application for Open Space Land classification.

4. **OSP2022-00005 – The RJ Group #1**

Discussion: On November 17, 2022 Planning & Development Services received an application from The RJ Group to classify approximately 36.67 acres as Open Space Land.

The RJ Group application consists of a single parcel and is subject to the zoning regulations located in the City of Bellingham's Title 20, Chapter 20.36.01 – Residential Single (RS), with a single-family dwelling unit with less than 5,500 square feet, and is designated Incorporated City Limits in the Comprehensive Plan.

The property is located on Northwest Drive, ~.2 miles east of I-5, and north of Mahogany Avenue within the City of Bellingham.

The subject property contains wetlands, a portion of Bear Creek, and is under a conservation easement with City of Bellingham for mitigation of critical areas.

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRs), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The property is available for public access, consistent with an Open Space Agreement.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 32.16 (for details, please see attached evaluation worksheet OSP2022-00005). The hypothetical tax shift if approved is a net decrease to the property owner. The other tax payers within the same taxing districts would have their cumulative taxes increased by a comparable amount.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The application has received a PBR less than 45, and therefore staff cannot recommend approval of the RJ Group #1 application for Open Space Land classification.

5. OSP2022-00006 – The RJ Group #2

Discussion: On November 17, 2022 Planning & Development Services received an application from The RJ Group to classify approximately 6.73 acres as Open Space Land.

The RJ Group application consists of a single parcel and is subject to the zoning regulations located in the City of Bellingham's Title 20, Chapter 20.36.01 – Residential Single (RS), with a single-family dwelling unit with less than 5,500 square feet, and is designated Incorporated City Limits in the Comprehensive Plan.

The property is located on Northwest Drive, ~.2 miles east of I-5, and north of Mahogany Avenue within the City of Bellingham.

The subject property contains wetlands, a portion of Bear Creek, and is under a conservation easement with City of Bellingham for mitigation of critical areas.

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRs), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The property is available for public access, consistent with an Open Space Agreement.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 29.28 (for details, please see attached evaluation worksheet OSP2022-00006). The hypothetical tax shift if approved is a net decrease to the property owner. The other tax payers within the same taxing districts would have their cumulative taxes increased by a comparable amount.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The application has received a PBR less than 45, and therefore staff cannot recommend approval of the RJ Group #2 application for Open Space Land classification.

6. OSP2022-00007 – The RJ Group #3

Discussion: On November 17, 2022, Planning & Development Services received an application from The RJ Group to classify approximately 5.52 acres as Open Space Land.

The RJ Group application consists of a single parcel and is subject to the zoning regulations located in in the City of Ferndale’s Title 18, Chapter 18.56 – Manufacturing (M), and is designated Incorporated City Limits in the Comprehensive Plan.

The property is located south of Creighton Road, and adjacent to Tenant Lake Park to the east. There is no road frontage.

The subject property contains wetlands, and is under a conservation easement with City of Bellingham for mitigation of critical areas.

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRs), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The property is available for public access, consistent with an Open Space Agreement.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 36.58 (for details, please see attached evaluation worksheet OSP2022-00007). The hypothetical tax shift if approved is a net decrease to the property owner. The other tax payers within the same taxing districts would have their cumulative taxes increased by a comparable amount.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The application has received a PBR less than 45, and therefore staff cannot recommend approval of the RJ Group #3 application for Open Space Land classification.

7. OSP2022-00008 – The RJ Group #4

Discussion: On November 17, 2022 Planning & Development Services received an application from The RJ Group to classify approximately 7.87 acres as Open Space Land.

The RJ Group application consists of a single parcel and is subject to the zoning regulations located in in the City of Ferndale's Title 18, Chapter 18.56 – Manufacturing (M), and is designated Incorporated City Limits in the Comprehensive Plan.

The property is located south of Creighton Road, and adjacent to Tenant Lake Park to the east. There is no road frontage.

The subject property contains wetlands, and is under a conservation easement with City of Bellingham for mitigation of critical areas.

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRs), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The property is available for public access, consistent with an Open Space Agreement.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 36.88 (for details, please see attached evaluation worksheet OSP2022-00008). The hypothetical tax shift if approved is a net decrease to the property owner. The other tax payers within the same taxing districts would have their cumulative taxes increased by a comparable amount.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The application has received a PBR less than 45, and therefore staff cannot recommend approval of the RJ Group #4 application for Open Space Land classification.

8. OSP2022-00009 – The RJ Group #5

Discussion: On November 17, 2022 Planning & Development Services received an application from The RJ Group to classify approximately 5 acres as Open Space Land.

The RJ Group application consists of a single parcel and is subject to the zoning regulations located in in the City of Ferndale's Title 18, Chapter 18.56 – Manufacturing (M), and is designated Incorporated City Limits in the Comprehensive Plan.

The property is located south of Creighton Road, and adjacent to Tenant Lake Park to the east. There is no road frontage.

The subject property contains wetlands, and is under a conservation easement with City of Bellingham for mitigation of critical areas.

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBR), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The property is available for public access, consistent with an Open Space Agreement.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 27.04 (for details, please see attached evaluation worksheet OSP2022-00009). The hypothetical tax shift if approved is a net decrease to the property owner. The other tax payers within the same taxing districts would have their cumulative taxes increased by a comparable amount.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The application has received a PBR less than 45, and therefore staff cannot recommend approval of the RJ Group #5 application for Open Space Land classification.

9. OSP2022-00010 – The RJ Group #6

Discussion: On November 17, 2022 Planning & Development Services received an application from The RJ Group to classify approximately 5 acres as Open Space Land.

The RJ Group application consists of a single parcel and is subject to the zoning regulations located in in the City of Ferndale’s Title 18, Chapter 18.56 – Manufacturing (M), and is designated Incorporated City Limits in the Comprehensive Plan.

The property is located south of Creighton Road, and adjacent to Tenant Lake Park to the east. There is no road frontage.

The subject property contains wetlands, and is under a conservation easement with City of Bellingham for mitigation of critical areas.

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBR), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The property is available for public access, consistent with an Open Space Agreement.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 27.04 (for details, please see attached evaluation worksheet OSP2022-00010). The hypothetical tax shift if approved is a

net decrease to the property owner. The other tax payers within the same taxing districts would have their cumulative taxes increased by a comparable amount.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a *staff recommendation of approval*. The application has received a PBR less than 45, and therefore staff cannot recommend approval of the RJ Group #6 application for Open Space Land classification.

Please find attached individual evaluation sheets that include a detailed description of the public benefit offered and assigned scores for each criterion; the Whatcom County Open Space Policy and Criteria and Public Benefit Rating System, 1995; and the June 2017 Department of Revenue Open Space Taxation Act publication.

ATTACHMENTS

- Hypothetical example of applied PBR and explanation of shift in taxes
- Individual Application Evaluation Forms and Maps;
- Whatcom County Open Space Policies and Criteria and Public Benefit Rating System (PBRs);
- 2017 Department of Revenue Open Space Taxation Act Publication;

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Open Space Land Public Benefit Rating System-Evaluation Form

File # OSP2022-00002		
Property Owner (s): Brian and Loretta Sheldon	Classification: Open Space Land	
Street Address: 7172 Valley View Rd.	Status: Application for Classification	
City: Ferndale State: WA Zip: 98248	Assessor's Parcel No.(s): Parcel: 390102026390	
Site Address: n/a	Parcel Acres:	4.98 Acres
Watershed: 3 rd Order: California 2 nd Order: Drayton Harbor 1 st Order: Coastal	Open Space Land Application Acre(s):	3.98 Acres
Comprehensive Plan Designation: Rural	Zoning Designation: R5A	
Historical Land Use: Agriculture	Shorelines: n/a	
Soil/Type Capabilities:		
~47.6% #180—Whatcom silt loam, 8 to 15 percent slopes, Farmland of statewide importance <ul style="list-style-type: none"> • 3e- Severe limitations that restrict the choice of plants or require special conservation practices, or both; Erosion and runoff 		
~52.4% #183—Whatcom-Labounty silt loams, 0 to 15 percent slopes, Prime farmland if drained <ul style="list-style-type: none"> • 3e- Severe limitations that restrict the choice of plants or require special conservation practices, or both; Erosion and runoff 		

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> -Conserves natural resources</p>	2	10	<p><u>Public Access:</u> -Recreation access -Availability of off-street parking -Quality of access</p>	24%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands which provide for preservation of swamps (forested wetland) - Lands including and adjacent to wetlands</p>	3.33	10	<p><u>Water Resource Protection:</u> -Aquifer recharge area of high susceptibility</p>	6.67%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u></p>	0	10	<p><u>Wildlife Habitat:</u> -Abundance and diversity of wildlife (Associated with "edge" type habitat and areas of vegetative and topographic diversity)</p>	10%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Land offers opportunity for conservation education</p>	5	10	<p><u>Parcel Size</u> Parcel is 4.98 Acres</p>	Each 1.5 acres over 5 acres is worth 1% point -1.11%	>20 acres = +10% max; < 5 acres = - 10% max
<p><u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> -Land is adjacent to other open space lands classified under RCW 84.34</p>	2.5	10	<p><u>Linkage with other Open Space</u> -Land is adjacent to other open space lands classified under RCW 84.34</p>	5%	5%

<u>Enhances Recreation Opportunities:</u> -Lands will provide opportunities for passive recreational activities	5	10	<u>Natural Areas</u> -Roughly 90% of the parcel is in natural cover and not developed with a home site, outbuildings and clearings.	4.5%	5%
<u>Preserves Historic and Archeological Sites</u>	0	10	<u>Financial Advantage</u>	0	40 % (-)
			<u>Discretionary Value NA</u>	0	40 % (+/-)
Total	17.83	70	Total	49.06%	140 %

The Public Benefit Rating is calculated using the following formula:
 Public Benefit Rating Formula $BV + (BV \times PBV) = 17.83 + (17.83 \times .4906)$

OSP2022-00002 Public Benefit Rating (PBR) = 26.58

Must receive at least 45 points for a staff recommendation of approval

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Mark Personius, AICP
 Director

Open Space Land Public Benefit Rating System-Evaluation Form

File # OSP2022-00003		
Property Owner (s): Patricia Otto	Classification: Open Space Land	
Street Address: 3695 Agate Bay Lane	Status: Application for Reclassification	
City: Bellingham State: WA Zip: 98226	Assessor's Parcel No.(s): Parcel: 380313590033;380313443033; 380148028041;380313465165;380324458504	
Site Address: n/a	Parcel Acres:	~100 Acres
Watershed: 3 rd Order: Lake Whatcom 2 nd Order: Bellingham Bay 1 st Order: Coastal	Open Space Land Application Acre(s):	~99 Acres
Comprehensive Plan Designation: Rural Forestry Rural	Zoning Designation: RF R5A	
Historical Land Use: Forest Land	Shorelines: n/a	
Soil/Type Capabilities: ~40.5% #110 Nati loam, 30 to 60% slopes, Not prime farmland <ul style="list-style-type: none"> • 7e-Very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat; Erosion and runoff ~11% #50 Everett very gravelly sandy loam, 15 to 35% slopes, Farmland of statewide importance <ul style="list-style-type: none"> • 4e-Very severe limitations that reduce the choice of plants or that require very careful management, or both; Erosion and runoff ~10% #156 Squalicum gravelly loam, 5 to 15% slopes, Farmland of statewide importance <ul style="list-style-type: none"> • 3e-Severe limitations that reduce the choice of plants or that require special conservation practices, or both; Erosion and runoff 		

~37.5 #157 Squalicum gravelly loam, 15 to 30% slopes, Farmland of statewide importance

- 4e-Very severe limitations that reduce the choice of plants or that require very careful management, or both; Erosion and runoff

~1.1% #11 Bellingham silty clay loam, 0 to 2% slopes, Prime farmland if drained

- 5w-Soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat; Excess water

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> - Conserve or enhance natural, cultural or scenic resources</p>	2	10	<p><u>Public Access:</u> -Public road frontage -Quality of Access</p>	16%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands near or adjacent to streams where if alterations were to occur... -Lands which provide for preservation of swamps (forested wetland) -Lands adjacent to bodies of water -Lands adjacent to wetland</p>	6.67	10	<p><u>Water Resource Protection:</u> -Within a watershed of domestic water supply (Lake Whatcom) -Preserves hydrologic processes of streams and wetlands</p>	13.34%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u> -Slopes exceed 25%</p>	3.33	10	<p><u>Wildlife Habitat:</u> -Site has abundance and diversity of wildlife associated topographic diversity</p>	10%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Land is presently protected by COB easement - Lands which offer opportunities for conservation education (Hosts many official groups for workshops and use of land for education and outreach)</p>	10	10	<p><u>Parcel Size</u> Parcel is ~100 Acres</p>	<p>Each 1.5 acres over 5 acres is worth 1% point</p> <p>10%</p>	<p>>20 acres = +10% max; < 5 acres = - 10% max</p>
<p><u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> -Lake Whatcom Watershed has been identified as significant conservation area for protection of Lake Whatcom -May help provide for successful implementation of trail plan (Potential Regional Connection) -Lands adjacent to other open space lands classified under RCW 84.33 or RCW 84.34</p>	7.5	10	<p><u>Linkage with other Open Space</u> -Adjacent to other Open Spaces classified under RCW 84.34</p>	5%	5 %

<u>Enhances Recreation Opportunities:</u> -Lands will provide opportunities for passive recreation	5	10	<u>Natural Areas</u> -Approximately 97% of the property is in natural cover and not developed with a homesite or clearings	4.85%	5 %
<u>Preserves Historic and Archeological Sites</u>	0	10	<u>Financial Advantage</u>	0	40 % (-)
			<u>Discretionary Value NA</u>	0	40 % (+/-)
Total	34.50	70	Total	59.19%	140 %

The Public Benefit Rating is calculated using the following formula:
 Public Benefit Rating Formula $BV + (BV \times PBV) = 34.50 + (34.50 \times .5919) = 57.68$

OSP2022-00003 Public Benefit Rating (PBR) = 54.92

Must receive at least 45 points for a staff recommendation of approval

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Mark Personius, AICP
 Director

Open Space Land Public Benefit Rating System-Evaluation Form

File # OSP2022-00004	
Property Owner (s): Colleen and Erwin Martens	Classification: Open Space Land
Street Address: 8277 Semiahmoo Drive	Status: Application for Classification
City: Blaine State: WA Zip: 98230	Assessor's Parcel No.(s): Parcel: 4051214072310000
Site Address: n/a	Parcel Acres: 8.41 Acres
Watershed: 3 rd Order: Semiahmoo 2 nd Order: Birch Bay 1 st Order: Coastal	Open Space Land Application Acre(s): 6.02 Acres
Comprehensive Plan Designation: Rural	Zoning Designation: R5A
Historical Land Use: Residential	Shorelines: Residential
Soil/Type Capabilities: 100% #48—Everett gravelly sandy loam, hard substratum, 2 to 8 percent slopes, Prime farmland if irrigated <ul style="list-style-type: none"> • 3s- Severe limitations that reduce the choice of plants or that require special conservation practices, or both; Shallow, droughty, or stony 	

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> -Conserves natural resources</p>	2	10	<p><u>Public Access:</u> -Recreation access -Public road frontage -Availability of off-street parking -Quality of access</p>	32%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands adjacent to bodies of water, marine</p>	1.67	10	<p><u>Water Resource Protection:</u> -Property is in aquifer recharge zone of high susceptibility</p>	6.67%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u></p>	0	10	<p><u>Wildlife Habitat:</u> -Land has abundant edge habitat</p>	10%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Land offers opportunity for conservation education</p>	5	10	<p><u>Parcel Size</u> -Parcel is 6.02 acres</p>	<p>Each 1.5 acres over 5 acres is worth 1% point 1.25%</p>	<p>>20 acres = +10% max; < 5 acres = - 10% max</p>

<u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> -Land is adjacent to other open space lands classified under RCW 84.34	2.5	10	<u>Linkage with other Open Space</u> -Land is adjacent to other open space lands classified under RCW 84.34	5%	5%
<u>Enhances Recreation Opportunities:</u> -Lands will provide opportunities for passive recreational activities	5	10	<u>Natural Areas</u> -100% of application acres are in natural cover and not developed with a home site, outbuildings and clearings	5%	5 %
<u>Preserves Historic and Archeological Sites</u>	0	10	<u>Financial Advantage</u>	0	40 % (-)
			<u>Discretionary Value NA</u>	0	40 % (+/-)
Total	16.17	70	Total	59.92%	140 %

The Public Benefit Rating is calculated using the following formula:
Public Benefit Rating Formula $BV + (BV \times PBV) = 16.17 + (16.17 \times .5992)$

OSP2022-00004 Public Benefit Rating (PBR) = 25.86

Must receive at least 45 points for a staff recommendation of approval

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Mark Personius, AICP
 Director

Open Space Land Public Benefit Rating System-Evaluation Form

File # OSP2022-00005		
Property Owner (s): Mersey LLC	Classification: Open Space Land	
Street Address:	Status: Application for Classification	
City: Bellingham	Assessor's Parcel No.(s):	
State: WA Zip:	Parcel: 380211234330	
Site Address: n/a	Parcel Acres:	36.67 Acres
Watershed: 3 rd Order: Silver 2 nd Order: Lower Nooksack 1 st Order: Nooksack	Open Space Land Application Acre(s):	36.67 Acres
Comprehensive Plan Designation: Incorporated City Limits	Zoning Designation: RS (Residential Single)	
Historical Land Use:	Shorelines: n/a	
Soil/Type Capabilities: 100% #182 Whatcom-Labounty silt loams, 0 to 8 percent slopes <ul style="list-style-type: none"> • 3w- Severe limitations that reduce the choice of plants or that require special conservation practices, or both; Excess water 		

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> - Conserves Natural Resources -Lands located adjacent to airports</p>	4	10	<p><u>Public Access:</u> -Recreation Access -Access open 7 days a week during daylight hours</p>	16%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands near or adjacent to streams or rivers where, if alterations were to occur... - Lands which provide for preservation of bogs or swamps</p>	3.33	10	<p><u>Water Resource Protection:</u> - Preservation of hydrologic process: streams, wetlands</p>	6.67%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u> -Portions of the property potentially provides for Federally Threatened salmonid species</p>	3.33	10	<p><u>Wildlife Habitat:</u> -The property potentially provides habitat for Federally Threatened salmonid species -Land has abundance of "edge" habitat</p>	20%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Current Conservation easement with COB</p>	5	10	<p><u>Parcel Size</u> This parcel is 36.67 Acres</p>	<p>Each 1.5 acres over 5 acres is worth 1% point 10%</p>	<p>>20 acres = +10% max; < 5 acres = - 10% max</p>
<p><u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u></p>	0	10	<p><u>Linkage with other Open Space</u></p>	0	5 %

<u>Enhances Recreation Opportunities:</u> -Lands provide opportunities for passive recreational activities such as hiking, horseback riding, bird watching and nature observation.	5	10	<u>Natural Areas</u> -Roughly 60% of the parcel is under natural cover and does not contain homesites, outbuildings, or clearings	3%	5 %
<u>Preserves Historic and Archeological Sites</u>	0	10	<u>Financial Advantage</u>	0	40 % (-)
			<u>Discretionary Value NA</u>	0	40 % (+/-)
Total	20.66	70	Total	55.67%	140 %

The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula $BV + (BV \times PBV) = 20.66 + (20.66 \times .5567)$

OSP2022-00005	Public Benefit Rating (PBR) = 32.16
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Must receive at least 45 points for a staff recommendation of approval

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Mark Personius, AICP
 Director

Open Space Land Public Benefit Rating System-Evaluation Form

File # OSP2022-00006	
Property Owner (s): Mersey LLC	Classification: Open Space Land
Street Address:	Status: Application for Classification
City: Bellingham	Assessor's Parcel No.(s): Parcel:380211340415
State: WA Zip:	
Site Address: n/a	Parcel Acres: 6.73 Acres
Watershed: 3 rd Order: Silver 2 nd Order: Lower Nooksack 1 st Order: Nooksack	Open Space Land Application Acre(s): 6.73 Acres
Comprehensive Plan Designation: Incorporated City Limits	Zoning Designation: RS
Historical Land Use:	Shorelines: n/a
Soil/Type Capabilities: 100% #182 Whatcom-Labounty silt loams, 0 to 8 percent slopes <ul style="list-style-type: none"> • 3w- Severe limitations that reduce the choice of plants or that require special conservation practices, or both; Excess water 	

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> - Conserves Natural Resources</p>	2	10	<p><u>Public Access:</u> -Recreation Access -Public Road Frontage -Access granted 7 days a week during daylight hours</p>	24%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands near or adjacent to streams or rivers where, if alterations were to occur... - Lands which provide for preservation of bogs or swamps</p>	3.33	10	<p><u>Water Resource Protection:</u> - Preservation of hydrologic process: streams, wetlands</p>	6.67%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u> -Portions of the property potentially provide for Federally Threatened salmonid species</p>	3.33	10	<p><u>Wildlife Habitat:</u> -The property provides potential habitat for Federally Threatened salmonid species -Land has abundance of "edge" habitat</p>	20%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Current Conservation easement with COB</p>	5	10	<p><u>Parcel Size</u> Parcel is 6.37 Acres</p>	<p>Each 1.5 acres over 5 acres is worth 1% point 1.25%</p>	<p>> 20 acres = +10% max; < 5 acres = - 10% max</p>
<p><u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u></p>	0	10	<p><u>Linkage with other Open Space</u></p>	0	5 %
<p><u>Enhances Recreation Opportunities:</u> -Lands provide opportunities for passive recreational activities such as hiking, horseback riding, bird watching and nature observation.</p>	5	10	<p><u>Natural Areas</u> -Parcel does not contain homesites, outbuildings, or clearings</p>	5%	5 %

<u>Preserves Historic and Archeological Sites</u>	0	10	<u>Financial Advantage</u>	0	40 % (-)
			<u>Discretionary Value NA</u>	0	40 % (+/-)
Total	<u>18.66</u>	70	Total	56.92%	140 %

The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula $BV + (BV \times PBV) = 18.66 + (18.66 \times .5692)$

OSP2022-00006 Public Benefit Rating (PBR) = 29.28

Must receive at least 45 points for a staff recommendation of approval

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Mark Personius, AICP
 Director

Open Space Land Public Benefit Rating System-Evaluation Form

File # OSP2022-00007	
Property Owner (s): Mersey LLC	Classification: Open Space Land
Street Address: 5195 Creighton Rd	Status: Application for Classification
City: Ferndale	Assessor's Parcel No.(s): Parcel: 390233103385
State: WA Zip: 98248	
Site Address: n/a	Parcel Acres: 5.52 Acres
Watershed: 3 rd Order: Silver 2 nd Order: Lower Nooksack 1 st Order: Nooksack	Open Space Land Application Acre(s): 5.52 Acres
Comprehensive Plan Designation: Incorporated City Limits	Zoning Designation: Commercial
Historical Land Use:	Shorelines: n/a
Soil/Type Capabilities: 100% #182—Whatcom-Labounty silt loams, 0 to 8 percent slopes, Prime farmland if drained <ul style="list-style-type: none"> • 5w-Soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat; Excess water 	

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> -Conserves natural resources</p>	2	10	<p><u>Public Access:</u> -Recreation access -Access granted 7 days a week during daylight hours</p>	12%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands within a 100-year floodplain - Lands near or adjacent to streams or rivers where, if alterations were to occur -Lands which provide for preservation of bogs or swamps -Lands adjacent to bodies of water, fresh</p>	6.67	10	<p><u>Water Resource Protection:</u> -Preservation of hydrologic process: streams and natural drainage courses, wetlands, swamps, bogs, lakes</p>	6.67%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u> -Lands which represent habitats for unique or critical wildlife</p>	3.33	10	<p><u>Wildlife Habitat:</u> -The property provides potential habitat for Federally Threatened salmonid species -Abundance of edge habitat</p>	20%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Conservation easement held by COB</p>	5	10	<p><u>Parcel Size</u> This parcel is 5.52 acres</p>	<p>Each 1.5 acres over 5 acres is worth 1% point 0.625%</p>	<p>>20 acres = +10% max; < 5 acres = - 10% max</p>
<p><u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> -Lands which are near or adjacent to existing public parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open space lands classified under RCW 84.33 or RCW 84.34</p>	2.5	10	<p><u>Linkage with other Open Space</u> -Lands which are near or adjacent to other open space lands classified under RCW 84.33 or RCW 84.34</p>	5%	5 %

<p><u>Enhances Recreation Opportunities:</u> -Lands which provide opportunities for passive recreational activities such as but not limited to hiking, horseback riding, hunting, fishing, bird watching, and nature observation</p>	<p>5</p>	<p>10</p>	<p><u>Natural Areas</u> -Parcel does not contain homesites, outbuildings, or clearings</p>	<p>5%</p>	<p>5 %</p>
<p><u>Preserves Historic and Archeological Sites</u></p>	<p>0</p>	<p>10</p>	<p><u>Financial Advantage</u></p>	<p>0</p>	<p>40 % (-)</p>
			<p><u>Discretionary Value NA</u></p>	<p>0</p>	<p>40 % (+/-)</p>
<p>Total</p>	<p><u>24.50</u></p>	<p>70</p>	<p>Total</p>	<p>49.30%</p>	<p>140 %</p>

The Public Benefit Rating is calculated using the following formula:
 Public Benefit Rating Formula $BV + (BV \times PBV) = 24.50 + (24.50 \times .4930)$

OSP2022-00007 Public Benefit Rating (PBR) = 36.58

Must receive at least 45 points for a staff recommendation of approval

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Mark Personius, AICP
 Director

Open Space Land Public Benefit Rating System-Evaluation Form

File # OSP2022-00008		
Property Owner (s): Mersey LLC	Classification: Open Space Land	
Street Address: 5190 Creighton Rd	Status: Application for Classification	
City: Ferndale State: WA Zip: 98248	Assessor's Parcel No.(s): Parcel: 390233103355	
Site Address: n/a	Parcel Acres:	7.87 Acres
Watershed: 3 rd Order: Silver 2 nd Order: Lower Nooksack 1 st Order: Nooksack	Open Space Land Application Acre(s):	7.87 Acres
Comprehensive Plan Designation: Incorporated City Limits	Zoning Designation: City	
Historical Land Use:	Shorelines: n/a	
Soil/Type Capabilities: 100% #182—Whatcom-Labounty silt loams, 0 to 8 percent slopes, Prime farmland if drained <ul style="list-style-type: none"> • 5w-Soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat; Excess water 		

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> -Conserves natural resources</p>	2	10	<p><u>Public Access:</u> -Recreation access -Access granted 7 days a week during daylight hours</p>	12%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands within a 100-year floodplain - Lands near or adjacent to streams or rivers where, if alterations were to occur -Lands which provide for preservation of bogs or swamps -Lands adjacent to bodies of water, fresh</p>	6.67	10	<p><u>Water Resource Protection:</u> -Preservation of hydrologic process: streams and natural drainage courses, wetlands, swamps, bogs, lakes</p>	6.67%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u> -Lands which represent habitats for unique or critical wildlife</p>	3.33	10	<p><u>Wildlife Habitat:</u> -Moderate "edge" habitat -The property provides potential habitat for Federally Threatened salmonid species</p>	20%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Conservation easement held by COB</p>	5	10	<p><u>Parcel Size</u> This parcel is 7.87 Acres</p>	<p>Each 1.5 acres over 5 acres is worth 1% point 1.875%</p>	<p>> 20 acres = +10% max; < 5 acres = - 10% max</p>
<p><u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> -Lands which are near or adjacent to existing public parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open space lands classified under RCW 84.33 or RCW 84.34</p>	2.5	10	<p><u>Linkage with other Open Space</u> -Adjacent to other open space lands classified under RCW 84.33 or RCW 84.34</p>	5%	5 %

<p><u>Enhances Recreation Opportunities:</u> -Lands which provide opportunities for passive recreational activities such as but not limited to hiking, horseback riding, hunting, fishing, bird watching, and nature observation</p>	<p>5</p>	<p>10</p>	<p><u>Natural Areas</u> -Parcel does not contain homesites, outbuildings, or clearings</p>	<p>5%</p>	<p>5 %</p>
<p><u>Preserves Historic and Archeological Sites</u></p>	<p>0</p>	<p>10</p>	<p><u>Financial Advantage</u></p>	<p>0</p>	<p>40 % (-)</p>
			<p><u>Discretionary Value NA</u></p>	<p>0</p>	<p>40 % (+/-)</p>
<p>Total</p>	<p>24.50</p>	<p>70</p>	<p>Total</p>	<p>50.55%</p>	<p>140 %</p>

The Public Benefit Rating is calculated using the following formula:
 Public Benefit Rating Formula $BV + (BV \times PBV) = 24.50 + (24.50 \times .5055)$

<p>OSP2022-00008</p>	<p>Public Benefit Rating (PBR) =36.88</p>
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<p>Must receive at least 45 points for a staff recommendation of approval</p>
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Mark Personius, AICP
 Director

Open Space Land Public Benefit Rating System-Evaluation Form

File # OSP2022-00009	
Property Owner (s): Mersey LLC	Classification: Open Space Land
Street Address: 5189 Creighton Rd	Status: Application for Classification
City: Ferndale	Assessor's Parcel No.(s): Parcel: 390233103325
State: WA Zip: 98248	
Site Address: n/a	Parcel Acres: 5 Acres
Watershed: 3 rd Order: Silver 2 nd Order: Lower Nooksack 1 st Order: Nooksack	Open Space Land Application Acre(s): 5 Acres
Comprehensive Plan Designation: Incorporated City Limits	Zoning Designation: City
Historical Land Use:	Shorelines: n/a
Soil/Type Capabilities: 100% #182—Whatcom-Labounty silt loams, 0 to 8 percent slopes, Prime farmland if drained <ul style="list-style-type: none"> • 3w-Severe limitations that restrict the choice of plants or require special conservation practices, or both; Excess water 	

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> -Conserves natural resources</p>	2	10	<p><u>Public Access:</u> -Recreation access -Access granted 7 days a week during daylight hours</p>	12%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands within a 100-year floodplain -Lands which provide for preservation of bogs or swamps -Lands adjacent to bodies of water, fresh</p>	5	10	<p><u>Water Resource Protection:</u> -Preservation of hydrologic process: streams and natural drainage courses, wetlands, swamps, bogs, Lakes</p>	6.67%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u></p>	0	10	<p><u>Wildlife Habitat:</u> -Moderate "edge" habitat</p>	10%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Conservation easement held by COB</p>	5	10	<p><u>Parcel Size</u> This parcel is 5 Acres</p>	<p>Each 1.5 acres over 5 acres is worth 1% point 0%</p>	<p>> 20 acres = +10% max; < 5 acres = - 10% max</p>
<p><u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> -Lands which are near or adjacent to existing public parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open space lands classified under RCW 84.33 or RCW 84.34</p>	2.5	10	<p><u>Linkage with other Open Space</u> -Adjacent to other open space lands classified under RCW 84.33 or RCW 84.34</p>	5%	5 %

<p><u>Enhances Recreation Opportunities:</u> -Lands which provide opportunities for passive recreational activities such as but not limited to hiking, horseback riding, hunting, fishing, bird watching, and nature observation</p>	<p>5</p>	<p>10</p>	<p><u>Natural Areas</u> -Parcel does not contain homesites, outbuildings, or clearings</p>	<p>5%</p>	<p>5 %</p>
<p><u>Preserves Historic and Archeological Sites</u></p>	<p>0</p>	<p>10</p>	<p><u>Financial Advantage</u></p>	<p>0</p>	<p>40 % (-)</p>
			<p><u>Discretionary Value NA</u></p>		<p>40 % (+/-)</p>
<p>Total</p>	<p><u>19.5</u></p>	<p>70</p>	<p>Total</p>	<p>38.67%</p>	<p>140 %</p>

The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula $BV + (BV \times PBV) = 19.5 + (19.5 \times .3867)$

OSP2022-00009

Public Benefit Rating (PBR) = 27.04

Must receive at least 45 points for a staff recommendation of approval

WHATCOM COUNTY
 Planning & Development Services
 5280 Northwest Drive
 Bellingham, WA 98226-9097
 360-778-5900, TTY 800-833-6384
 360-778-5901 Fax



Mark Personius, AICP
 Director

Open Space Land Public Benefit Rating System-Evaluation Form

File # OSP2022-00010		
Property Owner (s): Mersey LLC	Classification: Open Space Land	
Street Address: 5185 Creighton Rd	Status: Application for Classification	
City: Ferndale	Assessor's Parcel No.(s):	
State: WA Zip: 98248	Parcel: 390233103295	
Site Address: n/a	Parcel Acres:	5 Acres
Watershed: 3 rd Order: Silver 2 nd Order: Lower Nooksack Subbasin 1 st Order: Nooksack	Open Space Land Application Acre(s):	5 Acres
Comprehensive Plan Designation: Incorporated City Limits	Zoning Designation: City	
Historical Land Use:	Shorelines: n/a	
Soil/Type Capabilities: 100% #182—Whatcom-Labounty silt loams, 0 to 8 percent slopes, Prime farmland if drained <ul style="list-style-type: none"> • 3w-Severe limitations that restrict the choice of plants or require special conservation practices, or both; Excess water 		

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> -Conserves natural resources</p>	2	10	<p><u>Public Access:</u> -Recreation access -Access granted 7 days a week during daylight hours</p>	12%	40%
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands within a 100-year floodplain -Lands which provide for preservation of bogs or swamps -Lands adjacent to bodies of water, fresh</p>	5	10	<p><u>Water Resource Protection:</u> -Preservation of hydrologic process: Streams and natural drainage courses, Wetlands, swamps, bogs, Lakes</p>	6.67%	20%
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u></p>	0	10	<p><u>Wildlife Habitat:</u> -Moderate "edge" habitat</p>	10%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Conservation easement held by COB</p>	5	10	<p><u>Parcel Size</u> This parcel is 5 Acres</p>	<p>Each 1.5 acres over 5 acres is worth 1% point 0%</p>	<p>>20 acres = = +10% max; < 5 acres = - 10% max</p>
<p><u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> -Lands which are near or adjacent to existing public parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open space lands classified under RCW 84.33 or RCW 84.34</p>	2.5	10	<p><u>Linkage with other Open Space</u> -Adjacent to other open space lands classified under RCW 84.33 or RCW 84.34</p>	5%	5 %

<u>Enhances Recreation Opportunities:</u> -Lands which provide opportunities for passive recreational activities such as but not limited to hiking, horseback riding, hunting, fishing, bird watching, and nature observation	5	10	<u>Natural Areas</u> -Parcel does not contain homesites, outbuildings, or clearings	5%	5 %
<u>Preserves Historic and Archeological Sites</u>	0	10	<u>Financial Advantage</u>	0	40 % (-)
			<u>Discretionary Value NA</u>	0	40 % (+/-)
Total	<u>19.5</u>	70	Total	38.67%	140 %

The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula $BV + (BV \times PBV) = 19.5 + (19.5 \times .3867)$

OSP2022-00010	Public Benefit Rating (PBR) = 27.04
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Must receive at least 45 points for a staff recommendation of approval
