

SPONSORED BY: \_\_\_\_\_  
PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

**RESOLUTION NO:** \_\_\_\_\_

**APPROVING RECOMMENDATIONS ON APPLICATIONS FOR  
OPEN SPACE CURRENT USE ASSESSMENT**

**WHEREAS**, The Open Space Taxation Act, codified as Chapter 84.34 RCW, gives counties authority to approve applications for current use classification and reclassification for the following classifications: Farm and Agricultural Land, Open Space Land, Farm & Agricultural Conservation Land, and Timber Land; and

**WHEREAS**, Pursuant to Whatcom County Code, Section 3.28.020, applications for the classification of Open Space Land and Farm & Agricultural Conservation Land are received and evaluated by Whatcom County Planning and Development Services Department staff, and the results of this evaluation are then presented to the Whatcom County Planning Commission for their review and consideration in making recommendations to the County Council on whether to approve the applications in whole or in part; and

**WHEREAS**, Pursuant to RCW 84.34.055 and WAC 458-30-330, Whatcom County has adopted a Public Benefit Rating System (PBRs) by Ordinance # 95-040, which is used by staff to rate applications for Open Space Land and Open Space Farm & Agricultural Conservation Land; and

**WHEREAS**, Applications for Open Space Land and Open Space Farm & Agricultural Conservation Land are evaluated with the Public Benefit Rating System and assigned a Public Benefit Rating (PBR) that corresponds with a staff recommendation of approval or denial and must receive a score of 45 or above for a staff recommendation of approval; and

**WHEREAS**, In accordance with the Whatcom County Open Space Policies and Public Benefit Rating System, public access is a condition of approval for Open Space Land applications, *except* that this requirement may be waived by the Council when the purpose of the classification is for the conservation of wetlands; or when there is a documented occurrence of: State or Federal Threatened Endangered Species, Federal Proposed Endangered or Threatened Species, State Sensitive or Monitor Species; or when there is a known or potentially significant archaeological site; and

**WHEREAS**, On October 12, 2023, the Whatcom County Planning Commission held a public hearing and considered staff recommendations and all input from the public on applications; and

**WHEREAS**, Pursuant to WAC 197-11-800(6)(c), matters relating to Open Space Current Use Assessment are determined not to be major actions and thus

exempt from environmental review under the State Environmental Policy Act (SEPA); and

**WHEREAS**, Pursuant to RCW 36.70.390, the statutory requirements regarding legal notice have been met; and

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

1. In 2022, Whatcom County received nine 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.
2. Of the nine applications, one application was for reclassification from Designated Forest Land to Open Space Land (OSL), and eight applications were for classification 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 (PBR) and 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 applications based on a review of the applicable evaluation criteria and scores assigned. This report was presented to the Whatcom County Planning Commission and to members of the public who were present at the Whatcom County Planning Commission public hearing held on October 12, 2023.
4. Staff recommended approval of one Open Space Land application based on an assigned Public Benefit Rating (PBR) score of greater than 45 points, a score that must be attained for a staff recommendation of approval pursuant to Whatcom County Open Space Policies and Criteria and Public Benefit Rating System.
5. Whatcom County Planning Commissioners considered staff findings and recommendations and voted to recommend approval of one application.

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

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

**1. 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; ~99 Open Space Land application acres (~100 total parcel acres)

**Public Benefit Rating: 54.92**

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 \_\_\_\_\_ day of \_\_\_\_\_, 2023

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

ATTEST:

\_\_\_\_\_  
Dana Brown-Davis  
Clerk of the Council

\_\_\_\_\_  
Barry Buchanan  
Council Chair

APPROVED AS TO FORM:

/s/Karen Frakes approved via phone on 12/1/2023/MR

Karen Frakes  
Civil Deputy Prosecutor