

SPONSORED BY: _____

PROPOSED BY: _____

INTRODUCTION DATE: 11/7/2018

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 11, 2018 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 adopted the following Findings of Fact and Reasons for Action:

1. In 2017, Whatcom County Planning and Development Services received five 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 these five applications: four are for Open Space Land (OSL), and one application is for the classification of Open Space Farm and Agricultural Conservation Land (OSFAC). Upon receipt of these applications, Planning and Development Services staff evaluated the open space land application with the Public Benefit Rating System (PBR), and also for conformance with Subsection 84.34.041 of the Open Space Taxation Act (RCW 84.34).
3. Staff prepared a report for the Planning Commission with recommendations on whether to approve in whole or in part or to deny these applications 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 11, 2018. Staff presented each of the four individual applications, followed by a public comment period.
4. Staff recommended approval on the four applications for Open Space Land and the one application for Open Space Farm and Agricultural Conservation Land. Staff recommendation of approval on these applications was based on an assigned Public Benefit Rating (PBR) score of 45 points or higher which is consistent with 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 as well as public comments received during the public

hearing on the four Open Space Land applications and one Open Space Farm and Conservation Land application and voted to recommend approval on all 5 applications.

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

1. Recommendations on applications for open space current use assessment referenced in Master File Number OS2017-1 listed below are hereby approved subject to conditions and applicable scores as noted herein:

A. Open Space Land (OSL)

1. OSP2017-00001 – Jacob D & Natasha K Little

Application to reclassify property from Open Space Farm and Agriculture to to Open Space Land (14.1+/- OSL acres)

1680 Valley Highway, Acme

GEO ID: 370517 156440 0000:

= 14.1 Open Space Land application acres (15.1 total parcel acres)

Public Benefit Rating: 88.78

ESTIMATED SHIFT IN TAXES IF APPROVED: **\$274.88**

Staff recommended **approval** subject to the following conditions:

1. Public Access in accordance with the Public Access Statement referenced File No. OSP2017-00001
2. Posted Open Space Sign near the property entrance on Valley Highway
3. Public Access Statement with applicant contact information and proposed Rules of Conduct
4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2017-00001
5. Hold Harmless Agreement

2. OSP2017-00003 – Janette Hatch

Application to reclassify property from Open Space Farm and Agricultural Land to Open Space Land (8.48+/- OSL Acres)

Pangborn Road

GEO ID: 400312 097498 0000: 10 Open Space Land application acres;

(10 total parcel acres)

Public Benefit Rating: 90.78

ESTIMATED SHIFT IN TAXES IF APPROVED: **-\$70.71**

Staff recommended approval, subject to the following attached special conditions:

1. Public Access in accordance with the Public Access Statement referenced File No. OSP2017-00003
2. Posted Open Space Sign near the property entrance on Pangborn Road
3. Public Access Statement with applicant contact information and proposed Rules of Conduct
4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2017-00003
5. Hold Harmless Agreement

3. OSP2017-00004 – Frances Barbagallo & Robert A Satushek

Application to reclassify property from Designated Forestland to Open Space Land (39+/- OSL Acres)

5625 Rutsatz Road

Parcel A: GEO ID: 380505 495034 0000: 10 Open Space Land application acres; (10 total parcel acres)

Parcel B: GEO ID: 380505 421034 0000: 10 Open Space Land application acres; (10 total parcel acres)

Parcel C: GEO ID: 380505 462103 0000: 19 Open Space Land application acres; (20 total parcel acres)

Public Benefit Rating: 120

ESTIMATED SHIFT IN TAXES IF APPROVED: **\$238.44**

Staff recommended approval, subject to the following attached special conditions:

1. Public Access in accordance with the Public Access Statement referenced File No. OSP2017-00004
2. Posted Open Space Sign near the property entrance on Rutsatz Road
3. Public Access Statement with Proposed Rules of Conduct

4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2017-00004
5. Hold Harmless Agreement

4. OSP2017-00005 – Gail Baragar & Ramiro Cisneros

Application to reclassify property from Designated Forestland to Open Space Land (33.47+/- OSL Acres)

8678 Giles Rd.

Parcel A: GEO ID: 400115 070226 0000: 18.62 Open Space Land application acres; (19.62 total parcel acres)

Parcel B: GEO ID: 400115 065160 0000: 14.85 Open Space Land application acres; (14.85 total parcel acres)

Public Benefit Rating: 99.45

ESTIMATED SHIFT IN TAXES IF APPROVED: **\$642**

Staff recommended approval, subject to the following attached special conditions:

1. Public Access by appointment in accordance with the Public Access Statement referenced File No. OSP2017-00005
2. Posted Open Space Sign near the property entrance on Giles Road
3. Public Access Statement with Proposed Rules of Conduct
4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2017-00005
5. Hold Harmless Agreement

B. Open Space Farm and Conservation Land (OSFAC)

1. OSP2017-00002 – Rodney J & Carol D DeJong

Application to reclassify property from Open Space Land to Open Space Farm and Agricultural Conservation Land (39+/- OSL Acres)

1364 Abbott Road, Lynden

GEO ID: 390305 332331 0000: 39 Open Space Land application acres (40 total parcel acres)

Public Benefit Rating: 72

ESTIMATED SHIFT IN TAXES IF APPROVED: **-\$1,332.38**

Staff recommended approval, subject to the following attached special conditions:

1. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2017-00002
 2. Hold Harmless Agreement
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2. The Whatcom County Council directs the Assessor to place the above referenced parcels into the appropriate open space current use classification.
 3. 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 _____, 2018

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis
Clerk of the Council

Rud Browne
Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor