

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Council Clerk	RR	5/17		6/14/94	Council - introduction
Division Head:				6/28/94	Council - hearing
Dept. Head:	RR				
Prosecutor:	DG	5/19			
Purchasing/Budget:					
Executive:					

SUBJECT:

Ordinance revising Whatcom County Code 3.28, Open Space Classification Procedure

ATTACHMENTS:

Ordinance

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO / / YES xx/ Requested date: 6/28/94
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Please read the "whereas" statements (ordinance, page 1) and the memo from the Clerk dated 6/1/94.

CLERK'S RECOMMENDED MOTION (for final action):

"I move that the Council adopt the ordinance."

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

6/28/94: Council adopted the ordinance. 6-0 Henderson Absent

ORDINANCE NO. 94-035

REVISING WHATCOM COUNTY CODE 3.28,
OPEN SPACE LAND CLASSIFICATION PROCEDURE

1
2
3
4
5 WHEREAS, members of the Council Clerk's staff, the Assessor's staff, and the
6 Planning and Development Services Department staff have historically worked together
7 in the processing of all current use open space classification applications; and
8

9 WHEREAS, requests from citizens for changes in the classification of their land,
10 and citizens' applications for all current use open space classification, are now filed with
11 the County Council Office; and
12

13 WHEREAS, the Council Office staff possesses no special knowledge relating to
14 these applications, and merely routes them to the Assessor's Office and Planning and
15 Development Services Department staffs for review and action, as appropriate; and
16

17 WHEREAS, the Council feels it is important to streamline processes in order to
18 provide better service for the public when possible; and
19

20 WHEREAS, it would be in the best interests of the citizens of Whatcom County
21 to require current use open space applications to be filed directly with the departments
22 possessing the expertise and skill with which to respond directly to citizen concerns and
23 questions; and
24

25 WHEREAS, in making this change the Council does not abdicate its authority to
26 offer final approval or denial in regards to certain open space applications;
27

1 NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
2 Whatcom County Code 3.28 is hereby revised as indicated in Exhibit A to this ordinance.

3
4 ADOPTED this 28th day of June, 1994.

5
6
7 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

8
9
10 Marina M. Reeves, Acting Clerk
11 Ramona Reeves, Council Clerk

Robert Imhof
Robert Imhof, Chair

12
13
14 APPROVED as to form:

Approved Vetoed

15
16 Daniel L. Gibson
17 Civil Deputy Prosecutor

Shirley Van Zanten
Shirley Van Zanten, Executive
Date: _____

Chapter 3.28

OPEN SPACE LAND CLASSIFICATION

3.28.010 Application fee.

Pursuant to the open space law, ~~Chapter 212, Laws of 1973, 1st Ex. Sess., RCW Chapter 84.34, and WAC 458-30 adopted October 18, 1971,~~ an application fee of \$30.00 is established as the fee required in connection with each separate application for ~~current use~~ classification under the ~~state's~~ open space law; ~~and all~~ All open space application fees together with the applicant's deposit to cover the auditor's filing fee shall be placed in the Whatcom County treasurer's suspense fund; and if the application is denied, the Whatcom County treasurer is authorized to ~~refund~~ ~~disburse~~ the application fee and filing fee ~~into the Whatcom County current expense fund~~; however, if the application is approved, the ~~filing fee is to be paid the auditor~~ ~~is to be reimbursed~~ for recording of the approved application, and the ~~remainder of the filing fee and application fee~~ ~~is to be~~ transferred into the Whatcom County current expense fund. (Prior code 4.60.010).

~~3.28.020~~ Final approval fee.

~~In order to cover expenses of all county departments involved in the final processing of the land classification application, a fee in the amount of \$20.00 shall be paid by the applicant to the county treasurer who shall deposit the same in the county current expense fund. (Prior code 4.60.020).~~

1 3.28.020 Open space, farm conservation and timber applications.

2 A. Persons applying for classification of land as open space designations of
3 open space, farm conservation, or timber shall make such application to the county
4 planning and development services department for review by the county planning
5 commission.

6 B. After planning commission review, the county planning and development
7 services department will forward, to the county council, a recommendation for approval
8 or denial for each application. The recommendation will be accompanied by a copy of
9 each application and a resolution by which the council may accept the planning
10 commission's recommendation, in the event it should choose to do so.

11 C. All recommendations for approval will include conditions granting approval
12 for each application, if appropriate.

13 D. Upon passage of the resolution enacting the recommendations of the
14 planning commission, the clerk of the council will forward a signed copy to the planning
15 and development services department and to the assessor's office.

16 E. After receiving said resolution, the planning and development services
17 department will prepare the appropriate agreement forms and other final paperwork,
18 obtain the necessary signatures, and have them recorded with the county auditor. A
19 copy of the recorded documents will be provided to the clerk of the council and to the
20 county assessor for the county's permanent files.

21
22 3.28.030 Farm and agricultural classification applications.

1 Applications for farm and agricultural classification shall be processed by the assessor's
2 staff as required by RCW 84.34 and WAC 458-30.

3
4 **3.28.040 Deadlines.**

5 Applications for open space classification shall be processed in accordance with the
6 deadlines for action set forth in RCW 84.34.050, WAC 458-30-240, and other applicable
7 sections of state law and state administrative policy.

8
9 **3.28.050 Appeals.**

10 Appeals of decisions of the council or the assessor in the disposition of these applications
11 shall be made in accordance with WAC 458-30-250.