

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Jeff Griffin	JG	6/25/95	<b>RECEIVED</b>  <b>JUN 28 1995</b>  <b>WHATCOM COUNTY COUNCIL</b>	7/5/95	PLANNING & DEVELOPMENT
Division Head: Dan Taylor	DWT	6/25/95		7/18/95	Council Introduction
Dept. Head: Nate Brown	NB	6/25/95		8/1/95	Council
Prosecutor: Karen Frakes	KFE	6/25/95		8/15/95	Planning / Council
Purchasing/Budget:					
Executive: Shirley Van Zanten	SZ	6/27/95			

**SUBJECT: FILE NO: PBR-94 AN ORDINANCE AMENDING THE PUBLIC BENEFIT RATING SYSTEM REMOVING OPEN SPACE/TIMBER FROM PLANNING COMMISSION EVALUATION AND ADDING A NEW CLASSIFICATION, FARM & AGRICULTURE CONSERVATION.**

**ATTACHMENTS:** Agency Report with attached Staff Report  
 Excerpts from Draft Planning Commission Minutes, November 9, 1994, and June 22, 1995.  
 Draft Ordinance

**SUMMARY STATEMENT:** *Please complete sections of box as appropriate & explain the item below.*

Related County contract #:	Should Clerk schedule a hearing? NO / X / YES / / Requested date:
Amount budgeted for this item/project: \$	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s):	

The request is to make revisions to the Public Benefit Rating System adopted by Whatcom County in 1986. The proposal removes Open Space/Timber from Planning Commission evaluation and adds a new classification, Farm & Agriculture Conservation. This is in accordance with new revisions made to RCW Chapter 84.34.

**ORIGINATOR'S RECOMMENDED ACTION:** The Director of Planning and Development Services recommends the Council uphold the Planning Commission recommendations for approval.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

7/5/95: Introduced

7/18/95: Held in Council until 8/1/95.

8/1/95: Held in Committee until 8/15/95.

8/15/95: Amended, adopted 7 - 0

**Related File Numbers:**

**Ordinance or Resolution Number (this item only):**

SPONSORED BY: Planning \_\_\_\_\_

PROPOSED BY: Council \_\_\_\_\_

INTRODUCTION DATE: 7/5/95 \_\_\_\_\_

ORDINANCE NO. 95-040

**AN ORDINANCE AMENDING THE PUBLIC BENEFIT RATING SYSTEM REMOVING OPEN SPACE/TIMBER FROM PLANNING COMMISSION EVALUATION AND ADDING A NEW CLASSIFICATION, FARM & AGRICULTURE CONSERVATION.**

**WHEREAS**, the Planning and Development Services Department has proposed to amend the text of the Public Benefit Rating System to remove open space/timber from planning commission evaluation and add a new classification, farm & agriculture conservation pursuant to RCW Chapter 84.34 of the Open Space Taxation Act; and

**WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, October 27, 1994; and

**WHEREAS**, the proposal is procedural in nature and is therefore categorically exempt from SEPA requirements; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments on Wednesday, November 9, 1994, and held one work-session on Thursday, June 22, 1995 and considered all testimony.

**WHEREAS**, the Council held a public hearing on the proposed amendments on August 1, 1995, and held public meetings on July 18, and August 15, 1995; and

**WHEREAS**, the Council has adopted the following Findings and Conclusions:

**Findings**

1. In 1993, the State Legislature revised Chapter 84.34 RCW making changes in Whatcom County's Public Benefit Rating System necessary.
2. Applications for Open Space/Timber are no longer subject to Planning Commission review under the Public Benefit Rating System, but will be evaluated using criteria similar to Classified/Designated Forest, with recommendations for approval or denial made directly to the County Council.
3. A new category, Farm and Agriculture Conservation, was added to Chapter 84.34 RCW and required to be evaluated under the Public Benefit Rating System.
4. The Farm and Agriculture Conservation classification is for those parcels no longer meeting the production requirements for Open Space Farm and

1 Agriculture and land that has a high potential for returning to productive  
2 agriculture and has not been irrevocably devoted to a use inconsistent with  
3 agriculture.  
4

- 5 5. Criteria specific to Farm and Agriculture Conservation, addressing the land's  
6 potential for productive agricultural use, needs to be included in the Public  
7 Benefit Rating System.  
8  
9 6. Public access and sign requirements should continue to apply to Open Space  
10 Farm and Agriculture Conservation parcels.  
11

12  
13 **CONCLUSIONS**

14  
15 Based upon changes to Chapter 84.34 RCW, Whatcom County's Public Benefit Rating  
16 System needs to be revised. Since Open Space/Timber applications are to be reviewed  
17 under a new set of criteria (Chapter 84.34.041 RCW) and no longer are subject to review  
18 under the Public Benefit Rating System, all language pertaining to Open Space/Timber needs  
19 to be deleted. Since it is a new open space classification, criteria addressing requirements  
20 for consideration of Farm and Agriculture Conservation applications needs to be added to  
21 the Public Benefit Rating System.  
22

23 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

24  
25 Section 1. The Whatcom County Public Benefit Rating System is hereby amended as shown  
26 in Exhibit A.  
27


28 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this  
29 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part  
30 thereof other than the part so declared to be invalid.  
31

32 ADOPTED this 15 day of August, 1995.  
33

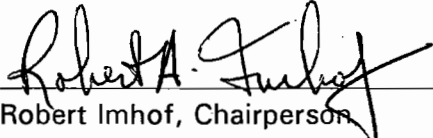
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35 ATTEST:

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38 Dana Brown-Davis, Council Clerk  
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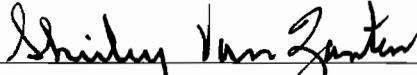
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41 APPROVED as to form & content:

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43   
44 Karen Frakes, Civil Deputy Prosecutor  
45  
46  
47

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Robert Imhof, Chairperson

Approved  Denied

  
Shirley Van Zanter, Executive

Date: 8-22-95

EXHIBIT A

**WHATCOM COUNTY OPEN SPACE POLICY AND CRITERIA**

**AND**

**PUBLIC BENEFIT RATING SYSTEM**

Whatcom County Planning Commission

Adopted - December 16, 1986

Revised - February 1987, and April 1989, and August 1995

County Council Resolution Ordinance No. 89-38 95-040

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1 VI. ~~Revaluation of existing open space properties:~~ The Whatcom County Planning  
2 Department shall rate existing open space properties using the public benefit rating  
3 system for the purpose of determining a new current use assessed value.  
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10 **WHATCOM COUNTY OPEN SPACE POLICY AND CRITERIA**  
11 **AND PUBLIC BENEFIT RATING SYSTEM**  
12

13 **I. APPROVAL CRITERIA: OPEN SPACE/OPEN SPACE AND OPEN**  
14 **SPACE/TIMBERFARM & AGRICULTURE CONSERVATION**  
15

16 Washington State law specifies that:

17 In determining whether an application made for open space current use taxation status should  
18 be approved or disapproved, pursuant to RCW 84.34.020, subsection (1)(b) (Open  
19 Space/Open Space) or subsection (3) (Open Space/Timber)(c) (Open Space/Farm &  
20 Agriculture Conservation), the Whatcom County Planning Commission will consider in its  
21 recommendations to the County Council whether or not preservation of the current use of the  
22 land, when balanced against the resulting revenue loss or tax shift from granting the  
23 application will:  
24

- 25 1. Conserve or enhance natural, cultural or scenic resources,
- 26 2. Protect streams, stream corridors, wetlands, natural shorelines and aquifers,
- 27 3. Protect soil resources and unique or critical wildlife and native plant habitat,
- 28 4. Promote conservation principles by example or by offering educational  
29 opportunities
- 30 5. Enhance the value of abutting or neighboring parks, forests, wildlife preserves,  
31 nature reservations or sanctuaries or other open spaces,
- 32 6. Enhance recreation opportunities,
- 33 7. Preserve historic and archaeological sites, and
- 34 8. Affect any other factors relevant in weighing benefits to the general welfare of  
35 preserving the current use of the property.  
36

37 **II. PUBLIC BENEFIT RATING SYSTEM**  
38

- 39 A. Based on the first seven (7) approval criteria listed above in conjunction with  
40 number eight (8) above, the Planning Department staff will assign each  
41 application for **Open Space/ Open Space and Open Space/TimberFarm &**  
42 **Agricenture Conservation** a **PUBLIC BENEFIT RATING** using the method  
43 described below.

- 1  
2 B. A parcel must receive a **PUBLIC BENEFIT RATING** of at least forty five  
3 (45) to be recommended for approval.  
4  
5 C. The **PUBLIC BENEFIT RATING** will be used by the County Assessor's  
6 office in determining the amount of tax reduction for **Open Space/Open Space**  
7 **and Open Space/Farm & Agriculture Conservation** parcels. **Open**  
8 **Space/Timber** parcels will continue to be valued and taxed by the Assessor's  
9 office as they have in the past, based upon the potential timber productivity of  
10 the land.  
11

12  
13 **III. PUBLIC BENEFIT RATING CALCULATION**

14  
15 **A. BASIC VALUE**

16 The Planning and Development Services Department will review each **Open**  
17 **Space/Open Space** and **Open Space/Timber Farm & Agriculture**  
18 **Conservation** application and will assign to each a **BASIC VALUE** that  
19 represents the degree of conformance with the **BASIC VALUE CRITERIA**  
20 listed in Section IV below.  
21

22 **B. PUBLIC BENEFIT VALUE**

23 The **BASIC VALUE** will be increased (or decreased) by a percentage (**PUBLIC**  
24 **BENEFIT VALUE**) representing the benefit to the general welfare of  
25 preserving the current use of the property, based on conformance with the  
26 factors listed in section V below.  
27

28 **C. PUBLIC BENEFIT RATING FORMULA**

29 The **PUBLIC BENEFIT RATING** will be calculated using the following  
30 formula:  
31

$$32 \quad \text{PBR} = \text{BV} + (\text{BV} \times \text{PBV}), \text{ where:}$$

33  
34 **PBR = PUBLIC BENEFIT RATING**

35 **BV = BASIC VALUE**

36 **PBV = PUBLIC BENEFIT VALUE**  
37  
38  
39

40 **IV. BASIC VALUE CRITERIA:**

41  
42 **A. Open Space/Open Space**

43 A maximum of ten points for **open space/open space** applications may be assigned for

1 **each of the 7 items** based upon conformance with the criteria listed below.  
2

3 **1. Conserve or enhance natural, cultural or scenic resources.**  
4

5 **Criteria for approval:**  
6

- 7 a. lands which possess unique scenic vistas available to the public or are  
8 within the visual corridor of scenic roads or highways;  
9 b. lands which, when left in their natural state, would serve as buffers  
10 between areas of commercial or industrial activity and areas of human  
11 habitations;  
12 c. lands which can serve to prevent the spread of high density residential  
13 development into less developed areas;  
14 d. lands located adjacent to airports.  
15

16 **2. Protect streams, stream corridors, wetlands, natural shorelines and**  
17 **aquifers.**

18 **Criteria for approval:**  
19

- 20 a. lands within a 100-year floodplain;  
21 b. lands within or adjacent to areas of domestic water supply;  
22 c. lands near or adjacent to streams or rivers where, if alterations were to  
23 occur, a resulting loss of quality would also occur in the conditions of  
24 water and the general functioning of the regime;  
25 d. lands which provide for preservation of bogs or swamps;  
26 e. lands adjacent to bodies of water, both marine and fresh;  
27 f. lands including and adjacent to wetlands and tidal areas (these lands  
28 would not necessarily be approved contingent upon public access  
29 agreement due to biological sensitivities).  
30

31 **3. Protect soil resources and unique or critical wildlife and native plant**  
32 **habitat.**

33 **Criteria for approval:**  
34

- 35 a. lands where slopes exceed 25% or areas where underlying geology and  
36 soils are known to produce unstable conditions;  
37 b. lands where, if alterations were to occur, a resulting high risk of soil  
38 erosion would follow;  
39 c. lands which represent habitats for unique or critical wildlife or native  
40 plants, or where there is a documented occurrence of a State or Federal  
41 Endangered Species; State or Federal Threatened Species; Federal  
42 Proposed Endangered or Threatened Species; or State Sensitive or  
43 Monitor Species as listed in the Washington Department of Wildlife

1 Nongame Data System. On parcels where there is a documented  
2 occurrence of a State or Federal Endangered Species; State or Federal  
3 Threatened Species; Federal Proposed Endangered or Threatened  
4 Species; or State Sensitive or Monitor Species, the Planning Department  
5 shall automatically recommend approval with a recommendation that a  
6 sign and public access shall not be required.  
7

8 **4. Promote conservation principles by example or by offering educational**  
9 **opportunities.**

10 **Criteria for approval:**

- 11  
12  
13 a. lands which are an example of application of conservation principles;  
14 b. lands which offer opportunities for conservation education such as  
15 interpretive centers or trails.  
16

17 **5. Enhance the value to the public of abutting or neighboring parks, forests,**  
18 **wildlife preserves, nature reservations or sanctuaries or other open spaces;**  
19 **Criteria for approval:**

- 20  
21 a. land that the local County Park Board has identified for possible future  
22 park acquisition;  
23 b. land designated in County Parks, Recreation and Open Space Study and  
24 other documents as significant park land, open space or conservation  
25 areas;  
26 c. lands which, as open space, may help to provide for successful imple-  
27 mentation of County Trail Plan;  
28  
29 d. lands which are near or adjacent to existing public parks, forests,  
30 wildlife preserves, nature reservations, sanctuaries, schools or other  
31 open space lands classified under RCW 84.33 or RCW 84.34;  
32

33 **6. Enhance recreation opportunities.**

34 **criteria for approval:**

- 35  
36  
37 a. lands possessing private recreational facilities which are available to the  
38 public without charge;  
39 b. lands which provide opportunities for passive recreational activities such  
40 as, but not limited to, hiking, horseback riding, hunting, fishing, bird  
41 watching, and nature observation;  
42

43 **7. Preserve historic and archaeological sites.**  
44

1 **Criteria for approval:**

- 2
- 3 a. areas or sites which have been identified as significant on local, state or
- 4 national Historic Registers;
- 5 b. areas or sites of known or potential archaeological significance. On
- 6 parcels where there is a known or potentially significant archaeological
- 7 site, the Planning Department shall automatically recommend approval
- 8 with a recommendation that a sign and public access shall not be
- 9 required.

10

11 **B. Open Space/Timber Farm & Agriculture Conservation**

12

13 Only parcels consistent with RCW 84.34.020(8)(a)(b) may be considered

14 for Open Space/Farm & Agriculture Conservation. of five acres or larger

15 may be considered for Open Space/Timber. No approval shall be issued

16 for any parcel containing a building or any land in which more than 20%

17 of land area is cleared of timber. It is the policy of Whatcom County that

18 growth and harvest of forest crops (RCW 84.34.020(3)) shall mean: a

19 long-term process of intensively managing a forest area for high

20 commercial yield. Tax incentives should encourage the highest level

21 of management consistent with projected commercial yield.

22

23 A maximum of seven (7) fifteen (15) points for Open Space/Timber Farm &

24 Agriculture Conservation applications may be assigned for each of the ten (10)

25 first two (2) items listed below, and a maximum of five (5) points may be

26 assigned for the remaining eight (8) items listed below based upon conformance

27 with the criteria listed. (Whatcom County Timber Policy)

28

29 **1. Land primarily devoted to growth and commercial harvest of forest**

30 **crops.<sup>11</sup>**

31 **Traditional or potential farmland.**

32

33 **Criteria for approval:**

34 lands which have historically been used

35 for agriculture, and/or lands that have

36 not been devoted to a use inconsistent

37 with agricultural uses.

38 **2. All applications for classification shall be accompanied by a detailed**

39 **timber management plan including, but not limited to, the following:**

- 40 a. type of timber to be managed;
- 41 b. length of time in production and anticipated year of harvest;
- 42 c. projected cutting and reforestation methods;
- 43 d. types of forest management practices to be employed (i.e.,
- 44 fertilization, thinning, etc.)

1  
2 **Soil Value**

3  
4 **Criteria for approval:**

- 5 a. lands which contain prime farmland as defined by the U.S.  
6 Department of Agriculture; or  
7  
8 b. lands which contain capability classification I-IV according  
9 to the US Department of Agriculture Land Capability  
10 Classification system.

11  
12 **3. Comprehensive Plan Designation**

13  
14 **Criteria for approval:**

**Lands which are designated Forestry  
Agriculture or Incentive Agriculture in the  
Whatcom County Comprehensive Plan.**

15  
16  
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18  
19 (State Law Criteria)

20 **4. Conserve or enhance natural, cultural or scenic resources.**

21  
22 **Criteria for approval:**

- 23 a. lands which possess unique scenic vistas available to the  
24 public or are within the visual corridor of scenic roads or  
25 highways;  
26 b. lands which, when left in their natural state, would serve as  
27 buffers between areas of commercial or industrial activity  
28 and areas of human habitations;  
29 c. lands which can serve to prevent the spread of high density  
30 residential development into less developed areas;  
31 d. lands located adjacent to airports.

32  
33 **5. Protect streams, stream corridors, wetlands, natural shorelines  
34 and aquifers.**

35  
36 **Criteria for approval:**

- 37 a. lands within a 100-year floodplain;  
38 b. lands within or adjacent to areas of domestic water supply;  
39 c. lands near or adjacent to streams or rivers where, if  
40 alterations were to occur, a resulting loss of quality would  
41 also occur in the conditions of water and the general  
42 functioning of the regime;  
43 d. lands which provide for preservation of bogs or swamps;  
44 e. lands adjacent to bodies of water, both marine and fresh;

- 1 f. lands including and adjacent to wetlands and tidal areas  
2 (these lands would not necessarily be approved contingent  
3 upon public access agreement due to biological sensitivi-  
4 ties).

5  
6 **6. Protect soil resources and unique or critical wildlife and native  
7 plant habitat.**

8 **Criteria for approval:**

- 9  
10 a. lands where slopes exceed 25% or areas where underlying  
11 geology and soils are known to produce unstable  
12 conditions;  
13 b. lands where, if alterations were to occur, a resulting high  
14 risk of soil erosion would follow;  
15 c. lands which represent habitats for unique or critical wildlife  
16 or native plants, or where there is a documented occurrence  
17 of a State or Federal Endangered Species; State or Federal  
18 Threatened Species; Federal Proposed Endangered or  
19 Threatened Species; or State Sensitive or Monitor Species  
20 as listed in the Washington Department of Wildlife  
21 Nongame Data System. On parcels where there is a  
22 documented occurrence of a State or Federal Endangered  
23 Species; State or Federal Threatened Species; Federal  
24 Proposed Endangered or Threatened Species; or State  
25 Sensitive or Monitor Species as listed in the Washington  
26 Department of Wildlife Nongame Data System, the  
27 Planning Department shall automatically recommend  
28 approval with a recommendation that a sign and public  
29 access shall not be required.  
30

31 **7. Promote conservation principles by example or by offering  
32 educational opportunities.**

33 **Criteria for approval:**

- 34 a. lands which are an example of application of conservation  
35 principles;  
36 b. lands which offer opportunities for conservation education  
37 such as interpretive centers or trails.  
38

39  
40 **8. Enhance the value to the public of abutting or neighboring  
41 parks, forests, agricultural lands, wildlife preserves, nature  
42 reservations or sanctuaries or other open spaces.**

43 **Criteria for approval:**  
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- a. land that the local County Park Board has identified for possible future park acquisition;
- b. land designated in County Parks, Recreation and Open Space Studies and other documents as significant park land, open space or conservation areas;
- c. lands which, as open space, may help to provide for successful implementation of County Trail Plan;
- d. lands which are near or adjacent to existing public parks, forests, wildlife preserves, nature reservations, sanctuaries, schools or other open space lands classified under RCW 84.33 or RCW 84.34;

**9. Enhance recreation opportunities.**

**criteria for approval:**

- a. lands possessing private recreational facilities which are available to the public without charge;
- b. lands which provide opportunities for passive recreational activities such as but not limited to hiking, horseback riding, hunting, fishing, bird watching, and nature observation;

**10. Preserve historic and archaeological sites.**

**Criteria for approval:**

- a. areas or sites which have been identified as significant on local, state or national Historic Registers;
- b. areas or sites of known or potential archaeological significance. On parcels where there is a known or potentially significant archaeological site, the Planning Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

1 **V. PUBLIC BENEFIT VALUE CRITERIA**

2 The following list of open space characteristics have been determined to  
3 have a high priority in providing (or detracting from) benefit to the  
4 general welfare will be used to determine the **PUBLIC BENEFIT**  
5 **VALUE** for each **Open Space/Open Space and Open**  
6 **Space/Timber Farm & Agriculture Conservation** application. The total  
7 **PUBLIC BENEFIT VALUE** will increase (or decrease) the **BASIC**  
8 **VALUE** by a certain percentage. It is possible to attain a **PUBLIC**  
9 **BENEFIT VALUE** of up to 140%, resulting in a maximum possible  
10 increase of 140%.

11  
12 **A. PUBLIC ACCESS (Maximum 40% increase)**

- 13 1. Shoreline access
- 14 2. Recreation access
- 15 3. Public road frontage
- 16 4. Availability of off-street parking
- 17 5. Quality of access in terms of accessibility and owner's  
18 Proposed rules of conduct and access management

19  
20 **B. WATER RESOURCE PROTECTION (Maximum 20% increase)**

- 21 1. Watershed of domestic water supply
- 22 2. Aquifer recharge area
- 23 3. Preservation of hydrologic processes:  
24 -streams and natural drainage courses  
25 -wetlands, swamps, bogs  
26 -lakes

27  
28 **C. WILDLIFE HABITAT (Maximum 20% increase)**

- 29 1. State or Federal Endangered Species; State or Federal  
30 Threatened Species; Federal Proposed Endangered or  
31 Threatened Species; or State Sensitive or Monitor Species.
- 32 2. Abundance and diversity of wildlife (associated with "edge"  
33 type habitat and areas of vegetative and topographic  
34 diversity).

35  
36 **D. PARCEL SIZE**

- 37 1. Twenty (20) acres or larger (Maximum 10% increase)
- 38 2. Smaller than five (5) nominal acres (Maximum 10%  
39 decrease for OS Open Space applications; Required  
40 40% decrease for OS Farm and Agriculture  
41 Conservation applications)

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**E. LINKAGE WITH OTHER OPEN SPACES (Maximum 5% increase)**

Adjacent to other Open Space, parks, or open areas associated with Planned Unit Developments, Cluster Subdivisions, or Binding Site Plans.

**F. NATURAL AREAS (Maximum 5% increase)**

Based on how much of parcel is in natural cover and not developed with homesite, outbuildings, and clearings.

**G. FINANCIAL ADVANTAGE (Maximum 40% decrease)**

The use to which the land is put derives a financial advantage for it owners.

**H. DISCRETIONARY VALUE (Maximum 40% increase)  
(Minimum 40% decrease)**

Discretionary value may be added or subtracted where land provides or detracts from public benefits other than those specifically listed above. If discretionary value is added or subtracted, the provision of or deduction from public benefits shall be set forth in detail on the supplemental application form and on the scoring sheet

1  
2  
3 **PUBLIC ACCESS**

4 All applications for open space-open space and open space-timber farm  
5 and agriculture conservation shall be accompanied by the owners' proposed rules  
6 of conduct and a description of how public access is to be managed, within the  
7 limitations outlined below.

8 The term "public access is limited and defined as the right of any  
9 individual to request permission to enter and visit the premises on foot for  
10 legitimate recreational purposes such as bird watching, scenic observation,  
11 scientific investigation, picnicking during daylight hours, and strolling and  
12 general relaxation on the premises. This right is subject to the execution by the  
13 visitor of:

- 14
- 15 1. An agreement to abide by any reasonable rules of personal  
16 conduct required by the owners while on the premises, and  
17
  - 18 2. A general release of the owner from liability for any injury  
19 suffered by the visitor while on the premises. Permission  
20 will be granted without discrimination, except in the case of  
21 a person in disorderly or apparently intoxicated condition in  
22 which case permission shall become automatically revoked,  
23 and the permittee deemed to be a trespasser upon the  
24 premises.  
25

26  
27 Owners retain and reserve the power to promulgate and enforce rules not  
28 inconsistent with the foregoing provisions and conditions for public entry upon  
29 the premises.

30  
31 **DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

32  
33  
34  
35 **SIGNED** \_\_\_\_\_  
36

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39 **OWNER** \_\_\_\_\_  
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3 **OPEN SPACE SIGN POLICY**  
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6 As a condition of approval of your open space  
7 application, you must post a two foot by two foot  
8 (2'X 2') sign on the property to indicate open space  
9 status, public access, and the Open Space  
10 Agreement number within one month of executing  
11 the Open Space Agreement.

12  
13 The sign must be located on the property's road  
14 frontage in a conspicuous location where possible.

15  
16 Construction of the sign will be the responsibility of  
17 the applicant and will be in accordance with the  
18 specifications on file with the Planning and  
19 ~~Development Services~~ Department. It is the  
20 property owner's responsibility to assure that the  
21 sign remains in place during the period of the open  
22 space agreement.

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**HOLD HARMLESS AGREEMENT**

\_\_\_\_\_  
**OWNER**

In consideration for Whatcom County's approval of the attached Open Space Application, with any conditions that may be imposed, hereby agree to defend, indemnify and hold harmless Whatcom County, its officers and employees from any claim that may arise against Whatcom County as a result of the approval of the attached application with conditions.

This agreement shall become binding only after the attached application has been approved by the Whatcom County Council.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

**SIGNED** \_\_\_\_\_

**OWNER**

