

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Elizabeth K. Olsen	EKO	October 26 2006	RECEIVED  NOV 14 2006  WHATCOM COUNTY COUNCIL	11/21/06	P&D/Council
Division Head:	HHH	10-31-06			
Dept. Head: Hal H. Hart, A.I.C.P.	HHH	10-31-06			
Prosecutor: Royce Buckingham	R/B	11-8-06			
Purchasing/Budget:					
Executive: Peter Kremen	P/K	11/13/06			

**TITLE OF DOCUMENT:**  
*A Resolution Adopting Recommendations For Open Space/Farm and Agricultural Conservation, Open Space/Open Space, and Open Space/Timber Applications.*

**ATTACHMENTS:**  
*Draft Resolution  
 Agency Report with attached Staff Report, ratings sheets and maps  
 Excerpts from Planning Commission Minutes, July 13, 2006 and August 10, 2006.*

SEPA review required? ( ) Yes ( <input checked="" type="checkbox"/> ) NO	Should Clerk schedule a hearing? ( ) Yes ( <input checked="" type="checkbox"/> ) NO
SEPA review completed? ( ) Yes ( N/A ) NO	Requested Date:

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

*thirteen (13)  
 Of the fourteen (14) OPEN SPACE/TIMBER applications received, staff recommends approval for all of the applications.*

*Of the two (2) OPEN SPACE/FARM AND AGRICULTURAL CONSERVATION applications received, staff recommends approval for both of the applications.*

*Of the three (3) Open Space/Open Space application received, staff recommends approval for two (2) applications and recommends denial for one (1) application.*

*Due to the extreme sensitivity of the J.C. Walker/Laura Clark property, staff recommends the non-posting of the 'Open Space' public access sign that is normally required.*

*\* Distribution Request: Assessors Dept – Jean Eastman*

<b>COMMITTEE ACTION:</b> 11/21/2006: Forwarded to Council for approval	<b>COUNCIL ACTION:</b> 11/21/2006: Council Approved 7-0 Res. 2006-076
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<b>Related County Contract #:</b>	<b>Related File Numbers:</b>	<b>Ordinance or Resolution Number:</b> Res. 2006-076
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*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).*

INTRODUCED BY:  
PROPOSED BY: Planning / Dev. Services  
DATE: Nov. 14, 2006

**RESOLUTION NO. 2006-076**

**A RESOLUTION ADOPTING RECOMMENDATIONS FOR OPEN SPACE/TIMBER,  
OPEN SPACE/OPEN SPACE AND OPEN SPACE/FARM AND AGRICULTURAL  
CONSERVATION**

**WHEREAS**, The Planning Commission received thirteen (13) applications for OST/Timber Management Plans and five (5) applications for Open Space Current Use Tax assessment for review and recommendations pursuant to RCW 84.34; and

**WHEREAS**, pursuant to WAC Section 197-11-800(6)(c), matters relating to Open Space taxation are determined not to be major actions and are exempt from threshold determination and environmental impact statement requirements of the State Environmental Policy Act; and

**WHEREAS**, pursuant to RCW 36.70.390, legal notice was published in the Bellingham Herald on Saturday, July 1, 2006, and Friday July 28, 2006, a copy of said notice was sent in a timely manner to all applicants; and

**WHEREAS**, on Thursday, July 13, 2006, the Planning Commission opened the public hearing on the applications and received testimony from the Planning Division staff regarding the proposed Open Space/Open Space, Open Space/Farm and Agricultural Conservation and Open Space Timber applications; and

**WHEREAS**, the Planning Commission continued the work session on the Open Space applications on Thursday, Thursday August 10, 2006; and

**WHEREAS**, Open Space/Open Space and Open Space/Farm and Agricultural Conservation evaluations are based on the Public Benefit Rating System; and

**WHEREAS**, Open Space Timber is evaluated upon conformance with RCW 84.34.041; and

**WHEREAS**, the Planning Commission recommended approval of the Open Space/Open Space applications for Hinkle Family Trust and J.C. Walker and Laura Clark; and

**WHEREAS**, the Planning Commission recommended that a Public Access sign not be required for the Walker/Clark application for Open Space/Open Space, due to the wildlife sensitivity of the property and surrounding area; and

**WHEREAS**, the Planning Commission recommended denial to the Open Space/Open Space application of Dan and Anne Cantrell due to inaccessibility to the property for the public; and

**WHEREAS**, the Planning Commission recommended approval of the Open Space/Farm and Agricultural Conservation applications for Mary Barker and Caroline Yaude; and

**WHEREAS**, the Planning Commission recommended approval of the Open Space/Timber applications for transfers from Designated Forestry to Open Space Timber for:

Bear Acres, Mark Bilski, Steven and Katie Brown, Don Goebbel, Thomas Heiser, Paul Hill Trust, Fred and Kathy Rotter, Bob and Celeste Shipp and Scott and Wendy Wilding, an updated Timber Management Plan for continuance of Open Space Timber for Lamar and Cherie McKay, transfer from Open Space/Open Space to OST with a new Timber Management Plan from David Davis, transfers from Open Space Agriculture to OST with new Timber Management Plans from Ronald and Laurie Sturgeon, and Ty and Kimi West; and

**WHEREAS**, the Planning Commission forwarded its recommendation to the Whatcom County Council; and

**WHEREAS**, County Council held a public meeting on November 21, 2006, to consider the Planning Commission's recommendations, and

**WHEREAS**, County Council adopted the Planning Commission's recommendations on November 21, 2006.

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

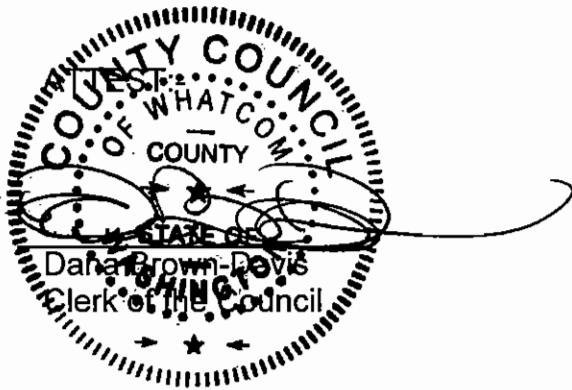
1. The Whatcom County Council recommends approval of the Open Space/Open Space applications for the Hinkle Family Trust and J.C. Walker and Laura Clark, and recommends that a Public Access sign not be required for the Walker/Clark application for Open Space/Open Space, due to the wildlife sensitivity of the property and surrounding area; and
2. The Whatcom County Council recommends denial to the Open Space/Open Space application from Dan and Anne Cantrell due to the inaccessibility of the property by the public; and
3. The Whatcom County Council recommends approval of the Open Space/Farm and Agricultural Conservation applications for Mary Barker and Caroline Yaude; and
4. The Whatcom County Council recommends approval of the Open Space/Timber applications for transfers from Designated Forestry to Open Space Timber for: Bear Acres, Mark Bilski, Steven and Katie Brown, Don Goebbel, Thomas Heiser, Paul Hill Trust, Fred and Kathy Rotter, Bob and Celeste Shipp and Scott and Wendy Wilding, an updated Timber Management Plan for Continuance of Open

Space Timber for Lamar and Cherie McKay, transfer from Open Space/Open Space to OST with a new Timber Management Plan from David Davis, transfers from Open Space Agriculture to OST with new Timber Management Plans from Ronald and Laurie Sturgeon, and Ty and Kimi West; and

- 5. The Whatcom County Council directs the Assessor to place the parcels in the appropriate Open Space status category.
- 6. 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.

PASSED this 21 day of November, 2006.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON



*L. Caskey-Schreiber*  
 Laurie Caskey Schreiber, Chairperson

APPROVED     VETOED

*Pete Kremen*  
 Pete Kremen, County Executive

Date: 12-8-06

Approved as to form:

*Royce Buckingham*  
 Royce Buckingham  
 Civil Deputy Prosecutor