

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Erin Osborn	EO	4/23/08	RECEIVED  APR 29 2008  WHATCOM COUNTY COUNCIL	May 6, 2008	Introduction
Division Head: Linda Peterson	JP	4.23.08		5/20/08	P&D / Council
Dept. Head: David Stalheim	DS	4-23-08			
Prosecutor: Royce Buckingham	RB	4-24-08			
Purchasing/Budget:					
Executive: Peter Kremen	PK	4-29			

**TITLE OF DOCUMENT:** *A Resolution Approving Recommendations For Open Space Current Use Assessment Applications.*

**ATTACHMENTS:** *Draft Resolution, Agency Report, Supplemental Staff Report, Staff Memo to Planning Commission with Exhibits A, B, C & D, Excerpts from Planning Commission Public Hearing Draft Minutes: February 28, 2008 & March 27, 2008, Staff Report, Ratings Sheets and Maps.*

SEPA review required? ( ) Yes ( <input checked="" type="checkbox"/> ) No	Should Clerk schedule a hearing? ( ) Yes ( <input checked="" type="checkbox"/> ) No
SEPA review completed? ( ) Yes ( <input type="checkbox"/> ) No	Requested Date:
<small><sup>1</sup>The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 20.10.110).</small>	

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

*Whatcom County Planning Commission reviewed and made recommendations for six (6) applications for Open Space Current Use Assessment referenced under Master File Number OS2008-2: Four (4) Applications for Open Space/Open Space & two (2) applications for Open Space Timber.*

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

**COMMITTEE ACTION:**

5/20/2008: Forwarded to Council for approval but opposed to one application in the resolution: Bander/Mirand

**COUNCIL ACTION:**

5/06/2008: Introduced  
5/20/2008: Council Amended and Approved 7-0  
Res. 2008-043

**Related County Contract #:**

**Related File Numbers:**  
OS2008-2

**Ordinance or Resolution Number:** Res. 2008-043

**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).*

SPONSORED BY: CONSENT  
PROPOSED BY: PDS  
INTRODUCTION DATE: 5/6/2008

**RESOLUTION NO:** 2008-043

**A RESOLUTION APPROVING RECOMMENDATIONS FOR OPEN SPACE  
CURRENT USE ASSESSMENT APPLICATIONS**

**WHEREAS,** Whatcom County Planning and Development Services received six (6) applications for Open Space Current Use Assessment: Four (4) Applications for Open Space/Open Space, two (2) applications for Open Space Timber; and then grouped these individual applications as Master File Number OS2008-2; and

**WHEREAS,** The Open Space Taxation Act, gives counties legislative authority to grant Open Space/Open Space and Open Space Timber Current Use Assessment classification for the purposes of taxation pursuant to RCW 84.34.037 & RCW 84.34.041; and

**WHEREAS,** pursuant to WCC 3.28.020, applications for Open Space/Open Space and Open Space Timber are processed by the Whatcom County Planning Department and then presented to the Whatcom County Planning Commission for a recommendation of approval or denial; 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 threshold determination and environmental impact assessment as provided in the State Environmental Policy Act; and

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

**WHEREAS,** Whatcom County has adopted a public benefit rating system pursuant to RCW 84.34.055 and WAC 458-30-330 which is used to rate property that is the subject of application for Open Space/Open Space; and

**WHEREAS,** property that is the subject of application for Open Space/Open

Space is rated according to the adopted Whatcom County Public Benefit Rating System (PBRs). Applications for Open Space/Open Space are assigned a score that corresponds with a recommendation of approval or denial, and must receive a score of 45 or above for a recommendation of approval; and

**WHEREAS**, in accordance with the Whatcom County PBRs, public access is a condition of approval for Open Space/Open Space applications, except that this requirement may be waived by the granting authority in cases when the purpose of the Open Space 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 where there is a known or potentially significant archaeological site; and

**WHEREAS**, pursuant to RCW 84.34.041, applications for Open Space Timber are evaluated according to the criteria provided in the Open Space Timber Management Plan Policy as adopted by Whatcom County by ordinance in conformance with RCW 84.34.041; applications for Open Space Timber are assigned a score that corresponds with a recommendation of approval or denial and must receive a score of 7 or above for a recommendation of approval; and

**WHEREAS**, on February 28, 2008, and on March 27, 2008 the Whatcom County Planning Commission held public hearings, considered all testimony, and voted to forward recommendations of approval to the County Council for all applications referenced in Master File OS2008-2; and

**WHEREAS**, the Whatcom County Council held a public meeting on May 20, 2008 to consider the Planning Commission's recommendations; and

**WHEREAS**, on May 20, 2008, the Whatcom County Council approved the Planning Commission's recommendations for applications in Master file OS2008-2 with the exception of one application for Open Space/Open Space Current Use Assessment submitted by Kathleen Bander and William Mirand. The Bander/Mirand application for Open Space/Open Space Current Use Assessment was denied by the Whatcom County Council.

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

1. The applications for Open Space Current Use Assessment referenced in Master File Number OS2008-2 listed below are hereby approved subject to conditions and applicable scores as noted herein:

## **Open Space/Open Space**

**Aspnes;** 2778 Murphy Place

New Application: 6.00 Acres

Parcel Numbers: 390430-370257

PBRS Score: 81.9

**Approved**– With Posted Sign & Public Access

**Larson:** 1009 Bellinger Road

New Application: 12.48 Acres

Parcel Numbers: 390328 - 167233, - 180280, - 142245

PBRS Score: 99

**Approved** – With Posted Sign & Public Access

**Whatcom Land Trust:** 8200 block, Northwood Road

Transfer from Open Space Agriculture Classification: 1.25 Acres

Parcel Numbers: 400322 – 260012

PBRS Score: 80

**Approved** – With Posted Sign & No Public Access

*In order to minimize potential impacts to priority species (Coho Salmon), the Public Access requirement is waived by Council.*

## **Open Space Timber**

**Morrow:** 1500 block, Kelly Road

New Application: 8.77 Acres

Parcel Numbers: 390334 - 348037, -348095

TMP Score: 14

**Approved**

**Jewett:** 2865 Colebrook Lane

New Application: 12.21 Acres

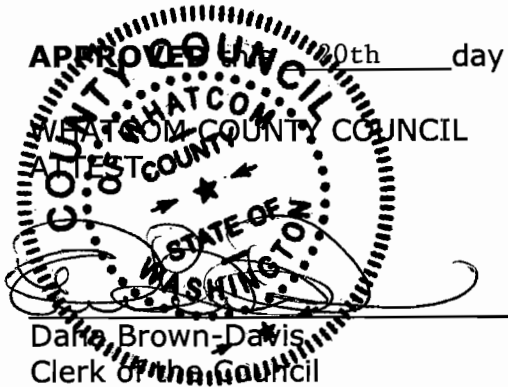
Parcel Numbers: 400113 – 084087

TMP Score: 14

**Approved**

2. The Whatcom County Council directs the Assessor to place the 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 \_\_\_\_\_ 0th day of \_\_\_\_\_ May \_\_\_\_\_, 2008



Dana Brown-Davis  
Clerk of the Council

WHATCOM COUNTY,  
WASHINGTON

Carl Weimer  
Council Chair

APPROVED AS TO FORM:

Royce Buckingham  
Civil Deputy Prosecutor