

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Erin E. Osborn	EEO	12/9/08	RECEIVED JAN 06 2009 WHATCOM COUNTY COUNCIL	Jan 13, 2008	P&D Committee
Dept. Head: David Stalheim	DS	12-20-08			
Prosecutor: Royce Buckingham	RS	1-2-09			
Purchasing/Budget:					
Executive: Peter Kremen	PK	1-6-09			

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

ATTACHMENTS: *Draft Resolution, Planning Commission Facts & Findings, Excerpts from Planning Commission November 13, 2008 Public Hearing Draft Minutes, Staff Report, Rating 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>¹The 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:

A total of three applications for Open Space Current Use Assessment referenced under Master File Number OS2008-4 have been reviewed and voted on by the Whatcom County Planning Commission to forward recommendations of approval to the Whatcom County Council for their consideration in determining whether to approve or deny the applications for the classifications being sought: One (1) application for Open Space Farm & Agriculture Conservation classification, and two (2) applications for Open Space Timber classification.

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

COMMITTEE ACTION: 1/13/2009: Forwarded to Council for approval	COUNCIL ACTION: 1/13/2009: Council Approved 7-0 Res. 2009-004
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Related County Contract #:	Related File Numbers: OS2008-4	Ordinance or Resolution Number: Res. 2009-004
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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.*

SPONSORED BY: CONSENT
PROPOSED BY: PDS
INTRODUCTION DATE: 1/13/2009

RESOLUTION NO: 2009-004

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

WHEREAS, Whatcom County Planning and Development Services received a total of three (3) applications for Open Space Current Use Assessment: One (1) application for Open Space Farm & Agriculture Conservation, two (2) applications for Open Space Timber; and then grouped these individual applications as Master File Number OS2008-4; and

WHEREAS, The Open Space Taxation Act, gives counties legislative authority to grant Open Space Farm and Agriculture Conservation and Open Space Timber Current Use Assessment classification for the purposes of taxation pursuant to RCW 84.34; and

WHEREAS, Pursuant to Whatcom County Code, Chapter 3.28.020, applications for Open Space Farm and Agriculture Conservation and Open Space Timber are processed by the Whatcom County Planning and Development Services Department and are then presented to the Whatcom County Planning Commission for a recommendation of approval or denial; and

WHEREAS, After Planning Commission review, the County Planning and Development Services Department will forward, to the County Council, a recommendation for approval or denial for each application; 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 requirements 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 Farm and Agriculture Conservation; and

WHEREAS, Property that is the subject of application for Open Space Farm and Agriculture Conservation is rated according to the adopted Whatcom County Public Benefit Rating System (PBRs). Applications for Open Space Farm and Agriculture Conservation 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 Farm and Agriculture Conservation applications, except that this requirement may be waived by the granting authority 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 when there is a known or potentially significant archaeological site; and

WHEREAS, 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 November 13, 2008 the Planning Commission held a public hearing and considered all testimony in reference to applications in Master File Number OS2008-4; and

WHEREAS, The County Council has adopted the following Findings of Fact and Reasons for Action:

FINDINGS OF FACT AND REASONS FOR ACTION

1. Notice of the Planning Commission public hearing for Master File Number OS2008-4 Open Space Current Use Assessment applications was published in the Bellingham Herald on November 2, 2008.
2. Information about the Planning Commission public hearing for Master File Number OS2008-4 was posted on the County's website on November 7, 2008.

3. On Thursday, November 13, 2008, the Planning Commission held a public hearing on applications referenced in Master File Number OS2008-4 and considered information and recommendations from Planning Division staff, and considered all testimony.
4. At the November 13, 2008 meeting, Planning staff requested that Planning Commissioners revise the number of acres being considered for the Loop application from 14.80 acres to 12.80 acres, because additional information supplied by the Assessor's office indicated that two (2) of the acres originally applied for were devoted to a use inconsistent with agriculture (home site).
5. At the November 13, 2008 public hearing, planning commissioners made individual motions to approve each application for Open Space Current Use Assessment referenced in Master File OS2008-4. One of these motions included an acceptance of staff's revision to the number of acres being considered in the Loop application from 14.80 acres to 12.80 acres. All of the motions carried unanimously.

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

1. The applications for Open Space Current Use Assessment referenced in Master File Number OS2008-4 listed below are hereby approved subject to conditions and applicable scores as noted herein:

Open Space Farm and Agriculture Conservation

1. **Loop:** 2735 East Badger Road
Transfer from OSAG: 12.80 acres
Parcel Number: 400227 382462 0000
PBRs Score: 88.5
Approved – With Posted Sign and Public Access

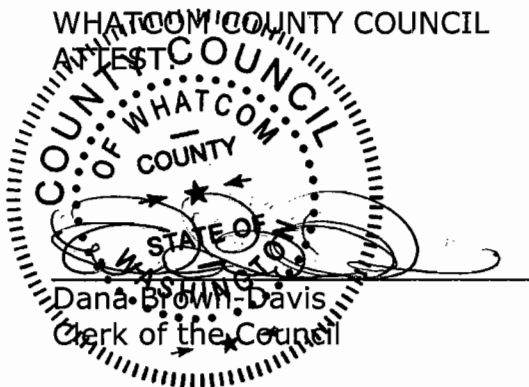
Open Space Timber

1. **Morberg:** 9072 Sunrise Road
Transfer from OSAG: 9.71 acres
Parcel Numbers: 400208 085240 0000, 400208 020240 0000
TMP Score: 12
Approved

- Peterson:** 1204 E. Kelly Road
Transfer from Designated Forest: 13.49 acres
Parcel Number: 390333 385068 0000
TMP Score: 14
Approved

- The Whatcom County Council directs the Assessor to place the parcels into the appropriate Open Space Current Use classification.
- 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 13th day of January, 2009



WHATCOM COUNTY,
WASHINGTON

Seth Fleetwood, Council Chair

APPROVED AS TO FORM:

Royce Buckingham
Civil Deputy Prosecutor