



WHATCOM COUNTY PLANNING COMMISSION

5280 Northwest Drive
Bellingham WA 98226

AGENDA October 24, 2024

The Whatcom County Planning Commission will hold a **hybrid** meeting at 6:30 p.m., with the option to attend remotely or in person at 5280 Northwest Drive, Bellingham.

- Call to Order
- Roll Call
- Flag Salute
- Department Update
- Open Session for Public Comment
- Commissioner Comments
- Approval of Minutes of: October 10, 2024
- Meeting Topic – Public Hearing and Work Session regarding:
 - *Open Space Land applications: (Alex Harris - Conservation Easement Planner)*

OSP2024-0001: Scott & Nancy Fisher, Parcel# 3902220181120000
OSP2024-0003: RJ Group, parcel# 3902282322990000, 3902282342340000
OSP2024-0004: Ryan Nachreiner, parcel# 3904033014730000
OSP2024-0005: Rich and Kathleen Greenbaum, Parcel# 4005083481700000, 4005083431030000
 - *Proposed amendments for PLN2024-00004, to increase the allowed maximum height of structures from 24 to 25 or 30 feet, depending on its proximity to the shoreline. (Lucas Clark – Long Range Planner I)*
- Unfinished Business
- Adjournment

NOTE: For information on how to watch and participate in the meeting in real time, please visit the following web page: [Participate in Virtual Planning Commission Meeting](#)

Individuals who require special assistance to participate in the meetings are asked to contact "PDS_Planning_Commission@co.whatcom.wa.us" at least 96 hours in advance.

There are nine members on the Whatcom County Planning Commission. If you will be giving written information to the Commissioners, please give a copy to the Coordinator for our office files.

*For more information please contact Aileen Kogut-Aguon at (360)778-5935 or PDS_Planning_Commission@co.whatcom.wa.us
5280 Northwest Drive, Bellingham WA 98226*



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
October 10, 2024**

Public Hearing and Work Session

1

1 **Call to Order**

2 The meeting was called to order by Whatcom County Planning Commission Chair, Kelvin
3 Barton at 6:32 p.m.

4 **Roll Call**

5 **Present:** Kelvin Barton, Suneeta Eisenberg, Atul Deshmane, Jim Hansen, Frank James,
6 Dominic Mocerri, Scott Van Dalen

7 **Absent:** Stephen Jackson, Julie Jefferson

8 **Staff Present:** Steve Roberge, Lucas Clark, Amy Keenan, Cliff Strong, Garrett Smith,
9 Jacqui Sullivan, Douglas Ranney, Kraig Olason, Rod Lamb, Bennet Knox, Rob Ney, Donnell
10 Tanksley, and Aileen Kogut-Aguon

11 **Department Update**

12 Steve Roberge, Assistant Director of Planning and Development Services (PDS), spoke on
13 the attendance email that was sent out earlier in the day. There were some formula issues
14 with the spreadsheet and an updated sheet will be sent out after the meeting. Mr.
15 Roberge mentioned the resolution the Commission sent forward to Council regarding the
16 Heavy Impact Industrial Zone (HII). Council is set to discuss it at the next Council
17 meeting on October 22nd. The next items for the Planning Commission meeting on October
18 24th will be Open Space applications and Lummi Height limitations.

19 Aileen Kogut-Aguon, PDS Coordinator and Planning Commission Secretary, presented the
20 Commission website to the Commissioners and showed them where to find the meeting
21 materials and public comments for each meeting on the county website. A link to the
22 Planning Commission page will be sent out to the Commission after the meeting.

23 Mr. Roberge will be leaving Whatcom County at the end of the month.

24 **Open Session Public Comment**

25 There was no public comment.

26 **Commissioner Comments**

27 Commissioner Deshmane stated he is sorry to hear about Steve's departure and extends
28 best wishes.

29 Commissioner Hansen reported a discussion with council member Galloway about HII in
30 Bellingham.

31 Commissioner Mocerri asked Steve about his replacement. Steve indicated Mark Personius
32 will be covering the immediate needs of long-range planning.

33 **Approval of Meeting Minutes**

34 **Timestamp: 18:41**

35 **1 Commissioner Eisenberg moved to approve the minutes from September 26th**

36 **Commissioner Mocerri seconded.**

37 **Roll Call Vote: Ayes- Eisenberg, Mocerri, Van Dalen, Deshmane, Barton, Hansen**
38 **Abstain- James (Ayes- 6; Nays- 0; Abstain- 1). The motion carried.**



**RECORD OF PROCEEDINGS OF THE
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October 10, 2024**

1 **Capital Improvement Program (CIP)**

2 **Timestamp: 18:43**

3 Lucas Clark, PDS Long Range Planner I, presented the Seven-Year Capital Improvement
4 Program presentation. The county Comprehensive Plan calls for an update of the six-year
5 CIP every other year. The six-year CIP is being updated in 2024 along with the County
6 budget. The county requested recommendations from Planning Commission prior to taking
7 the CIP on to Council for review and approval.

8 **a) Public Hearing Regarding: Capital Improvement Program**

9 **Timestamp: 18:52**

10 Ryan Bowman provided public comment.

11 **b) Work Session: Capital Improvement Program**

12 **Timestamp: 18:54**

13 Commissioner Eisenberg acknowledged Mr. Bowman for his public comment. She asked
14 that staff consider having a conversation with facilities projects on how to mitigate and
15 adapt to building codes from the international residential code and making sure to not
16 only decarbonize but also decolonize the use of native plants in revitalizing culture and
17 language.

18 Commissioner Hansen requested to see each budget chart so Commissioners can discuss
19 section by section. He then asked about the budget for parks, trails and facilities and if
20 there is any consideration on local tax on guns and ammo since lead remediation is a big
21 part of their budget.

22 Bennet Knox, Whatcom County Parks Director, responded to Commissioner Hansen's
23 inquiry by explaining their process in applying for grants through Ecology to cover
24 approximately 50% of the budget. Parks currently do not have plans for the taxes
25 Commissioner Hansen spoke of, but that is something that can be considered.

26 Commissioner James asked why the county is spending a large amount of money for a
27 facility that is being utilized by a small portion of the citizens.

28 Mr. Knox responded stating that this funding is just for the lead clean up that has
29 accumulated for the past 50 years.

30 Commissioner Hansen weighed in on the question from Commissioner James, stating that
31 if the county does not provide a facility for safe shooting, the county occupants are more
32 likely to do unsafe shooting all over the county.

33 Commissioner Hansen asked why there was "other sources" listed under the Corrections'
34 budget table. He stated that it seemed vague that it was not specific as to where the
35 money would be going to. He also asked about the juvenile division.

36 Rob Ney, Project and Operations Manager for Whatcom County Facilities Management,
37 outlined the bonding process for the funding of the new jail and cited that while the
38 bonding covers the square footage that was originally outlined, there was additional
39 funding that could be requested for proposals for things that have yet to be designed.
40 Donnell Tanksley, County Sheriff, responded in regards to the juvenile court, stating that
41 it is under the supervision of the superior court and is separate from the actual sheriff's
42 office, thus being a separate budget.



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
October 10, 2024**

Public Hearing and Work Session

3

1 Commissioner Deshmane addressed the public comment regarding aspects of the CIP
2 being incomplete due to the Comp Plan being incomplete.

3 Mr. Clark responded that the CIP has to be updated every two years and amended every
4 year, regardless of the Comp Plan. After the Comp Plan update, there may be
5 amendments to the CIP.

6 **2Commissioner Deshmane moved** to recommend approval to the county council along
7 with the finding of facts.

8 **Commissioner James seconded.**

9 **Roll Call Vote: Ayes- Hansen, Deshmane, James, moceri, van Dalen, Eisenberg,**
10 **Barton**

11 **(Ayes - 7; Nays - 0; Abstain - 0). The motion carried.**

12 **Titles 20 and 22: SSB 5290 Work Session**

13 **Timestamp: 19:23**

14 Cliff Strong, PDS Senior Planner, provided a recap of the amendments to Titles 20 and 22
15 to comply with the state requirements for SSB 5290. Mr. Strong then reviewed those
16 sections of the draft code that staff updated based on the BIAWC comments, then
17 requested that the Commission recommends approval and move it on to Council.

18 **3Commissioner Deshmane moved** to adopt amendments to Titles 20 and 22 to comply
19 with SSB5290 along with the findings of facts.

20 **Commissioner Hansen seconded.**

21 **Roll Call Vote: Ayes- James, Moceri, van Dalen, Eisenberg, Hansen, Deshmane,**
22 **Barton**

23 **(Ayes - 7; Nays - 0; Abstain - 0). The motion carried.**

24 **Timestamp: 19:52**

25 **Unfinished Business**

26 Commissioner Chair Barton spoke on the attendance log that was presented to the
27 Commission via email before the meeting.

28 Mr. Roberge cited section 2.4 of the business rules: "Four consecutive absences per year
29 may be grounds for recommending removal of a Board Member to the County Council."

30 Commissioner Van Dalen mentioned the calculations on the spreadsheet were off and
31 Secretary Kogut-Aguon agreed to edit the document and resend to the Commission.

32 Commissioner Chair Barton stated that the Commission will look at the document and will
33 discuss it further at the next meeting.

34 **Adjournment**

35 **Timestamp:**

36 The meeting was adjourned at 7:58 p.m.

37 Minutes prepared by Aileen Kogut-Aguon.

38 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

39

40 _____
Kelvin Barton, Chair

Aileen Kogut-Aguon, Secretary

WHATCOM COUNTY PLANNING & DEVELOPMENT STAFF REPORT

Staff recommendations to the Whatcom County Planning Commission on FOUR applications to classify land as “Open Space Land” as authorized under RCW 84.34 & Whatcom County Ordinance No. 1995-040.

Open Space Applications 2024

Introduction:

This report summarizes findings and recommendations on a total of FOUR applications for classification of land as “Open Space Land” as authorized under the Open Space Taxation Act, Chapter 84.34 RCW, and Whatcom County Ordinance No. 1995-040.

The Planning Commission is requested to consider this application and make a recommendation as to whether these applications should be approved in whole or in part, or denied. At the conclusion of the Planning Commission public hearing and work session, the recommendation made by the Planning Commission will be forwarded to the Whatcom County Council who acting as granting authority will make a final decision on this application.

The report is composed of five main parts:

- I. Background information on the Open Space Taxation Act;
- II. Role of PDS, Planning Commission, and County Council in application review, approval or denial;
- III. Open Space Land evaluation criteria: Public Benefit Rating System (PBRs);
- IV. Application review, proposed conclusions, and PDS recommendations.
- V. Findings of fact and recommendations

I. Background Information

The Open Space Taxation Act was passed by the Washington State legislature in 1970. In part, the law was created to provide a solution to and address a statewide concern that lands in the state were being irrevocably converted to uses inconsistent with commercial agriculture, commercial forestry, and the conservation or preservation of farmland, shorelines, wetlands, scenic vistas, historical sites of importance, and recreational opportunities.

The Open Space Taxation Act codified in Chapter 84.34 of the Revised Code of Washington (84.34 RCW) gives counties the authority to assess the value of property on the basis of its current use rather than what might be considered highest and best use i.e. fair market value. Lands classified under the open space current use program receive a significant reduction in assessed value (tax reduction); thereby providing a financial incentive to property owners to voluntarily conserve and preserve open space lands as defined in state law and further defined by county ordinance.

Classifications

Whatcom County has three major classifications and one sub-classification, originally authorized by the Open Space Taxation Act (Chapter 84.34 RCW):

1. Open Space Land [RCW 84.34.020(1)]

Applications for open Space Land are received and processed by Planning & Development Services (PDS)

Open Space Lands (OSL) are generally lands which, if preserved in the present use, would:

- Conserve and enhance natural or scenic resources; or
- Protect streams and water supply; or
- Promote conservation of soils, wetlands, beaches or tidal marshes; or
- Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; or
- Enhance recreation opportunities; or
- Preserve historic sites; or
- Preserve visual quality along highway, road, and street corridors or scenic vistas; or
- Retain in its natural state tracts of land not less than 1 acre within an urban growth area (UGA) and conditionally open to the public; or

A subset of OSL includes Farm & Agricultural Conservation (OSFAC) Land. OSFAC lands are:

- Land that was previously classified as farm and agricultural land and no longer meets the criteria for continued classification; or
- Land that is traditional farm land that has not been irrevocably devoted to a use inconsistent with commercial agriculture.

2. Farm and Agricultural Land [RCW 84.34.020(2)]

Applications for Farm and Agricultural Land are received and processed by the County Assessor's Office.

- Lands of a certain size that are used for commercial agricultural purposes. Applicants may be required to demonstrate revenue produced from commercial agriculture.

3. Designated Forestland (RCW 84.34.020(3))

Whatcom County terminated its Timber Land program under Whatcom County Ordinance No. 2014-055. As a result of this action, all lands formerly classified as timber land became Designated Forest Land (DLF), a program administered by the County Assessor in accordance with RCW 84.33.)

Applications and fees for Open Space Land and Farm and Agricultural Conservation Land are received by PDS. PDS and the Assessor's Office work closely and function as a team in monitoring and maintaining existing agreements on approved OSL and OSFAC applications, as well as processing new applications.

II. Application Processing - Roles of Staff, Planning Commission, County Council & Assessor's Office in Processing Applications for Open Space Current Use Taxation.

When land that is the subject of application is located within an unincorporated area, PDS evaluates each application in accordance with the appropriate evaluation criteria, and based on application scores, makes recommendations to the Whatcom County Planning Commission on whether to approve or deny the applications. The Planning Commission in turn makes recommendations to the County Council as to whether individual applications should be approved in whole or in part or denied. Whatcom County Council is the granting authority, and pursuant to state law is charged with approving in whole or in part or denying each application.

When land that is the subject of application is located within an incorporated area, PDS evaluates each application in accordance with the appropriate evaluation criteria, and based on application scores, makes recommendations to the Whatcom County Planning Commission on whether to approve or deny the applications, who in turn make recommendations to the County Council as to whether individual applications should be approved in whole or in part or denied. The granting authority on applications in an incorporated area is composed of the legislative authorities of the city and county in which the application is located, the granting authority may meet together as one body, or by taking separate action. To approve an application when meeting separately, actions taken by each jurisdiction must be identical.

Upon approval or denial, and upon successful execution of an open space taxation agreement between the county and the applicant/owner, the county assessor is notified, who then adjusts on the basis of the approved current use value of the parcel, and notifies the owner of the new 'official value'.

Applications for Open Space Land are evaluated with the Whatcom County Open Space Policy and Criteria and Public Benefit Rating System, 1995 (PBRs). A copy of the PBRs is attached at the end of this report for reference. The PBRs authorizes the Planning Commission to make recommendations to the County Council on applications for Open Space Land after considering the potential loss/gain of revenue or shift in taxes that would occur as a result of approval relative to the public benefit of the resource being conserved or preserved as measured with the Public Benefit Rating System. Because the taxing districts are primarily budget-based, the taxing districts do not really gain/lose money. Rather, when one tax payer pays less in taxes as a result of their assessment, the other tax payers in the taxing district pay more so that the taxing district collects the same amount in revenue. Conversely, when a tax payer pays more in taxes as a result of their assessment, the other tax payers in the taxing district pay less so that the taxing district collects the same amount in revenue. This important distinction helps define the role of the Planning Commission in making recommendations to the County Council on whether to approve or deny applications for Open Space Land, and in understanding how the Public Benefit Rating System is applied.

Public Hearing

Prior to issuing a decision on an application for open space land, the granting authority is required to hold a public hearing.

III. Evaluation Systems

Open Space Land and its sub-classification Farm and Agricultural Conservation Land are evaluated with the Whatcom County Public Benefit Rating System (PBRs). The PBRs was originally approved by Council in 1987 by resolution, then amended in 1989 by resolution, and adopted by ordinance in 1995 (WC Ord. 1995-040).

Whatcom County Open Space Policy & Public Benefit Rating System

The Public Benefit Rating System is an evaluation tool consisting of natural resource, recreation, historical site, and agricultural land priority resource categories that correspond to a range of potential points that may be assigned relative to the amount of benefit that may be provided to the public as a result of approving each application, as measured with the Public Benefit Rating System. Generally, resources of importance identified in the PBRS include lands that preserve, protect, conserve or enhance farmland, streams, shorelines and associated buffers, critical areas, ground water protection areas, threatened or endangered wildlife and wildlife habitat, opportunities for public recreation, scenic views and vistas, historic property, cultural resources, and others.

Applications for Open Space Land are also evaluated on the quality of the applicant's proposed public access. It is part of the Whatcom County Public Benefit Rating System Public Access Policy to require public access **unless** there is known habitat for an endangered species of wildlife, or where there is a known archeological site, or when the purpose of the open space is for wetland conservation.

In cases such as those listed above, when the County Council is acting as the granting authority, the requirement of public access may be waived at Council discretion. The Public Access Policy also contains a requirement that owners of property approved as Open Space Land post an Open Space sign that displays the rules of conduct for public access when public access is required.

Although the open space current use program applies statewide, not all counties have adopted a Public Benefit Rating System. The purpose of the Public Benefit Rating System is to assist the granting authority in developing a measure of consistency in awarding reduction in assessed value according to a point system that corresponds to the relative importance of the resource being conserved. One reason a county may elect to adopt a PBRS is because decisions made by the granting authority (County Council), whether to approve or deny applications may only be appealed to Superior Court for *arbitrary and capricious* actions, and a PBRS may help to ensure uniformity and consistency when the PBRS is applied as a tool to determine reduction in market value.

Local priority resources that have been identified as providing public benefit if conserved, preserved, protected and enhanced, along with the corresponding range of potential points awarded for preserving or conserving those resources (i.e. the Public Benefit Rating System) were all adopted after consideration by the Planning Commission, and adopted by Council who heard from the public on this matter at a series of public hearings in the late 1980's. The PBRS was originally approved by Council in 1987 by resolution, amended in 1989 by resolution, and then later revised and adopted by ordinance in 1995 (WC Ord. 95-040). The last revision to the PBRS in 1995 added new criteria for evaluating applications in accordance with amendments to open space taxation act in 1993. The PBRS update in 1995 added a new sub-classification of open space land, *farm and agricultural conservation land* and removed timber land from the Public Benefit Rating System; otherwise the PBRS has not changed in approximately 37 years.

Even though the PBRS has a point system, at its core the PBRS is a *qualitative* as opposed to a *quantitative* system. Many observers, Planning Commissioners, Council Members, and members of the public alike, have commented that the PBRS is a subjective tool.

Listed below is a brief summary of some of the resources that have been identified in the County's Public Benefit Rating System.

- Conserve or enhance natural, cultural or scenic resources; or
- Protect streams, stream corridors, wetlands, natural shorelines and aquifers; or
- Protect soil resources and unique or critical wildlife and native plant habitat; or
- Promote conservation principles by example or by offering educational opportunities; or
- Enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces; or
- Enhance recreational opportunities; or
- Preserve historic and archeology sites; or
- Affect any other factors relevant in weighing benefits to the general welfare of the public by preserving the current use of the property.

Once the review by PDS staff has been completed and points are awarded, they are computed with a formula developed by the County Assessor resulting in a score that is called a Public Benefit Rating (PBR). A Public Benefit Rating of at least 45 points must be attained to receive a PDS recommendation of approval. The Public Benefit Rating (PBR) represents the degree of conformance with the county's adopted Basic Value and Public Benefit Value criteria that are part of the PBRs. The PBR is used as a factor applied to another computed value to arrive at a new current use per acre value for the property, once approved. Attached to this report for reference is a document that gives a hypothetical example describing this formula, and also contains a discussion of the shift or off-set in taxes resulting from approving an application for Open Space Land.

IV. Application Review & Staff Findings

PDS findings for 2024 Open Space applications are listed in summary below.

All applications have been reviewed by PDS staff. Attached for reference at the end of this report are site evaluation worksheets, maps, and other supporting documents. A PowerPoint slide show of each property along with PDS comments and recommendations will be presented to the Planning Commission.

Open Space Land (OSL) Applications are evaluated by PDS in accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (1995), often referred to as the Whatcom County PBRs. A Public Benefit Rating or PBR (evaluation score) is calculated based on overall aggregate points assigned after review with the PBRs, based on a formula developed by the County Assessor. Applications must receive a Public Benefit Rating of at least 45 points for a staff recommendation of approval.

2024 Applications:

1. OSP2024-0001 – Scott & Nancy Fisher

Summary:

- Application to reclassify property as Open Space Land (from Open Space Farm and Agriculture)
- Parcel number: 3902220181120000

- Acres: 3.11
- Zoning: RR2A
- Public Benefit Rating: 36.50

On June 28, 2024, PDS staff received an application from the Fishers to apply for Open Space Land (OSL) designation to reclassify approximately 3.11 acres from Open Space Farm and Agriculture (OSAG) to Open Space Land as it became apparent to the Assessor's Office that commercial agriculture was not taking place on the property, which prompted the Fishers to apply for a reclassification to OSL.

The property is located on Paradise Way approximately 0.50 miles northeast of Ferndale and 0.2-mile north of West Axton Road. The subject property is located adjacent to the Barrett Lake wetland complex, which is fed by Tenmile Creek, a prominent fish-bearing tributary to the Nooksack River. The subject property contains wetlands, Habitat Conservation Areas, surficial aquifers, and ESA-listed species. One of the neighboring parcels is enrolled in open space programs (OSAG).

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRs), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The owner agrees to allow public access but requests consideration to waive access for the conservation of wetlands and the properties location on a quiet street.

The hypothetical tax shift if approved is a net increase to the property owner, since they were enrolled in OSAG before applying. The other tax payers within the same taxing districts would have their cumulative taxes decreased^[LT1] by a comparable amount. Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

2. OSP2024-0003 – RJ Group

- Application to reclassify property as Open Space Land (from Open Space Farm and Agriculture)
- Parcel numbers: 3902282322990000, 3902282342340000
- Acres: 20
- Zoning: City of Ferndale - MXD-Mixed Use Commercial District
- Public Benefit Rating: 31.70

On July 26, 2024, PDS staff received an application from RJ Group to apply for Open Space Land (OSL) designation to reclassify approximately 20 acres from Open Space Farm and Agriculture (OSAG) to Open Space Land as it became apparent to the Assessor's Office that both parcels were entirely forested, and therefore, commercial agriculture was not taking place on the property. This prompted the landowner to apply for a reclassification to OSL.

The property is bordered to north and west by other parcels owned by RJ Group (slated for development). To the east, the property abuts a more recent subdivision development off Axton Rd, also within the city limits of Ferndale. To the south and east, the property abuts neighboring parcels that are also dominated by forested wetlands. At its nearest point, the property is about 650 feet from I-5. The subject property contains wetlands and Habitat Conservation Areas. Two of the neighboring parcels are enrolled in open space programs (OSAG).

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRS), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The owner agrees to allow public access and is eager to accommodate public access, including the creation of a new trail network, signage, and other recreational amenities.

The hypothetical tax shift if approved is a net increase to the property owner, since they were enrolled in OSAG before. The other tax payers within the same taxing districts would have their cumulative taxes decreased by a comparable amount. Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

3. OSP2024-0004 – Nachreiner

- Application to reclassify property as Open Space Land (from Designated Forestland)
- Parcel number: 3904033014730000
- Acres: 20
- Zoning: Rural Forestry
- Public Benefit Rating: 53.31

On August 21, 2024, PDS staff received an application from Ryan Nachreiner to apply for Open Space Land (OSL) designation to reclassify approximately 20 acres from Designated Forest Land to Open Space Land. A conservation easement was placed on the property as required by mitigation associated with the development of a single-family residence on the property and as such, it not in compliance with the Designated Forestland classification.

The property is located on Paradise Way approximately 2.15 miles southeast of Nooksack and 0.5-mile west of Massey Road. The rest of the property was covered by forested wetlands and dense regrowth following a harvest from several decades ago. The subject property contains wetlands, streams, and ESA-listed species. Three of the neighboring parcels are enrolled in open space programs (one OSAG, two DFL).

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRS), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The owner agrees to allow public access but any future trails within the conservation easement area would need prior approval.

The hypothetical tax shift if approved is a net increase to the property owner, since they were enrolled in DFL before applying. The other tax payers within the same taxing districts would have their cumulative taxes decreased by a comparable amount. Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may

consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

4. OSP2024-0005 – Greenbaum

- Application to reclassify property as Open Space Farm and Agricultural Conservation Land (from Open Space Farm and Agriculture Land)
- Parcel numbers: 4005083481700000, 4005083431030000
- Acres: 39.97
- Zoning: R10A
- Public Benefit Rating: 51.53

On September 23, 2024 PDS staff received an application from Rich and Kathleen Greenbaum to apply for Open Space Farm and Agricultural Conservation Land (OSFAC) designation to reclassify approximately 39.97 acres from Open Space Farm and Agriculture (OSAG) to Open Space Farm and Agricultural Conservation Land.

The property is located on Frost Road approximately 3.5 miles southeast of Sumas and 0.15-mile South of Reese Hill Road. The subject property is located adjacent to Saar Creek, a prominent fish-bearing tributary to the Nooksack River. The fields are surrounded by forests stocked with a wide range of conifer and broadleaf trees and shrubs, as well as numerous ponds, wetlands, and swamps. The landowners are active members of the Whatcom Farm Forestry Association, and plant native trees and shrubs throughout their property. The subject property contains wetlands.

The property is bordered to the south by an old rail road grade that provides easy access through the forest. The railroad grade has been identified by Whatcom County's Parks Department. as a potential location for a trail that would connect Everson to Mt Baker's trail network. Most neighboring parcels are enrolled in open space programs (OSAG and DFL).

In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRS), 1995, as a condition of approval, owners of open space parcels must agree to provide a certain degree of public access. The owner agrees to allow public access and has existing trails and a picnic area.

The hypothetical tax shift if approved is a net increase to the property owner, since they were in enrolled in OSAG before applying. The other tax payers within the same taxing districts would have their cumulative taxes decreased by a comparable amount. Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

V. Findings of Fact and Recommendations

PDS staff received these applications, conducted site visits, evaluated each property according to the Public Benefit Rating System (PBRS), and produced this report for evaluation by the Planning Commission and Whatcom County Council. PDS published an advertisement in the Bellingham Herald on October 9, sent an email to all subscribers to the PDS listserv on October 11, and plans to send a press release to local newspapers by October 17, alerting the general

public that a Public Hearing will take place on this issue at the Planning Commission meeting on October 24.

Based on the RCW, WAC, and County Code that guides PDS in this process, PDS staff make the following recommendations:

1. OSP2024-0001 – Scott & Nancy Fisher

After evaluating this application with the Public Benefit Rating System, PDS has assigned it a score of 36.50 (for details, please see attached evaluation worksheet sheet OSP2024-0001). A Public Benefit Rating (PBR) of at least 45 points must be attained to receive a *PDS recommendation of approval*. The application has received a PBR less than 45, and therefore PDS cannot recommend approval of the Fisher application.

2. OSP2024-0003 – RJ Group

After evaluating this application with the Public Benefit Rating System, PDS has assigned it a score of 31.70 (for details, please see attached evaluation worksheet sheet OSP2024-0003). A Public Benefit Rating (PBR) of at least 45 points must be attained to receive a *PDS recommendation of approval*. The application has received a PBR less than 45, and therefore PDS cannot recommend approval of the Fisher application.

3. OSP2024-0004 – Nachreiner

After evaluating this application with the Public Benefit Rating System, PDS has assigned it a score of 53.31 (for details, please see attached evaluation worksheet sheet OSP2024-0004). A Public Benefit Rating (PBR) of at least 45 points must be attained to receive a *PDS recommendation of approval*. Since the application received a score over 45, **PDS recommends approval of the application.**

4. OSP2024-0005 – Greenbaum

After evaluating this application with the Public Benefit Rating System, PDS has assigned it a score of 51.53 (for details, please see attached evaluation worksheet sheet OSP2024-0005). A Public Benefit Rating (PBR) of at least 45 points must be attained to receive a *PDS recommendation of approval*. Since the application received a score over 45, **PDS recommends approval of the application.**

ATTACHMENTS

- Hypothetical example of applied PBR and explanation of shift in taxes
- Individual Application Evaluation Forms and Maps;
- Whatcom County Open Space Policies and Criteria and Public Benefit Rating System (PBRs);
- 2017 Department of Revenue Open Space Taxation Act Publication.

Report prepared for the Whatcom County Planning Commission by:

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(360) 778-5979 -- aharris@co.whatcom.wa.us



**Open Space Land
 Public Benefit Rating System-Evaluation Form**

File # OSP2024-0001		
Property Owner (s): Scott R & Nancy L Fisher	Classification: Open Space Land	
Street Address: 1296 Paradise Way	Status: Application for Reclassification	
City: Ferndale State: WA Zip: 98248	Assessor's Parcel No.(s): Parcel A: 3902220181120000	
Site Address: n/a	Parcel Acres:	3.11 Acres
Watershed: <ul style="list-style-type: none"> • 3rd Order: Nooksack • 2nd Order: Lower Nooksack Subbasin • 1st Order: Barrett Lake Watershed 	Open Space Land Application Acre(s):	3.11 Acres
Comprehensive Plan Designation: Rural Neighborhood	Zoning Designation: RR2A*	
Historical Land Use: Undeveloped/riparian	Shorelines: Conservancy (Barrett Lake)	
Soil/Type Capabilities: 81.9% - 45 - Edmonds-Woodlyn loams, 0 to 2 percent slopes, Not prime farmland 18.1% - 143 - Shalcar muck, drained, 0 to 2 percent, Prime farmland if drained 57% #45 Edmonds-Woodlyn loams, 0 to 2% slopes, Not prime farmland, <ul style="list-style-type: none"> • 4w- Very severe limitations that reduce the choice of plants or that require very careful management, or both; Excess water 		

For classification/reclassification to OSL

Basic Value (BV)	Score	M A X	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> - Conserve or enhance natural, cultural or scenic resources - Lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitation</p>	4	10	<p><u>Public Access:</u> -Shoreline Access -Recreation Access -Availability of off street parking -Quality of access in terms of accessibility and owner’s proposed rules of conduct and access management (4%)</p>	28%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> - Lands within a 100-year floodplain - Lands near or adjacent to streams or rivers where, if alterations were to occur, a resulting loss of quality would also occur in the conditions of water and the general function of the regime - Lands adjacent to bodies of water, both marine and fresh</p>	5	10	<p><u>Water Resource Protection:</u> - Aquifer recharge area - Preservation of hydrologic process (Streams & natural drainage course)</p>	13.34%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u> - Lands where, if alterations were to occur, a resulting high risk of soil erosion would follow - Lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of State or Federal Endangered & Threatened Species, Federal Proposed Endangered or Threatened Species, State Sensitive or Monitor Species.</p>	5.5	10	<p><u>Wildlife Habitat:</u> - State or Federal Endangered Species; State or Federal Threatened Species ; Federal Proposed Endangered or Threatened Species; State Sensitive or Monitor Species - Abundance and diversity of wildlife (Associated with “edge” type habitat and areas of vegetative and topographic diversity)</p>	20%	20%

<u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u>	0	10	<u>Parcel Size</u> Parcel (Combined Parcel) is 3.11 Acres	Each 1.5 acres over 5 acres is worth 1% point -4.44%	>20 acres = +10% max; < 5 acres = - 10% max
<u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> - 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	2.5	10	<u>Linkage with other Open Space</u> - Adjacent to other Open Space , Parks, or open areas associated with Planned Unit Development, Cluster Subdivisions, or Binding Site Plans	5%	5 %
<u>Enhances Recreation Opportunities:</u> - Lands which provide opportunities for passive recreational activities such as, but not limited to, hiking, horseback riding, hunting, fishing, bird watching, and nature observation	5	10	<u>Natural Areas</u> - Base on how much of parcel is in natural cover and not developed with home site, outbuildings and clearings	3.75%	5 %
<u>Preserves Historic and Archeological Sites</u>	0	10	<u>Financial Advantage</u>	0	40 % (-)
			<u>Discretionary Value NA</u>	0	40 % (+/-)
Total	<u>22</u>	70	Total	<u>66</u>	140 %

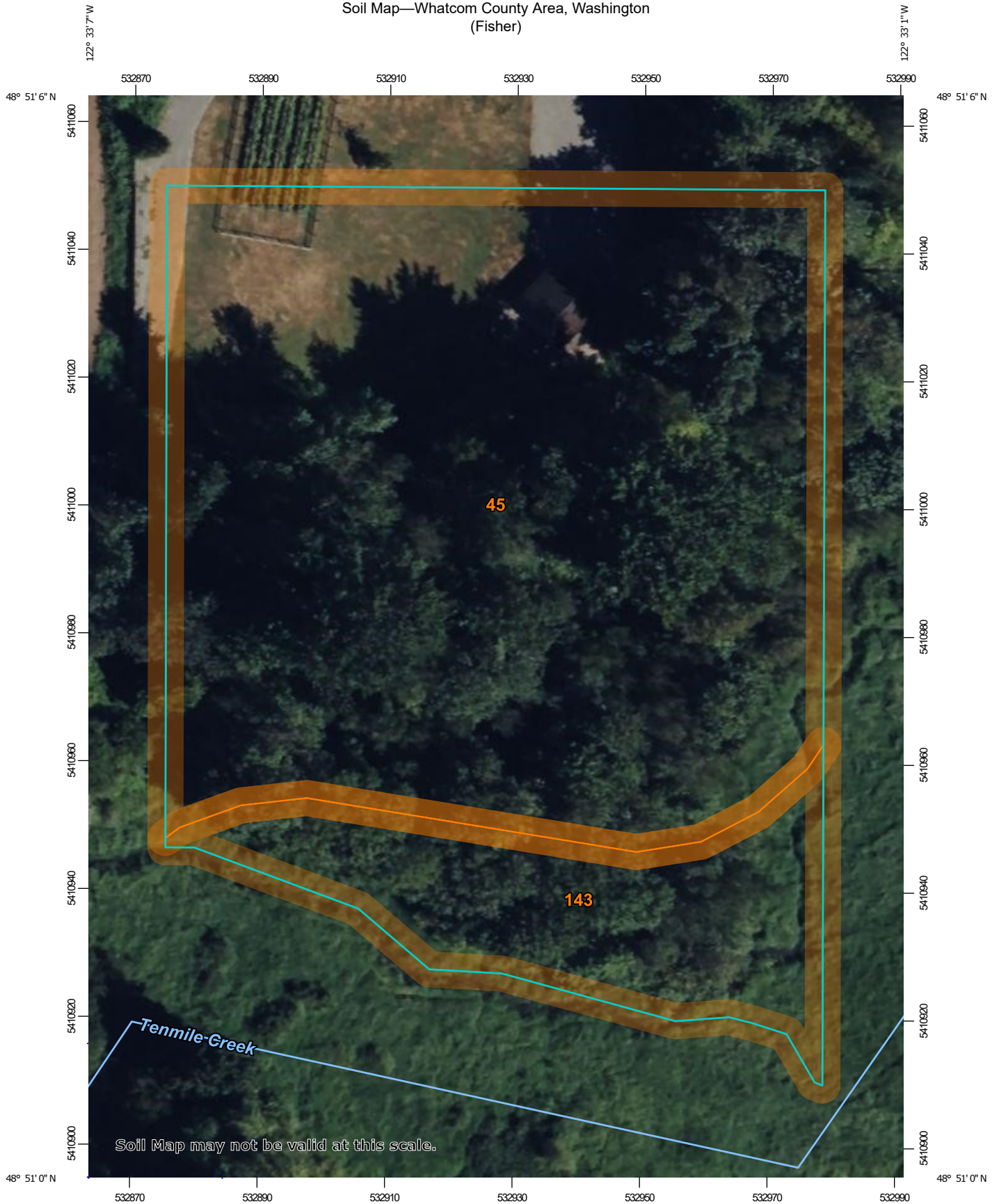
The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula $BV + (BV \times PBV) = 22 + (14.46)$

OSP2024-00001 Public Benefit Rating (PBR) = 36.50


Must receive at least 45 points for a staff recommendation of approval

Soil Map—Whatcom County Area, Washington
(Fisher)





MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Whatcom County Area, Washington

Survey Area Data: Version 23, Aug 29, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

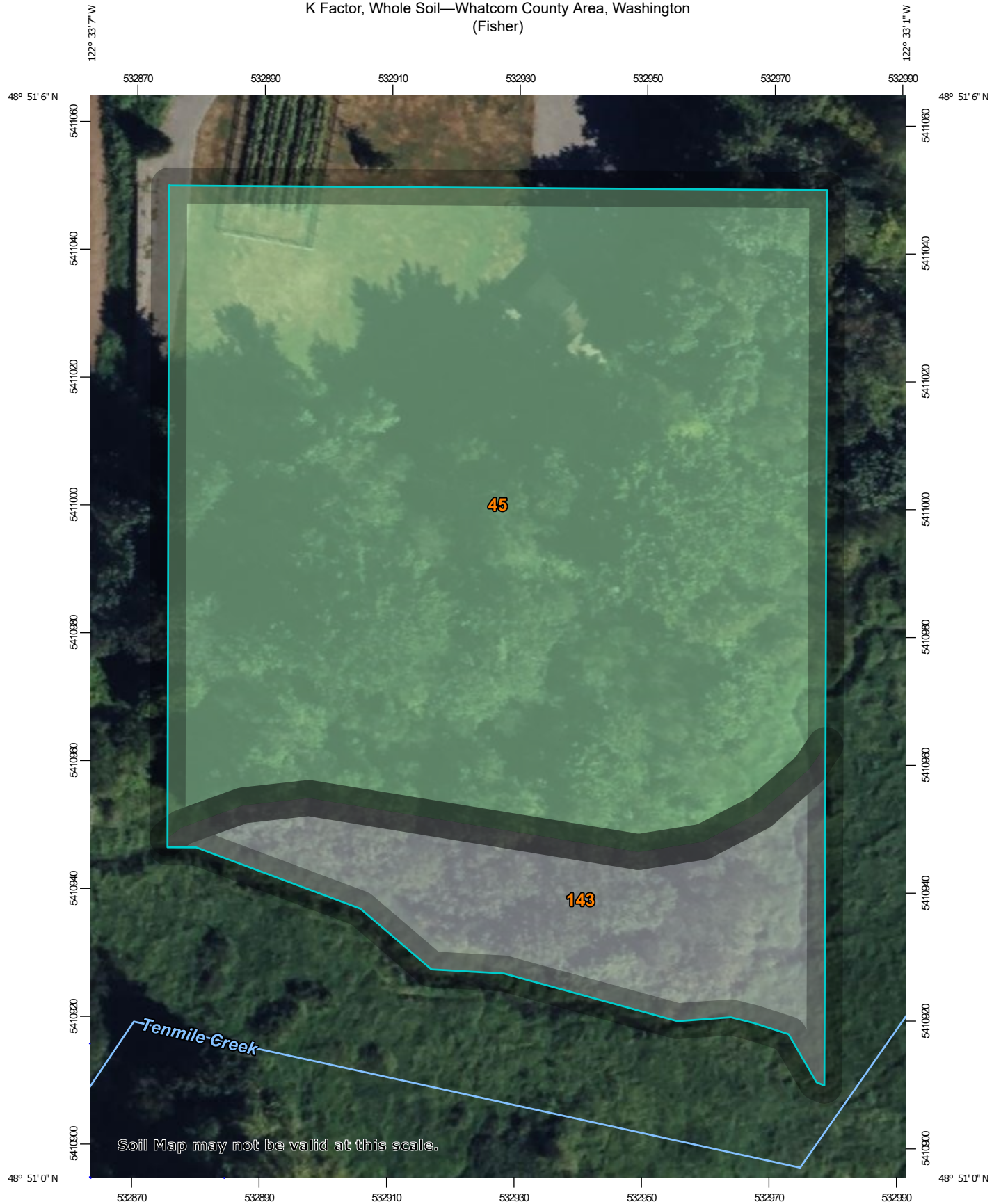
Date(s) aerial images were photographed: Aug 14, 2022—Sep 1, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

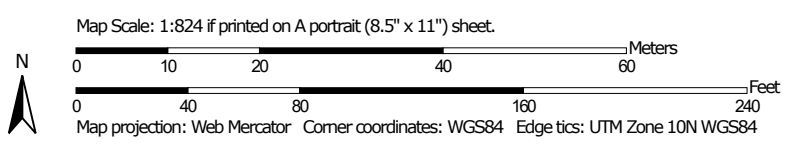
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
45	Edmonds-Woodlyn loams, 0 to 2 percent slopes	2.5	81.9%
143	Shalcar muck, drained, 0 to 2 percent	0.6	18.1%
Totals for Area of Interest		3.1	100.0%

K Factor, Whole Soil—Whatcom County Area, Washington
(Fisher)




Soil Map may not be valid at this scale.



K Factor, Whole Soil—Whatcom County Area, Washington
(Fisher)
















MAP LEGEND

Area of Interest (AOI)







 Area of Interest (AOI)










Soils

Soil Rating Polygons
















-  .02
-  .05
-  .10
-  .15
-  .17
-  .20
-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Soil Rating Lines








-  .02
-  .05
-  .10
-  .15
-  .17
-  .20

-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Soil Rating Points

-  .02
-  .05
-  .10
-  .15
-  .17
-  .20
-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Water Features

-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Whatcom County Area, Washington
Survey Area Data: Version 23, Aug 29, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 14, 2022—Sep 1, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

K Factor, Whole Soil

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
45	Edmonds-Woodlyn loams, 0 to 2 percent slopes	.28	2.5	81.9%
143	Shalcar muck, drained, 0 to 2 percent		0.6	18.1%
Totals for Area of Interest			3.1	100.0%

Description

Erosion factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Factor K is one of six factors used in the Universal Soil Loss Equation (USLE) and the Revised Universal Soil Loss Equation (RUSLE) to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on percentage of silt, sand, and organic matter and on soil structure and saturated hydraulic conductivity (Ksat). Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

"Erosion factor Kw (whole soil)" indicates the erodibility of the whole soil. The estimates are modified by the presence of rock fragments.

Factor K does not apply to organic horizons and is not reported for those layers.

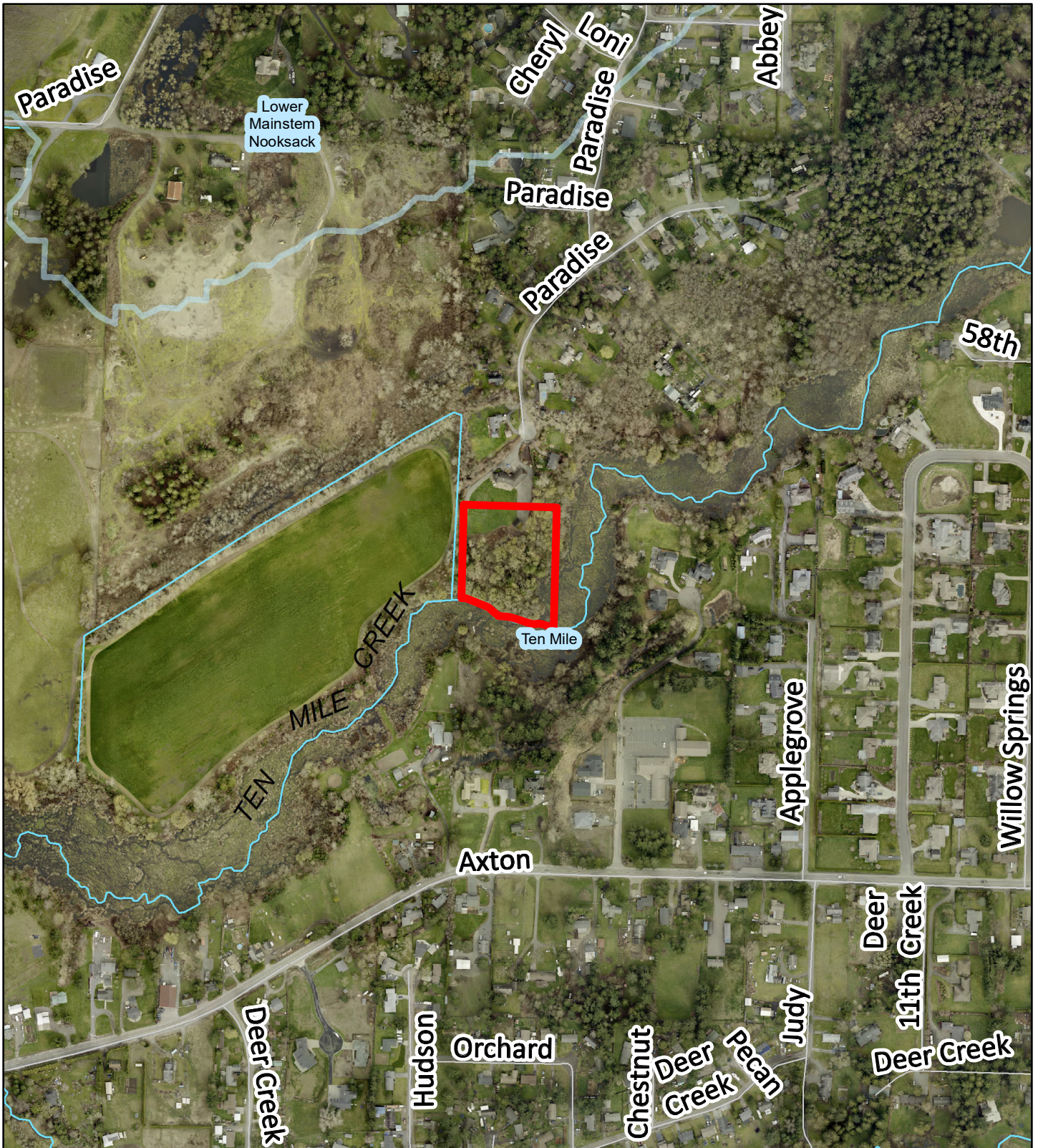
Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified


Tie-break Rule: Higher

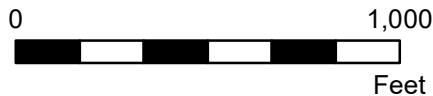
Layer Options (Horizon Aggregation Method): Surface Layer (Not applicable)



Open Space Land

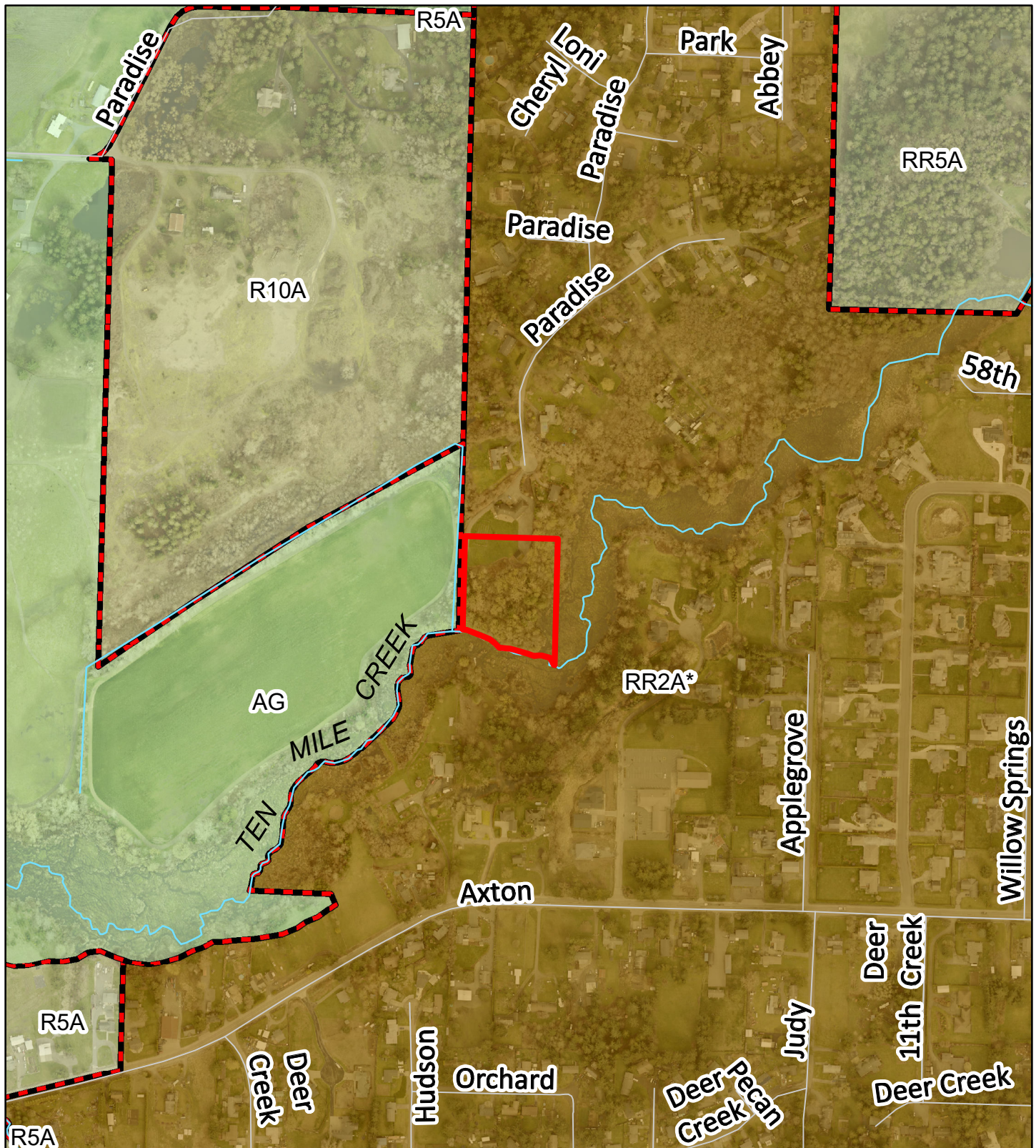
OSP2024-00002 Scott & Nancy Fisher, ~3.11 acres

 Subject Site



USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:

Whatcom County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either express or implied. No representation or warranty is made concerning the accuracy, currency, completeness or quality of data depicted on this map. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Whatcom County harmless from and against any damage, loss, or liability arising from any use of this map.



Open Space Land

OSP2024-00001 Scott & Nancy Fisher, ~3.11 acres

Subject Site
 Zoning Boundaries

- Rural
- Rural Neighborhood
- Agriculture








USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:

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Open Space Land

OSP2024-00001 Scott & Nancy Fisher, ~3.11 acres

-  Subject Site
-  Rivers & Streams
-  Surficial Aquifers
-  Habitat Conservation Area, State Priority Habitats
-  Wetlands



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**Open Space Land
 Public Benefit Rating System-Evaluation Form**

File # OSP2024-0003		
Property Owner (s): JM-1 Trust, Greg Mowat Trustee	Classification: Open Space Land	
Street Address: 5436 Barrett Road	Status: Application for Classification/Reclassification	
City: Ferndale State: WA Zip: 98225	Assessor's Parcel No.(s): Parcel A: 3902282322990000 Parcel B: 3902282342340000	
Site Address: n/a	Parcel Acres:	20 Acres
Watershed: <ul style="list-style-type: none"> • 3rd Order: Barrett Lake Watershed • 2nd Order: Lower Nooksack Subbasin • 1st Order: Nooksack 	Open Space Land Application Acre(s):	20 Acres
Comprehensive Plan Designation: Unincorporated City (Ferndale)	Zoning Designation: MXD-Mixed Use Commercial District	
Historical Land Use: Forest	Shorelines: n/a	
Soil/Type Capabilities: 100% - 184 - Whitehorn silt loam, 0 to 2 percent slopes		

For classification/reclassification to OSL

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> - Conserve or enhance natural, cultural or scenic resources - Lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitation</p>	4	10	<p><u>Public Access:</u> -Recreation Access -Availability of off-street parking -Quality of access in terms of accessibility and owner’s proposed rules of conduct and access management</p>	24%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> -Lands which provide for preservation of bogs or swamps</p>	1.67	10	<p><u>Water Resource Protection:</u> -Preservation of hydrologic process (Streams & natural drainage course</p>	6.67%	20 %
<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u> -Lands where, if alterations were to occur, a resulting high risk of soil erosion would follow</p>	2.2	10	<p><u>Wildlife Habitat:</u> -Abundance and diversity of wildlife (Associated with “edge” type habitat and areas of vegetative and topographic diversity)</p>	5%	20%
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> -Lands which offer opportunities for conservation education such as interpretive centers or trails</p>	2.5	10	<p><u>Parcel Size</u> Parcel (Combined Parcel) is 20 Acres</p>	<p>Each 1.5 acres over 5 acres is worth 1% point 10%</p>	<p>>20 acres = +10% max; < 5 acres = - 10% max</p>

<u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> -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	2.5	10	<u>Linkage with other Open Space</u> -Adjacent to other Open Space, Parks, or open areas associated with Planned Unit Development, Cluster Subdivisions, or Binding Site Plans	5%	5 %
<u>Enhances Recreation Opportunities:</u> -Lands which provide opportunities for passive recreational activities such as, but not limited to, hiking, horseback riding, hunting, fishing, bird watching, and nature observation	5	10	<u>Natural Areas</u> -100% is natural cover	5%	5 %
<u>Preserves Historic and Archeological Sites</u>	0	10	<u>Financial Advantage</u>	0	40 % (-)
			<u>Discretionary Value NA</u>	0	40 % (+/-)
Total	<u>20.37</u>	70	Total	55.67%	140 %

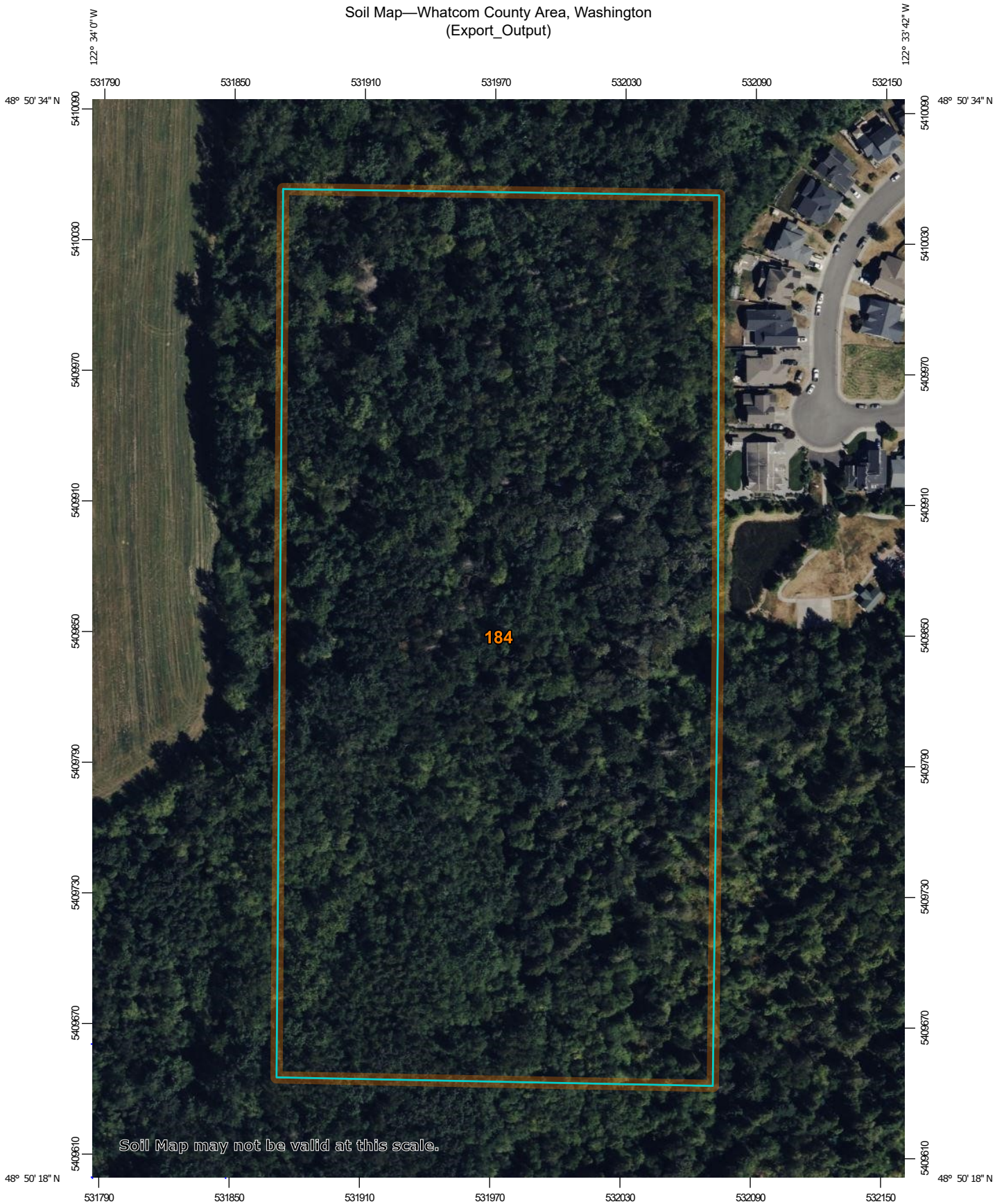
The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula $BV + (BV \times PBV) = 20 + (11.34)$

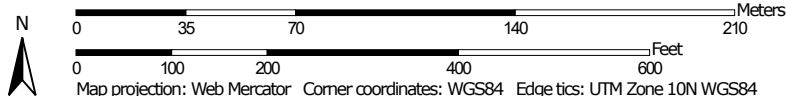
OSP20xx-xxxxx Public Benefit Rating (PBR) = 31.70

Must receive at least 45 points for a staff recommendation of approval

Soil Map—Whatcom County Area, Washington
(Export_Output)




Map Scale: 1:2,410 if printed on A portrait (8.5" x 11") sheet.





MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

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Soil Survey Area: Whatcom County Area, Washington
Survey Area Data: Version 23, Aug 29, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

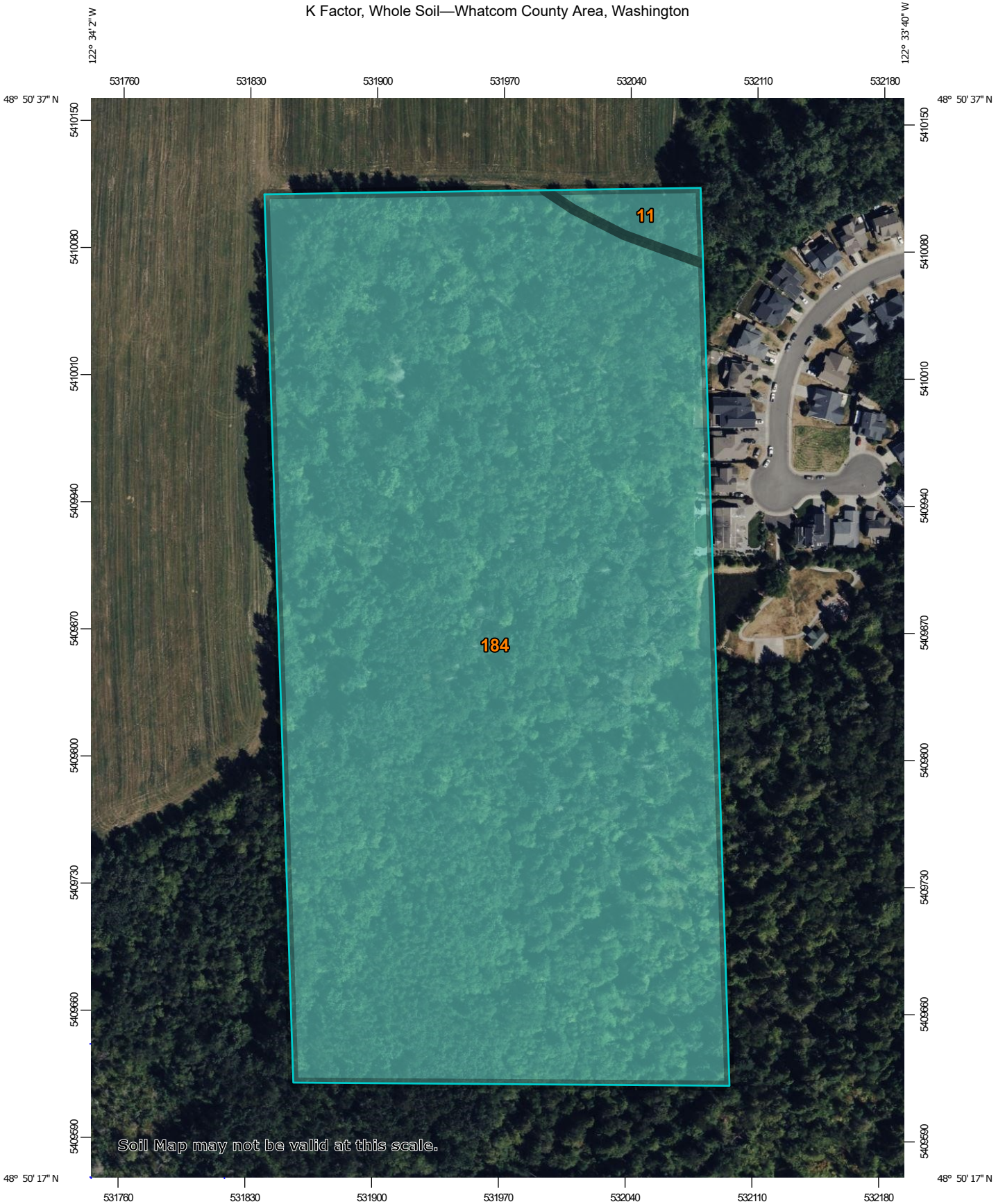
Date(s) aerial images were photographed: Aug 14, 2022—Sep 1, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
184	Whitehorn silt loam, 0 to 2 percent slopes	20.4	100.0%
Totals for Area of Interest		20.4	100.0%

K Factor, Whole Soil—Whatcom County Area, Washington



Soil Map may not be valid at this scale.

Map Scale: 1:2,890 if printed on A portrait (8.5" x 11") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84


















MAP LEGEND

Area of Interest (AOI)







 Area of Interest (AOI)










Soils

Soil Rating Polygons
















-  .02
-  .05
-  .10
-  .15
-  .17
-  .20
-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Soil Rating Lines








-  .02
-  .05
-  .10
-  .15
-  .17
-  .20

-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Soil Rating Points

-  .02
-  .05
-  .10
-  .15
-  .17
-  .20
-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Water Features

-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

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This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Whatcom County Area, Washington
 Survey Area Data: Version 23, Aug 29, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 14, 2022—Sep 1, 2022

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K Factor, Whole Soil

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
11	Bellingham silty clay loam, 0 to 2 percent slopes	.32	0.5	1.7%
184	Whitehorn silt loam, 0 to 2 percent slopes	.32	28.9	98.3%
Totals for Area of Interest			29.4	100.0%

Description

Erosion factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Factor K is one of six factors used in the Universal Soil Loss Equation (USLE) and the Revised Universal Soil Loss Equation (RUSLE) to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on percentage of silt, sand, and organic matter and on soil structure and saturated hydraulic conductivity (Ksat). Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

"Erosion factor Kw (whole soil)" indicates the erodibility of the whole soil. The estimates are modified by the presence of rock fragments.

Factor K does not apply to organic horizons and is not reported for those layers.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified


Tie-break Rule: Higher

Layer Options (Horizon Aggregation Method): Surface Layer (Not applicable)



Open Space Land

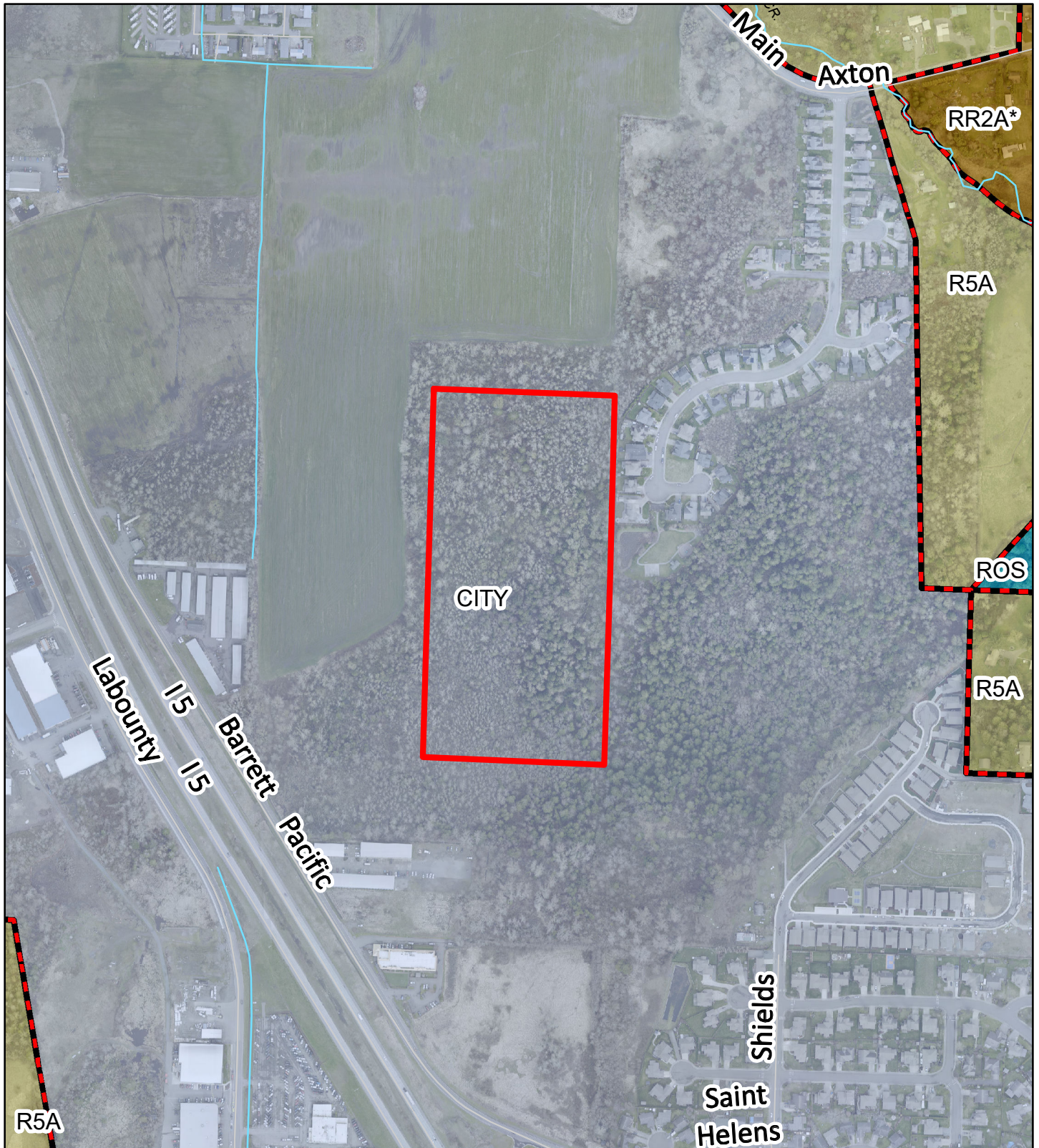
OSP2024-00003 Robert Janicki - Ferndale 65, LLC, ~20 acres

 Subject Site



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Open Space Land

OSP2024-00003 Robert Janicki - Ferndale 65, LLC, ~20 acres

- Subject Site
- Zoning Boundaries
- Incorporated City Limits
- Rural
- Rural Neighborhood
- Public Recreation








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Open Space Land

OSP2024-00003 Robert Janicki - Ferndale 65 LLC, ~20 acres

-  Subject Site
-  Rivers & Streams
-  Surficial Aquifers
-  Habitat Conservation Area, State Priority Habitats
-  Wetlands



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**Open Space Land
 Public Benefit Rating System-Evaluation Form**

File # OSP2024-00004		
Property Owner (s): Ryan Nachreiner & Sarah Soltis	Classification: Open Space Land	
Street Address: 1728 Burlwood Way	Status: Application for Reclassification	
City: Lynden State: WA Zip: 98264	Assessor's Parcel No.(s): Parcel A: 3904033014730000	
Site Address: 3804 Gilmore Road Everson, WA 98247	Parcel Acres:	20 Acres
Watershed: <ul style="list-style-type: none"> • 3rd Order: Dale • 2nd Order: Sumas River Subbasin • 1st Order: Fraser 	Open Space Land Application Acre(s):	20 Acres
Comprehensive Plan Designation: Rural Forestry	Zoning Designation: Rural Forestry	
Historical Land Use: Forest	Shorelines: n/a	
Soil/Type Capabilities: 95.7% - #7 Barneston gravelly ashy loam, 8 to 30 percent slopes 4.3% - #53 Everson silt loam, drained, 0 to 2 percent slopes		

For classification/reclassification to OSL

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> - Conserve or enhance natural, cultural or scenic resources - Lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitation</p>	4	10	<p><u>Public Access:</u> -Recreation Access -Availability of off-street parking - Quality of access in terms of accessibility and owner’s proposed rules of conduct and access management</p>	20%	40 %
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> - Lands near or adjacent to streams or rivers where, if alterations were to occur, a resulting loss of quality would also occur in the conditions of water and the general function of the regime - Lands which provide for preservation of bogs or swamps - Lands adjacent to bodies of water, both marine and fresh - Lands including and adjacent to wetlands and tidal areas (these lands would not necessarily be approved contingent upon public assess agreement due to biological sensitivities).</p>	6.67	10	<p><u>Water Resource Protection:</u> - Preservation of hydrologic process (Streams & natural drainage course</p>	6.67%	20 %

<p><u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u> - Lands where slopes exceed 25% or areas where underlying geology and soils are known to produce unstable conditions - Lands where, if alterations were to occur, a resulting high risk of soil erosion would follow - Lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of State or Federal Endangered Species; State or Federal Threatened Species ; Federal Proposed Endangered or Threatened Species; State Sensitive or Monitor Species</p>	<p>8.87</p>	<p>10</p>	<p><u>Wildlife Habitat:</u> - State or Federal Endangered Species; State or Federal Threatened Species ; Federal Proposed Endangered or Threatened Species; State Sensitive or Monitor Species - Abundance and diversity of wildlife (Associated with "edge" type habitat and areas of vegetative and topographic diversity)</p>	<p>20%</p>	<p>20%</p>
<p><u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u> - Lands which are an example of application of conservation principles</p>	<p>5</p>	<p>10</p>	<p><u>Parcel Size Parce (Combined Parcel) is 20 Acres</u></p>	<p>Each 1.5 acres over 5 acres is worth 1% point 5%</p>	<p>>20 acres = +10% max; < 5 acres = - 10% max</p>
<p><u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> - 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</p>	<p>2.5</p>	<p>10</p>	<p><u>Linkage with other Open Space</u> - Adjacent to other Open Space , Parks, or open areas associated with Planned Unit Development, Cluster Subdivisions, or Binding Site Plans</p>	<p>5%</p>	<p>5 %</p>
<p><u>Enhances Recreation Opportunities:</u> - Lands which provide opportunities for passive recreational activities such as, but not limited to, hiking, horseback riding, hunting, fishing, bird watching, and nature observation</p>	<p>5</p>	<p>10</p>	<p><u>Natural Areas</u> -95% natural cover</p>	<p>4.75%</p>	<p>5 %</p>
<p><u>Preserves Historic and Archeological Sites</u></p>	<p>0</p>	<p>10</p>	<p><u>Financial Advantage</u></p>	<p>0</p>	<p>40 % (-)</p>

			<u>Discretionary Value NA</u>	0	40 % (+/-)
Total	<u>32.03</u>	70	Total	66.42%	140 %

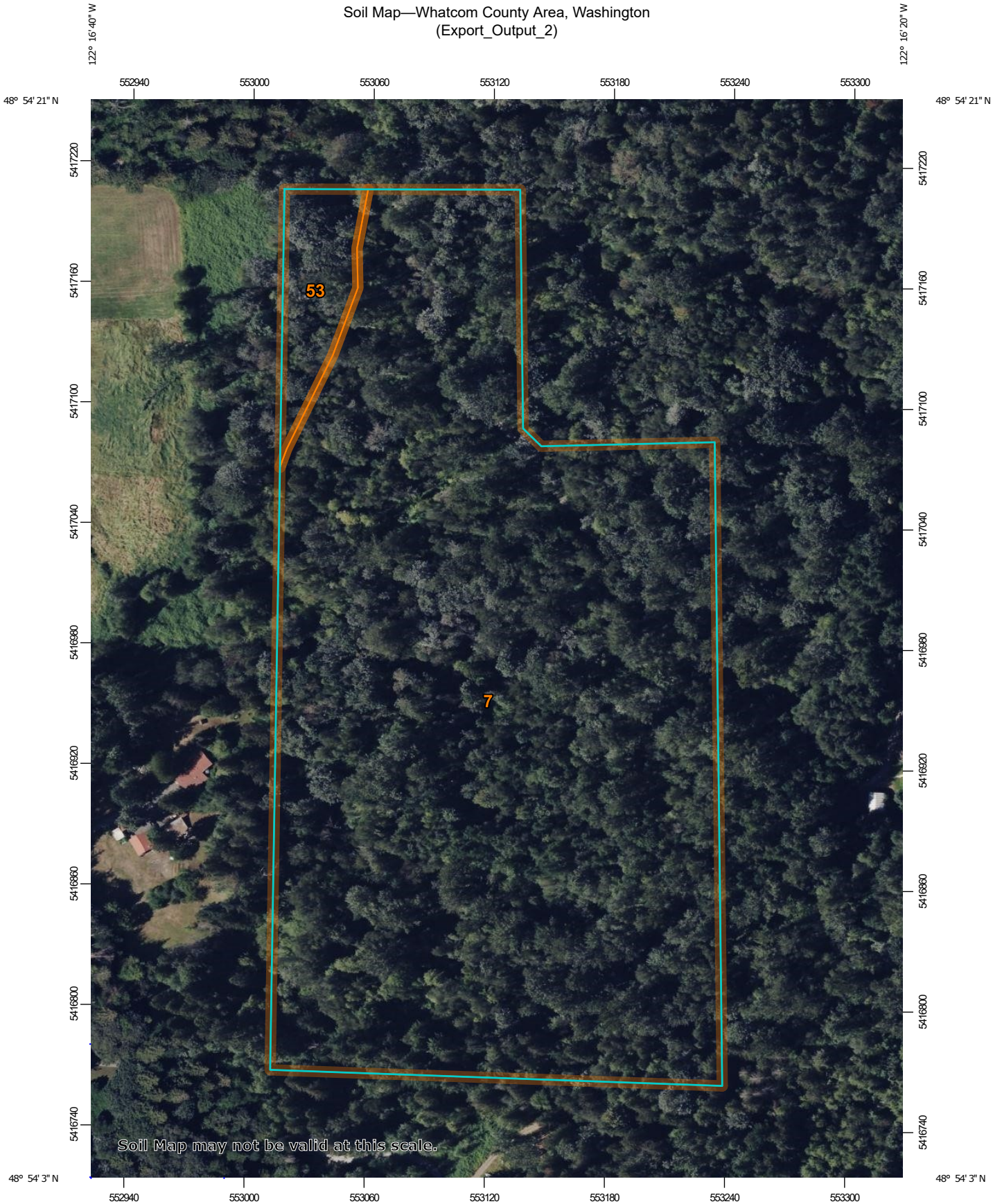
The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula $BV + (BV \times PBV) = 32.03 + (21.28)$

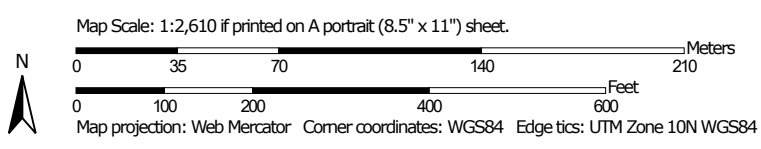
OSP2024-00004 Public Benefit Rating (PBR) = 53.31

Must receive at least 45 points for a staff recommendation of approval

Soil Map—Whatcom County Area, Washington
(Export_Output_2)




Soil Map may not be valid at this scale.




MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Whatcom County Area, Washington

Survey Area Data: Version 23, Aug 29, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

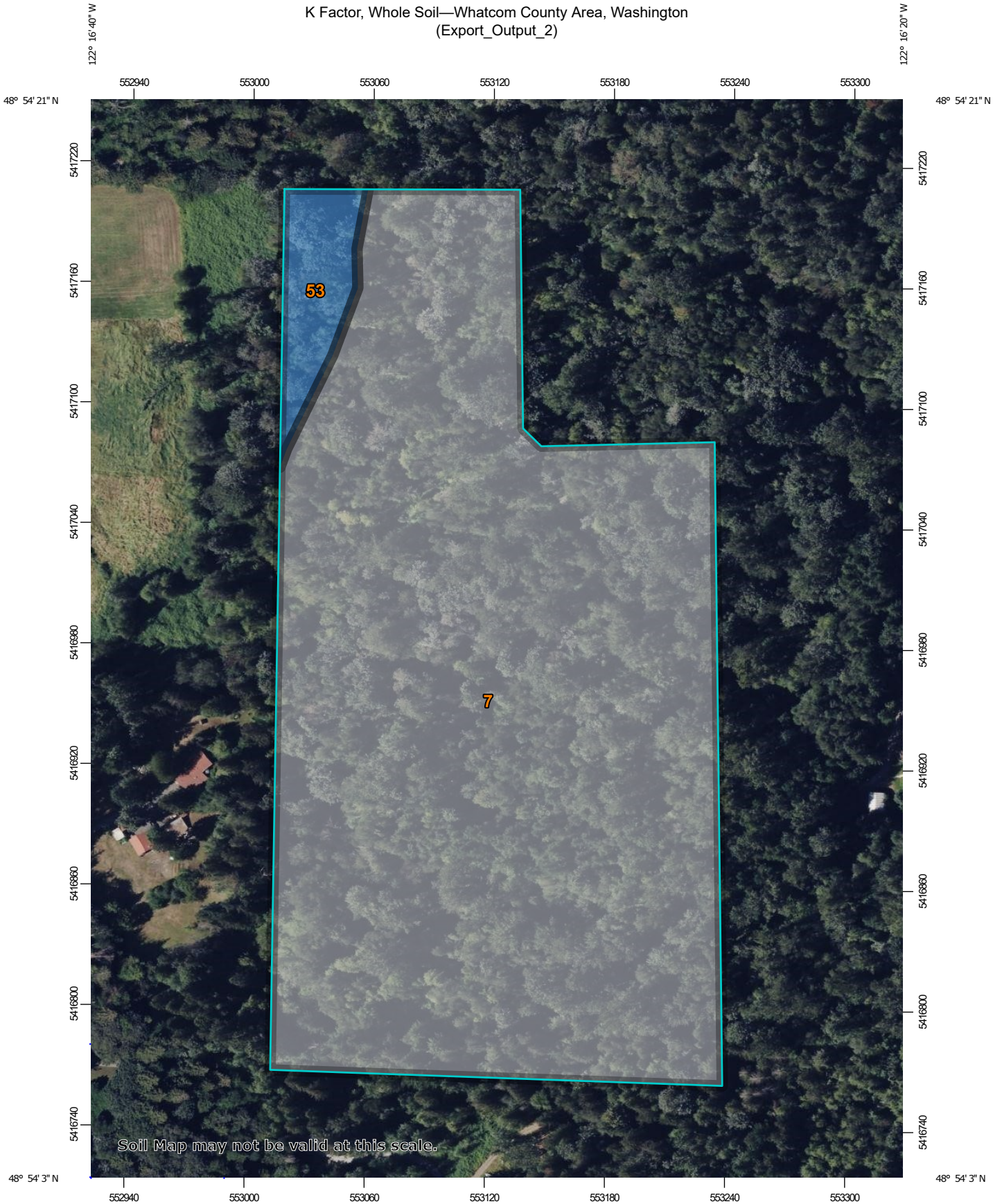
Date(s) aerial images were photographed: Aug 14, 2022—Sep 1, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

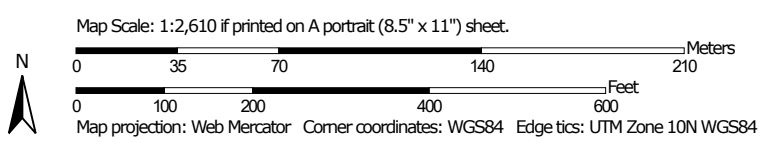
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7	Barneston gravelly ashy loam, 8 to 30 percent slopes	20.2	95.7%
53	Everson silt loam, drained, 0 to 2 percent slopes	0.9	4.3%
Totals for Area of Interest		21.1	100.0%

K Factor, Whole Soil—Whatcom County Area, Washington
(Export_Output_2)




Soil Map may not be valid at this scale.


















MAP LEGEND

Area of Interest (AOI)







 Area of Interest (AOI)










Soils

Soil Rating Polygons
















-  .02
-  .05
-  .10
-  .15
-  .17
-  .20
-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Soil Rating Lines








-  .02
-  .05
-  .10
-  .15
-  .17
-  .20

-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Soil Rating Points

-  .02
-  .05
-  .10
-  .15
-  .17
-  .20
-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Water Features

-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.
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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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Soil Survey Area: Whatcom County Area, Washington
Survey Area Data: Version 23, Aug 29, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 14, 2022—Sep 1, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

K Factor, Whole Soil

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7	Barneston gravelly ashy loam, 8 to 30 percent slopes		20.2	95.7%
53	Everson silt loam, drained, 0 to 2 percent slopes	.43	0.9	4.3%
Totals for Area of Interest			21.1	100.0%

Description

Erosion factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Factor K is one of six factors used in the Universal Soil Loss Equation (USLE) and the Revised Universal Soil Loss Equation (RUSLE) to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on percentage of silt, sand, and organic matter and on soil structure and saturated hydraulic conductivity (Ksat). Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

"Erosion factor Kw (whole soil)" indicates the erodibility of the whole soil. The estimates are modified by the presence of rock fragments.

Factor K does not apply to organic horizons and is not reported for those layers.

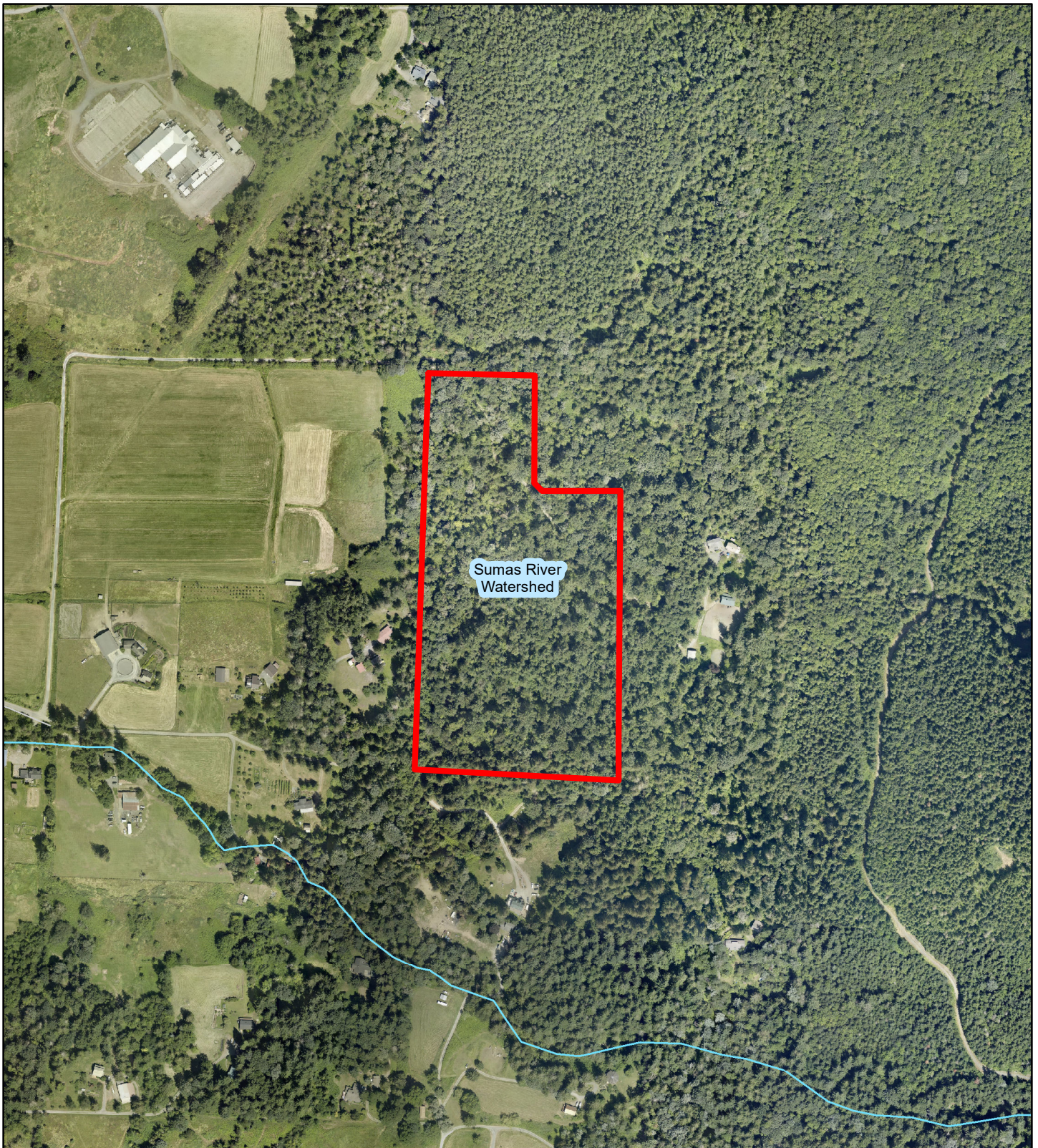
Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified


Tie-break Rule: Higher

Layer Options (Horizon Aggregation Method): Surface Layer (Not applicable)



Open Space Land

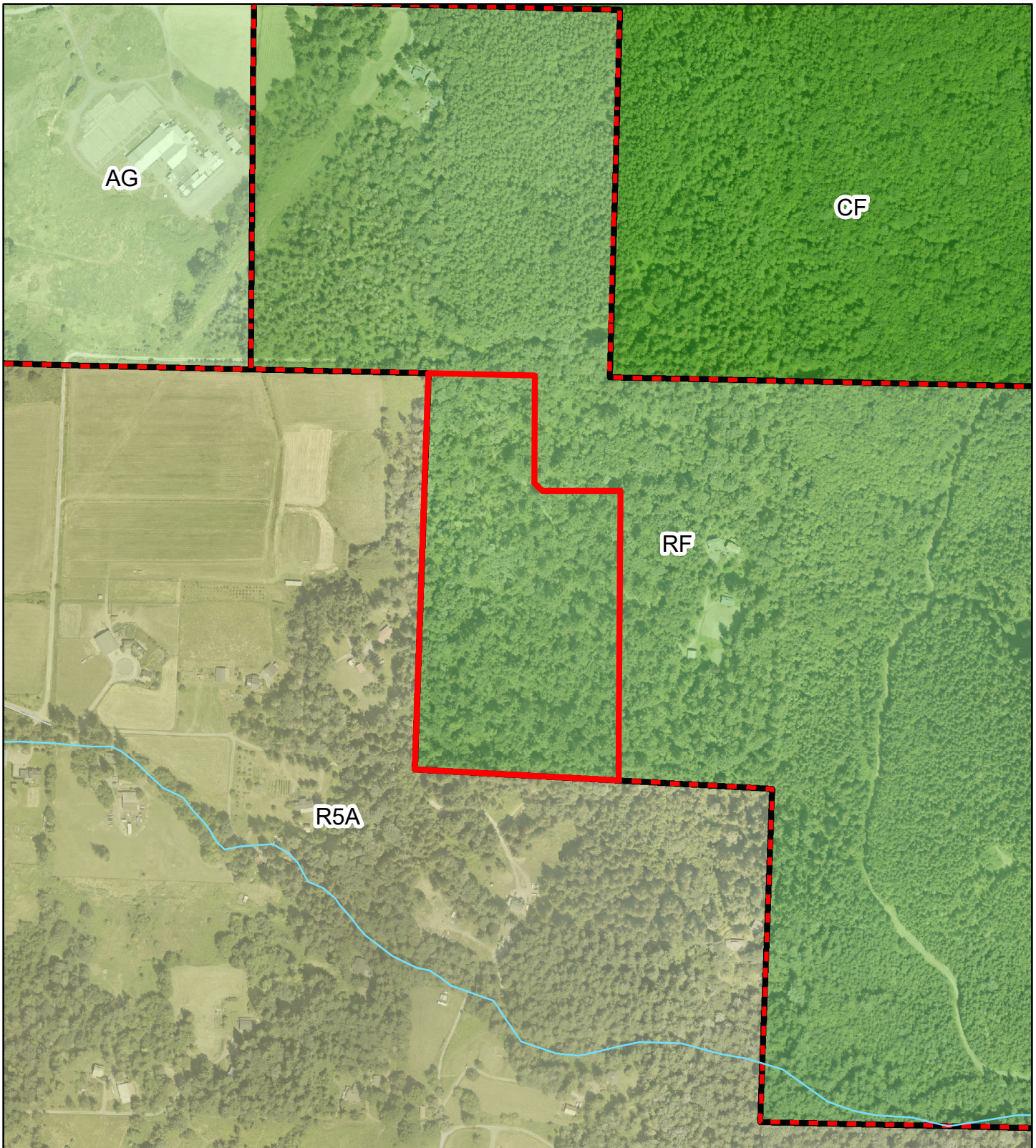
OSP2024-00004 Ryan Nachreiner & Sarah Soltis, ~20 acres

 Subject Site



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Open Space Land

OSP2024-00004 Ryan Nachreiner & Sarah Soltis, ~20 acres

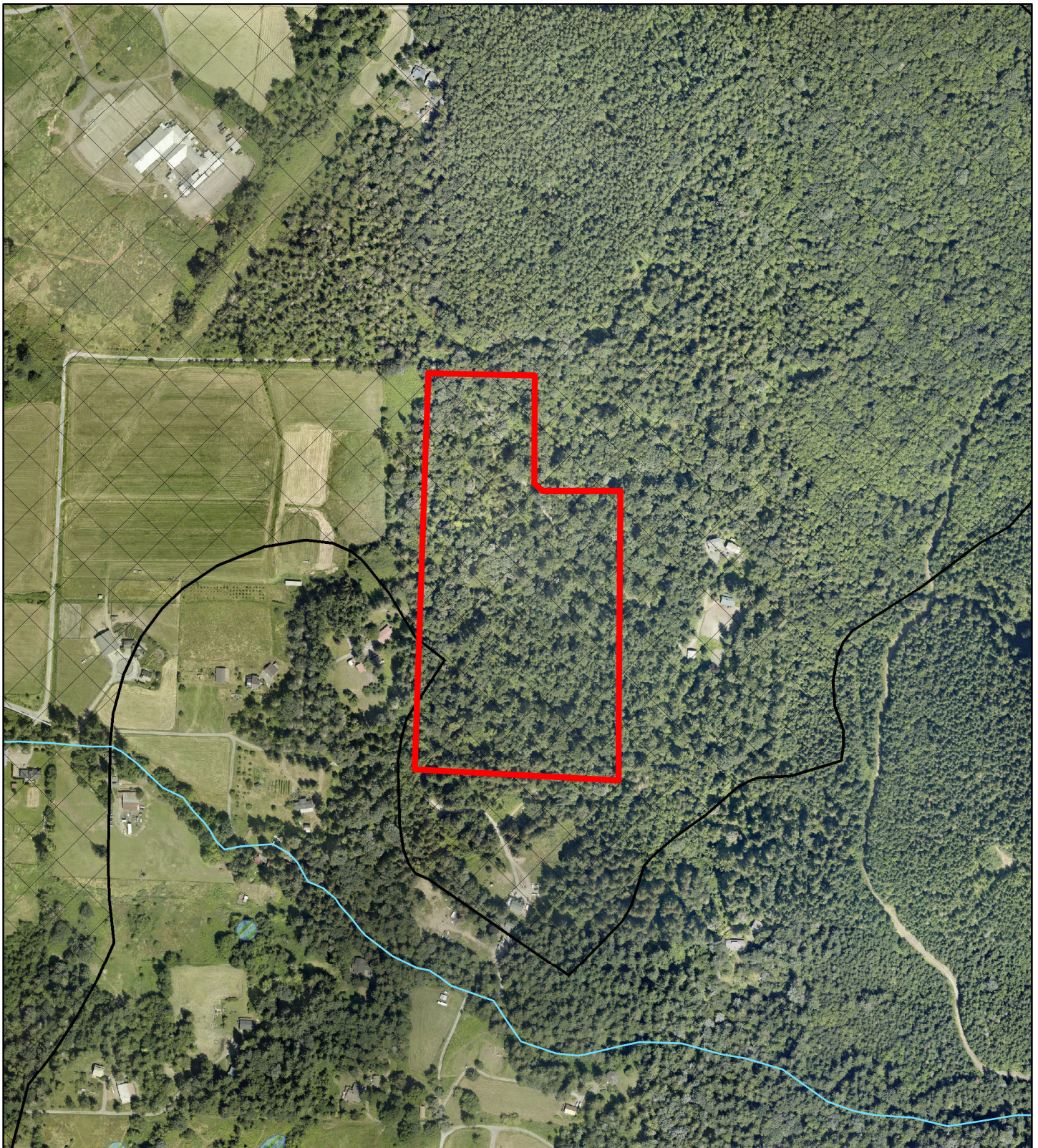
Subject Site
 Zoning Boundaries

- Rural
- Agriculture
- Rural Forestry
- Commercial Forestr








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Open Space Land

OSP2024-00004 Ryan Nachreiner & Sarah Soltis, ~20 acres

-  Subject Site
-  Rivers & Streams
-  Surficial Aquifers
-  Habitat Conservation Area, State Priority Habitats
-  Wetlands



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**Open Space Land
 Public Benefit Rating System-Evaluation Form**

File # OSP2024-00005		
Property Owner (s): Rich & Kathleen Greenbaum	Classification: Open Space Farm and Agricultural Conservation Land	
Street Address: 8972 Frost Road	Status: Application for Reclassification	
City: Sumas State: WA Zip: 98295	Assessor's Parcel No.(s): Parcel A: 4005083481700000 Parcel B: 4005083431030000	
Site Address: 8972 Frost Road Sumas WA, 98295	Parcel Acres:	39.97 Acres
Watershed: <ul style="list-style-type: none"> • 3rd Order: Saar • 2nd Order: Sumas River Subbasin • 1st Order: Fraser 	Open Space Land Application Acre(s):	39.97 Acres
Comprehensive Plan Designation: Rural Residential	Zoning Designation: R10A	
Historical Land Use: Agricultural and Forest	Shorelines: n/a	
Soil/Type Capabilities: 18.3% - #93 Labounty silt loam, 0 to 2 percent slopes 2.8% - #96 Laxton loam, 0 to 3 percent slopes 3.2% - #114 Oakes very gravelly loam, 60 to 80 percent slopes 75.8% - #156 Squalicum gravelly loam, 5 to 15 percent slopes		

For Classification/Reclassification to OSFAC

Basic Value (BV)	Score	MAX	Public Benefit Value (PBV)	Score	MAX
<p><u>Traditional or Potential Farmland</u> - Lands which have historically been used for agriculture - Lands that have not been devoted to a use inconsistent with agricultural uses (3.25)</p>	10.75	15	<p><u>Public Access:</u> -Recreation access -Public road frontage -Availability of off-street parking -Quality of access in terms of accessibility</p>	32%	40 %
<p><u>Soil Value</u> - Lands which contain prime farmland as defined by the U.S. Department of Agriculture - Lands which contain capability classification I-IV according to the U.S. Department of Agriculture land Capability Classification System</p>	6.15	15	<p><u>Water Resource Protection:</u> -Preservation of hydrologic process</p>	6.67%	20 %
<p><u>Comprehensive Plan Designation</u></p>	0	5	<p><u>Wildlife Habitat:</u> -Abundance and diversity of wildlife</p>	10%	20%
<p><u>Conserves or Enhances Natural, Cultural or Scenic Resources:</u> - Lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitation</p>	1.25	5	<p><u>Parcel Size</u> 39.97 acres</p>	10%	>20 acres = +10% max; < 5 acres = - 40% required
<p><u>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</u> - Lands near or adjacent to streams or rivers where, if alterations were to occur, a resulting loss of quality would also occur in the conditions of water and the general function of the regime - Lands which provide for preservation of bogs or swamps - Lands adjacent to bodies of water, both marine and fresh</p>	2.49	5	<p><u>Linkage with other Open Space</u> - Adjacent to other Open Space , Parks, or open areas associated with Planned Unit Development, Cluster Subdivisions, or Binding Site Plans</p>	5%	5 %

<u>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</u> - Lands where slopes exceed 25% or areas where underlying geology and soils are known to produce unstable conditions - Lands where, if alterations were to occur, a resulting high risk of soil erosion would follow	2.77	5	<u>Natural Areas</u>	3%	5 %
<u>Promotes Conservation Principles by Example/Offers Educational Opportunities:</u>	0	5	<u>Financial Advantage</u>	0%	40 % (-)
<u>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</u> - Lands which, as open space, may help to provide for successful implementation of County Trail Plan - 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	2.5	5	<u>Discretionary Value NA</u>	0%	40 % (+/-)
<u>Enhances Recreation Opportunities:</u> - Lands possessing private recreational facilities which are available to the public without charge - Lands which provide opportunities for passive recreational activities such as, but not limited to, hiking, horseback riding, hunting, fishing, bird watching, and nature observation	5	5			
<u>Preserves Historic and Archeological Sites</u>	0	5			
Total	<u>30.91</u>	70	Total	<u>66.67%</u>	140 %

The Public Benefit Rating is calculated using the following formula:

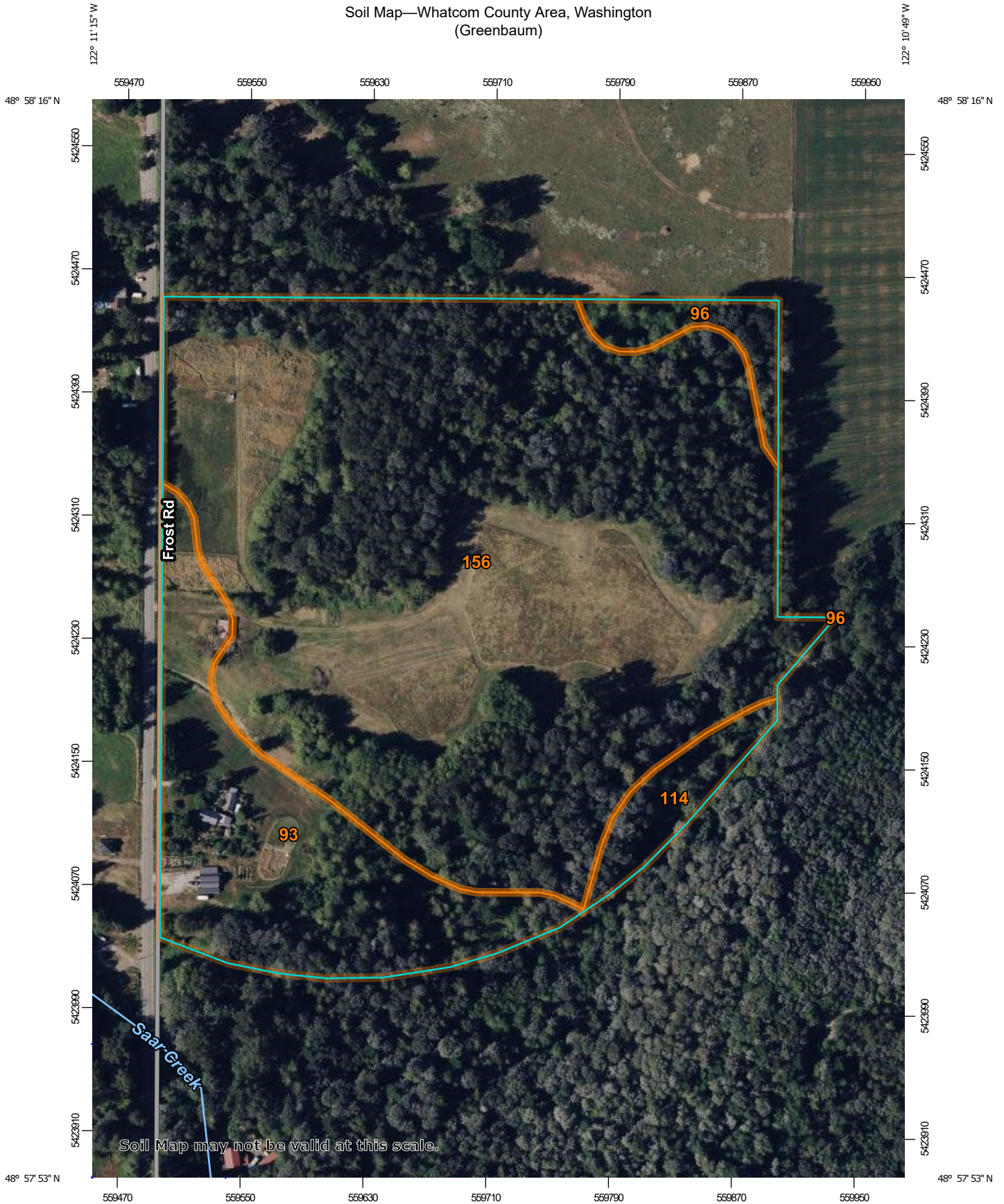
Public Benefit Rating Formula $BV + (BV \times PBV) = 30.92 + (20.61)$

OSP2024-00005

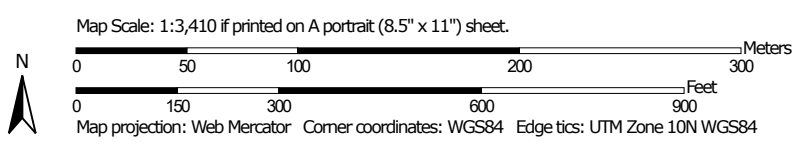
Public Benefit Rating (PBR) = 51.53

Must receive at least 45 points for a staff recommendation of approval

Soil Map—Whatcom County Area, Washington
(Greenbaum)




Soil Map may not be valid at this scale.





MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

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Soil Survey Area: Whatcom County Area, Washington
Survey Area Data: Version 23, Aug 29, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

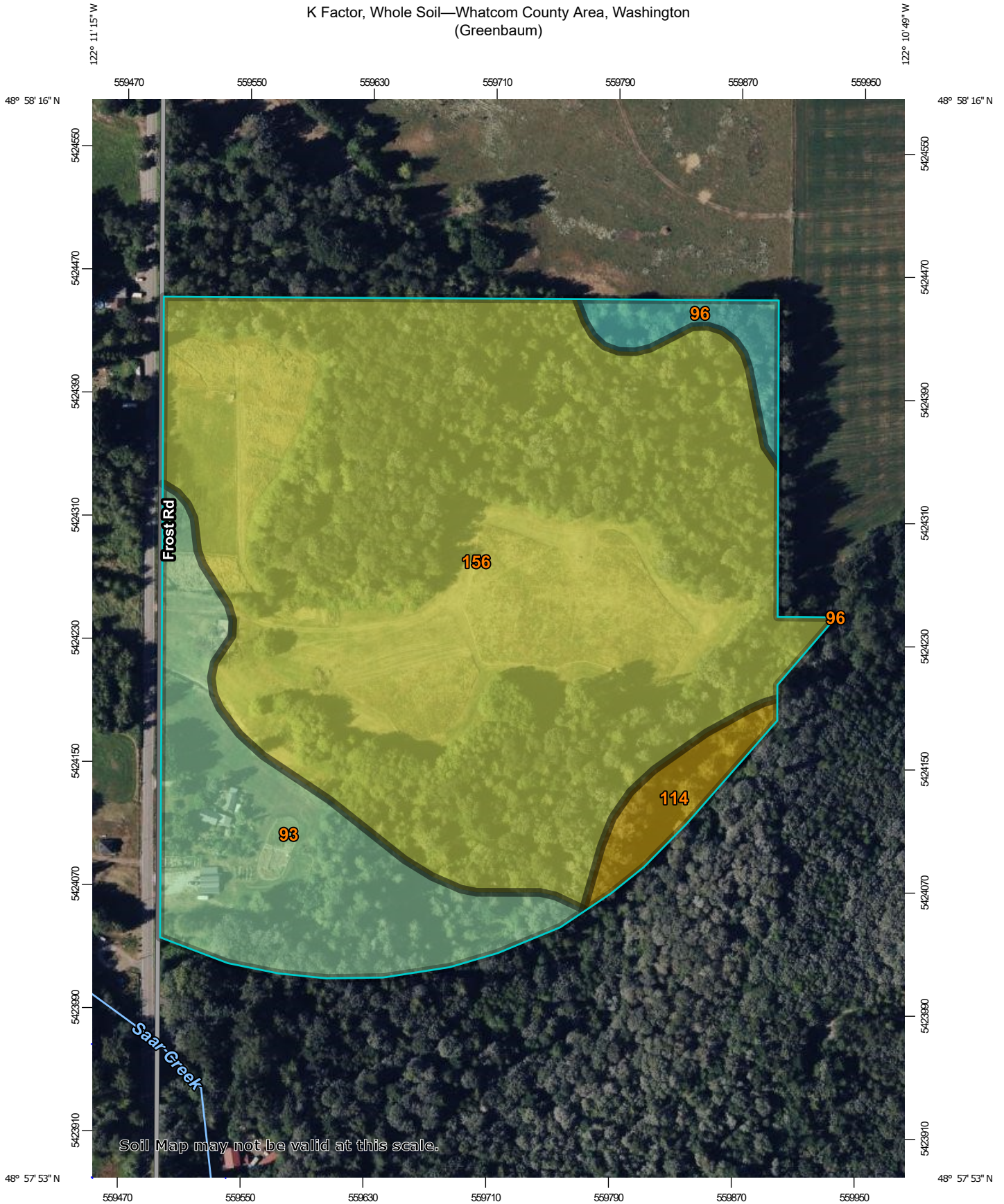
Date(s) aerial images were photographed: Aug 14, 2022—Sep 1, 2022

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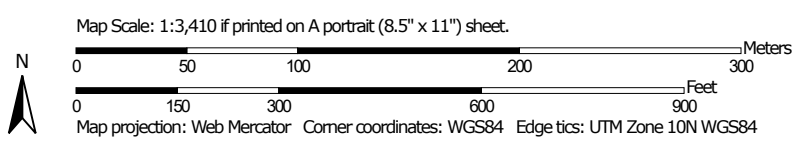
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
93	Labounty silt loam, 0 to 2 percent slopes	7.4	18.3%
96	Laxton loam, 0 to 3 percent slopes	1.1	2.8%
114	Oakes very gravelly loam, 60 to 80 percent slopes	1.3	3.2%
156	Squalicum gravelly loam, 5 to 15 percent slopes	30.5	75.8%
Totals for Area of Interest		40.3	100.0%

K Factor, Whole Soil—Whatcom County Area, Washington
(Greenbaum)




Soil Map may not be valid at this scale.


















MAP LEGEND

Area of Interest (AOI)







 Area of Interest (AOI)










Soils

Soil Rating Polygons
















-  .02
-  .05
-  .10
-  .15
-  .17
-  .20
-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Soil Rating Lines








-  .02
-  .05
-  .10
-  .15
-  .17
-  .20

-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Soil Rating Points

-  .02
-  .05
-  .10
-  .15
-  .17
-  .20
-  .24
-  .28
-  .32
-  .37
-  .43
-  .49
-  .55
-  .64
-  Not rated or not available

Water Features

-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.
Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Whatcom County Area, Washington
Survey Area Data: Version 23, Aug 29, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 14, 2022—Sep 1, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

K Factor, Whole Soil

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
93	Labounty silt loam, 0 to 2 percent slopes	.28	7.4	18.3%
96	Laxton loam, 0 to 3 percent slopes	.32	1.1	2.8%
114	Oakes very gravelly loam, 60 to 80 percent slopes	.15	1.3	3.2%
156	Squalicum gravelly loam, 5 to 15 percent slopes	.20	30.5	75.8%
Totals for Area of Interest			40.3	100.0%

Description

Erosion factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Factor K is one of six factors used in the Universal Soil Loss Equation (USLE) and the Revised Universal Soil Loss Equation (RUSLE) to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on percentage of silt, sand, and organic matter and on soil structure and saturated hydraulic conductivity (Ksat). Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

"Erosion factor Kw (whole soil)" indicates the erodibility of the whole soil. The estimates are modified by the presence of rock fragments.

Factor K does not apply to organic horizons and is not reported for those layers.

Rating Options

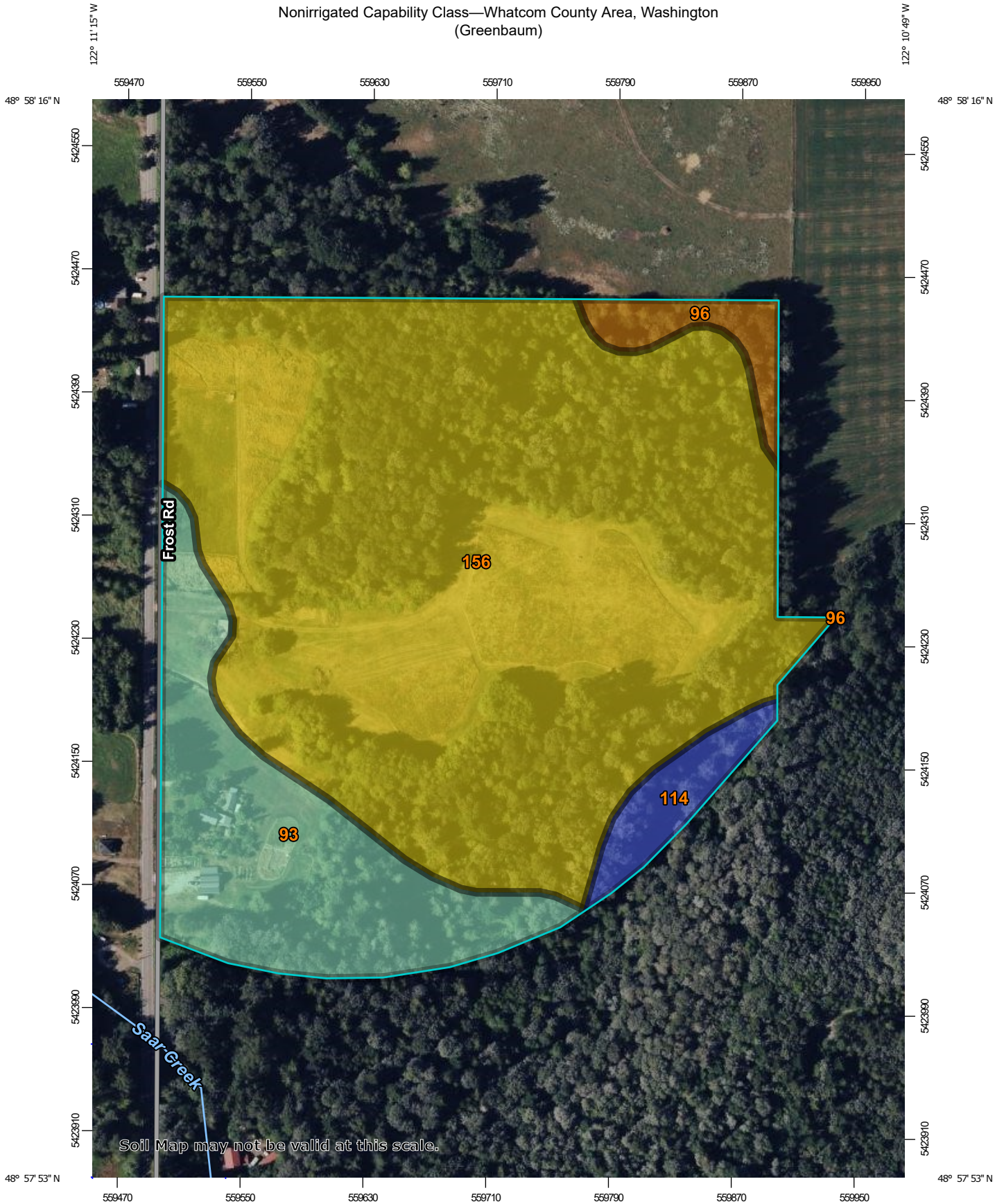
Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

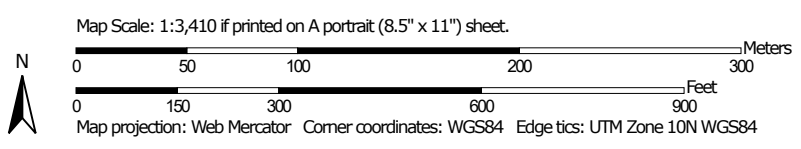
Tie-break Rule: Higher

Layer Options (Horizon Aggregation Method): Surface Layer (Not applicable)

Nonirrigated Capability Class—Whatcom County Area, Washington
(Greenbaum)




Soil Map may not be valid at this scale.



Nonirrigated Capability Class—Whatcom County Area, Washington
(Greenbaum)










MAP LEGEND

Area of Interest (AOI)










 Area of Interest (AOI)

Soils



Soil Rating Polygons








-  Capability Class - I
-  Capability Class - II
-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

Soil Rating Lines


-  Capability Class - I
-  Capability Class - II
-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

Soil Rating Points






-  Capability Class - I
-  Capability Class - II

-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Whatcom County Area, Washington
Survey Area Data: Version 24, Aug 28, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 14, 2022—Sep 1, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
93	Labounty silt loam, 0 to 2 percent slopes	5	7.4	18.3%
96	Laxton loam, 0 to 3 percent slopes	2	1.1	2.8%
114	Oakes very gravelly loam, 60 to 80 percent slopes	7	1.3	3.2%
156	Squalicum gravelly loam, 5 to 15 percent slopes	3	30.5	75.8%
Totals for Area of Interest			40.3	100.0%

Description

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels—capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Rating Options

Aggregation Method: Dominant Condition


Component Percent Cutoff: None Specified

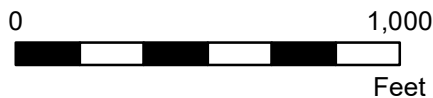
Tie-break Rule: Higher



Open Space Land

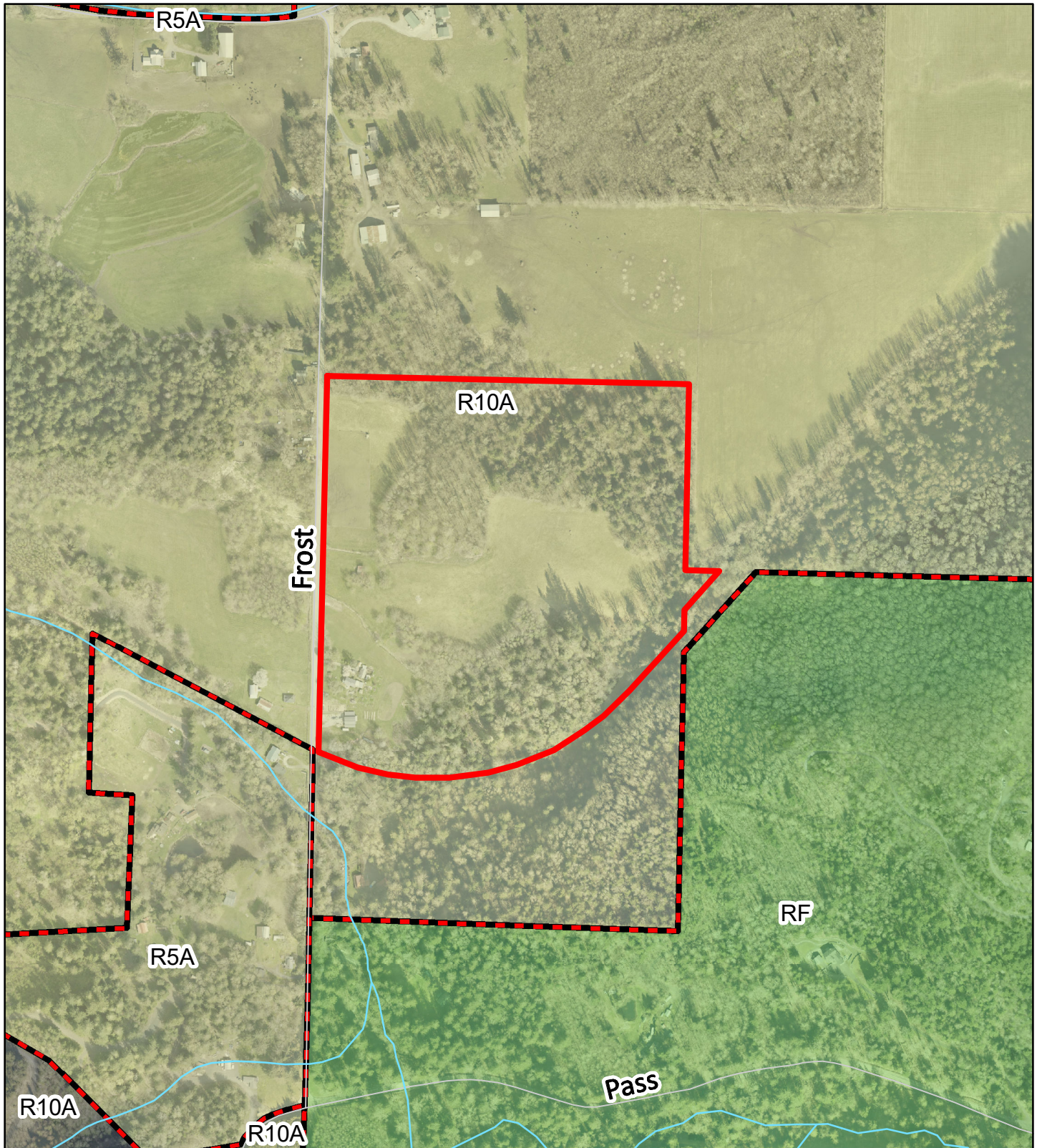
OSP2024-00005 Rich & Kathleen Greenbaum, ~39.97 acres

 Subject Site



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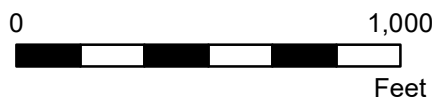


Open Space Land

OSP2024-00005 Rich & Kathleen Greenbaum, ~39.97 acres

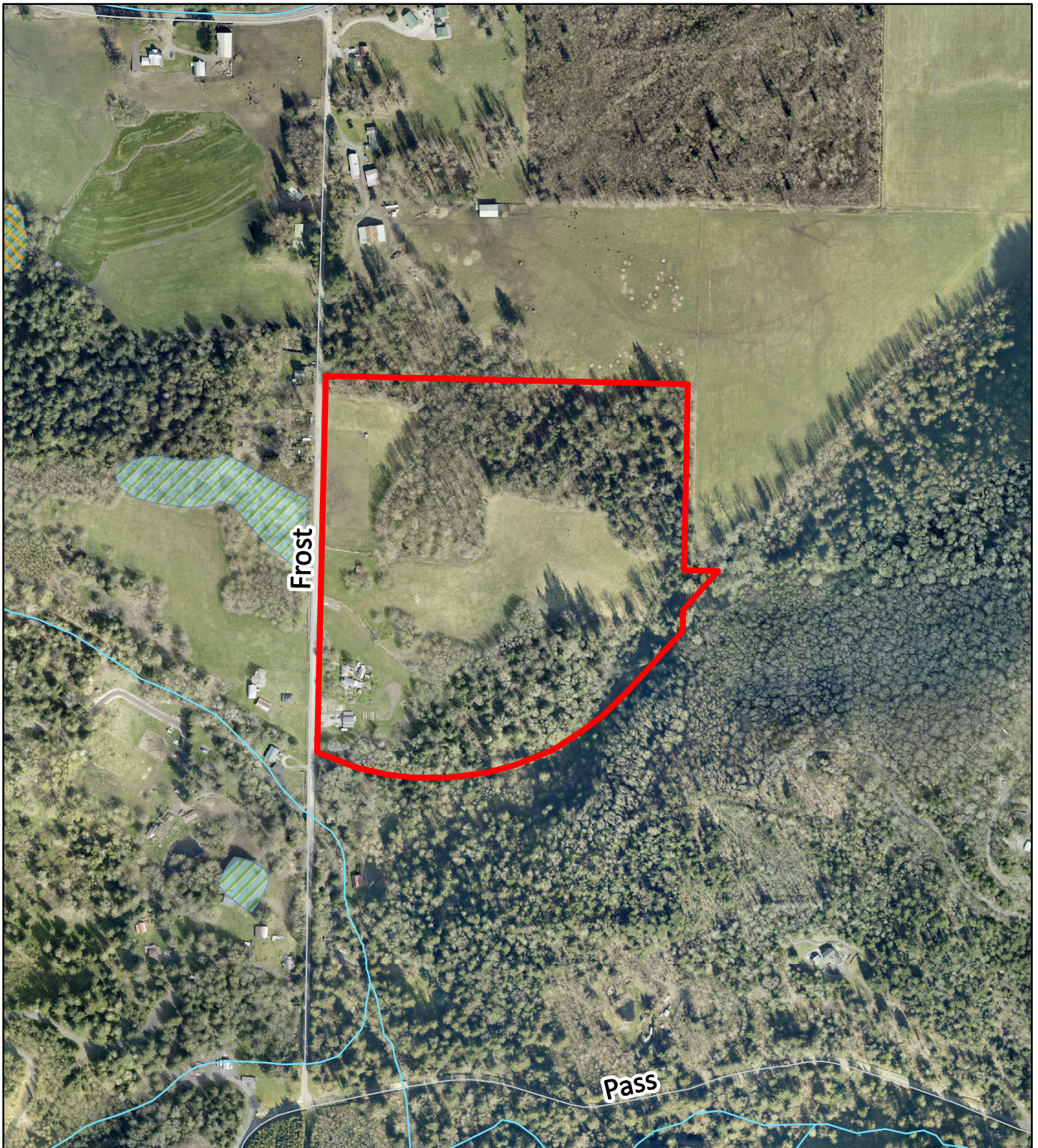
Subject Site
 Zoning Boundaries

- Rural
- Rural Forestry
- Mineral Resource Lands








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Open Space Land

OSP2024-00005 Rich & Kathleen Greenbaum, ~39.97 acres

-  Subject Site
-  Rivers & Streams
-  Surficial Aquifers
-  Habitat Conservation Area, State Priority Habitats
-  Wetlands



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Whatcom County
Open Space Policy and Criteria
and
Public Benefit Rating System, 1995

SUMMARY OF WHATCOM COUNTY OPEN SPACE POLICIES

- I. **Public Benefit Rating System:** All applications for open space-open space and open space- farm and agriculture conservation will be rated according to the Whatcom County Public Benefit Rating System described in the following pages. A Public Benefit Rating of at least 45 must be attained in order to be recommended for approval. In addition, the amount of tax reduction to be granted to open space applications will be based on the Public Benefit Rating. The greater the public benefit provided by keeping the property in open space use, the greater the tax reduction.
- II. **Public access:** As a condition of approval, owners of open space parcels must agree to provide a certain degree of public access according to the Whatcom County Public Access Policy listed on Page 12. All applications shall be accompanied by the owner's proposed rules of conduct and a description of how public access is to be managed, within the limitations outlined in the Whatcom County Public Access Policy. Note: On parcels where there is a documented occurrence of a State or Federal Endangered or Threatened species; Federal Proposed Endangered or Threatened Species; and State Sensitive or Monitor Species; or where there is a known or potentially significant archaeological site; or when the purpose of the open space is for wetland conservation, the public access requirement may be waived by the Council.
- III. **Open Space Sign:** As a condition of approval, owners of open space parcels must agree to post a sign in a location visible to passing motorists, in accordance with the Whatcom County Open Space Sign Policy on Page 13 indicating the parcel's open space status and the availability of public access. As with the public access requirement, the requirement for posting of a sign may be waived in some instances.
- IV. **Hold Harmless Agreement:** All open space property owners must sign a hold harmless agreement, freeing Whatcom County of any liability which may arise as a result of open space approval. A copy of the hold harmless agreement is included on Page 14.

**WHATCOM COUNTY OPEN SPACE POLICY AND CRITERIA
AND PUBLIC BENEFIT RATING SYSTEM**

I. APPROVAL CRITERIA: OPEN SPACE/OPEN SPACE AND OPEN SPACE/FARM & AGRICULTURE CONSERVATION

Washington State law specifies that:

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

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

II. PUBLIC BENEFIT RATING SYSTEM

- A. Based on the first seven (7) approval criteria listed above in conjunction with number eight (8) above, the Planning Department staff will assign each application for Open Space/ Open Space and Open Space/Farm & Agriculture Conservation a **PUBLIC BENEFIT RATING** using the method described below.
- B. A parcel must receive a **PUBLIC BENEFIT RATING** of at least forty five (45) to be recommended for approval.
- C. The **PUBLIC BENEFIT RATING** will be used by the County Assessor's office in determining the amount of tax reduction for Open Space/Open Space and Open Space/Farm & Agriculture Conservation parcels.

III. PUBLIC BENEFIT RATING CALCULATION

A. BASIC VALUE

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

B. PUBLIC BENEFIT VALUE

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

C. PUBLIC BENEFIT RATING FORMULA

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

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

PBR = PUBLIC BENEFIT RATING

BV = BASIC VALUE

PBV = PUBLIC BENEFIT VALUE

IV. BASIC VALUE CRITERIA:

A. Open Space/Open Space

A maximum of ten points for **open space/open space** applications may be assigned for **each of the 7 items** based upon conformance with the criteria listed below.

1. Conserve or enhance natural, cultural or scenic resources.

Criteria for approval:

- a. lands which possess unique scenic vistas available to the public or are within the visual corridor of scenic roads or highways;
- b. lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitations;

- c. lands which can serve to prevent the spread of high density residential development into less developed areas;
- d. lands located adjacent to airports.

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

Criteria for approval:

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

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

Criteria for approval:

- a. lands where slopes exceed 25% or areas where underlying geology and soils are known to produce unstable conditions;
- b. lands where, if alterations were to occur, a resulting high risk of soil erosion would follow;
- c. lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of a State or Federal Endangered Species; State or Federal Threatened Species; Federal Proposed Endangered or Threatened Species; or State Sensitive or Monitor Species as listed in the Washington Department of Wildlife Nongame Data System. On parcels where there this documentation, the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

4. Promote conservation principles by example or by offering educational opportunities.

Criteria for approval:

- a. lands which are an example of application of conservation principles;
- b. lands which offer opportunities for conservation education such as

interpretive centers or trails.

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

- 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 Study 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;

6. **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;

7. **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 Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

B. Open Space/Farm & Agriculture Conservation

Only parcels consistent with RCW 84.34.020(8)(a)(b) may be considered for Open Space/Farm & Agriculture Conservation.

A maximum of fifteen (15) points for Open Space/ Farm & Agriculture Conservation applications may be assigned for each of the first two (2) items listed below, and a maximum of five (5) points may be assigned for the remaining eight (8) items listed below based upon conformance with the criteria listed.

1. Traditional or potential farmland.

Criteria for approval: lands which have historically been used for agriculture; and/or lands that have not been devoted to a use inconsistent with agricultural uses.

2. Soil Value

Criteria for approval:

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

3. Comprehensive Plan Designation

Criteria for approval: Lands which are designated Agriculture or Incentive Agriculture in the Whatcom County Comprehensive Plan.

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

Criteria for approval:

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

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

Criteria for approval:

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

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

Criteria for approval:

- a. lands where slopes exceed 25% or areas where underlying geology and soils are known to produce unstable conditions;
- b. lands where, if alterations were to occur, a resulting high risk of soil erosion would follow;
- c. lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of a State or Federal Endangered Species; State or Federal Threatened Species; Federal Proposed Endangered or Threatened Species; or State Sensitive or Monitor Species as listed in the Washington Department of Wildlife Nongame Data System. On these parcels the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

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

Criteria for approval:

- a. lands which are an example of application of conservation principles;
- b. lands which offer opportunities for conservation education

such as interpretive centers or trails.

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

Criteria for approval:

- 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 Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

V. PUBLIC BENEFIT VALUE CRITERIA

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

A. PUBLIC ACCESS (Maximum 40% increase)

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

B. WATER RESOURCE PROTECTION (Maximum 20% increase)

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

C. WILDLIFE HABITAT (Maximum 20% increase)

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

D. PARCEL SIZE

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

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 its 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

PUBLIC ACCESS

All applications for Open Space/Open Space and Open Space Farm & Agriculture Conservation shall be accompanied by the owners' proposed rules of conduct and a description of how public access is to be managed, within the limitations outlined below.

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

1. An agreement to abide by any reasonable rules of personal conduct required by the owners while on the premises, and
2. A general release of the owner from liability for any injury suffered by the visitor while on the premises. Permission will be granted without discrimination, **EXCEPT** in the case of a person in disorderly or apparently intoxicated condition in which case permission will be denied. Any permission previously granted shall become automatically revoked, and the visitor deemed to be a trespasser upon the premises.

Owners retain and reserve the power to officially post and enforce rules not inconsistent with the foregoing provisions and conditions for public entry upon the premises.

DATED this _____ day of _____, 2000

SIGNED:

owner

owner

OPEN SPACE SIGN POLICY

As a condition of approval of your open space application, you must post a two foot (2' x 2') sign on your property to indicate open space status, public access, and the Open Space Agreement number within one month of executing the Open Space Agreement.

The sign must be located on the property's road frontage in as conspicuous a location as possible.

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

This policy affects all Open Space/Open Space and Open Space/Farm and Agricultural Conservation applications.

Whatcom County Council

**AFFIDAVIT OF POSTING OF
OPEN SPACE SIGN
PURSUANT TO WHATCOM COUNTY
OPEN SPACE SIGN POLICY AND SPECIFICATION**

_____, being first duly sworn upon
oath, deposes and says:

That I have posted a two foot by two foot Open Space Sign in accordance with the Whatcom County Open Space Sign Policy and the Whatcom County Open Space Sign Specification, in a conspicuous location, visible to passing motorists, indicating the Open Space status of the following Open Space parcel(s):

Assessor's Parcel Number(s): _____

I understand that it is the property owner's responsibility to assure that the sign(s) remains in place during the period of the Open Space Agreement; that posting of the Open Space sign is subject to verification by County personnel; and that failure to maintain the sign is a violation of the Open Space Agreement and may result in withdrawal of Open Space status with attendant taxes and penalties payable pursuant to RCW 84.34.

Signature of Property Owner or other person posting property

I certify that I know or have satisfactory evidence that _____
signed this instrument and acknowledged it to be his/her free and voluntary act for the uses
and purposes mentioned in this instrument.

Dated _____

Signature of
Notary Public _____

Title _____

My Appointment
Expires _____

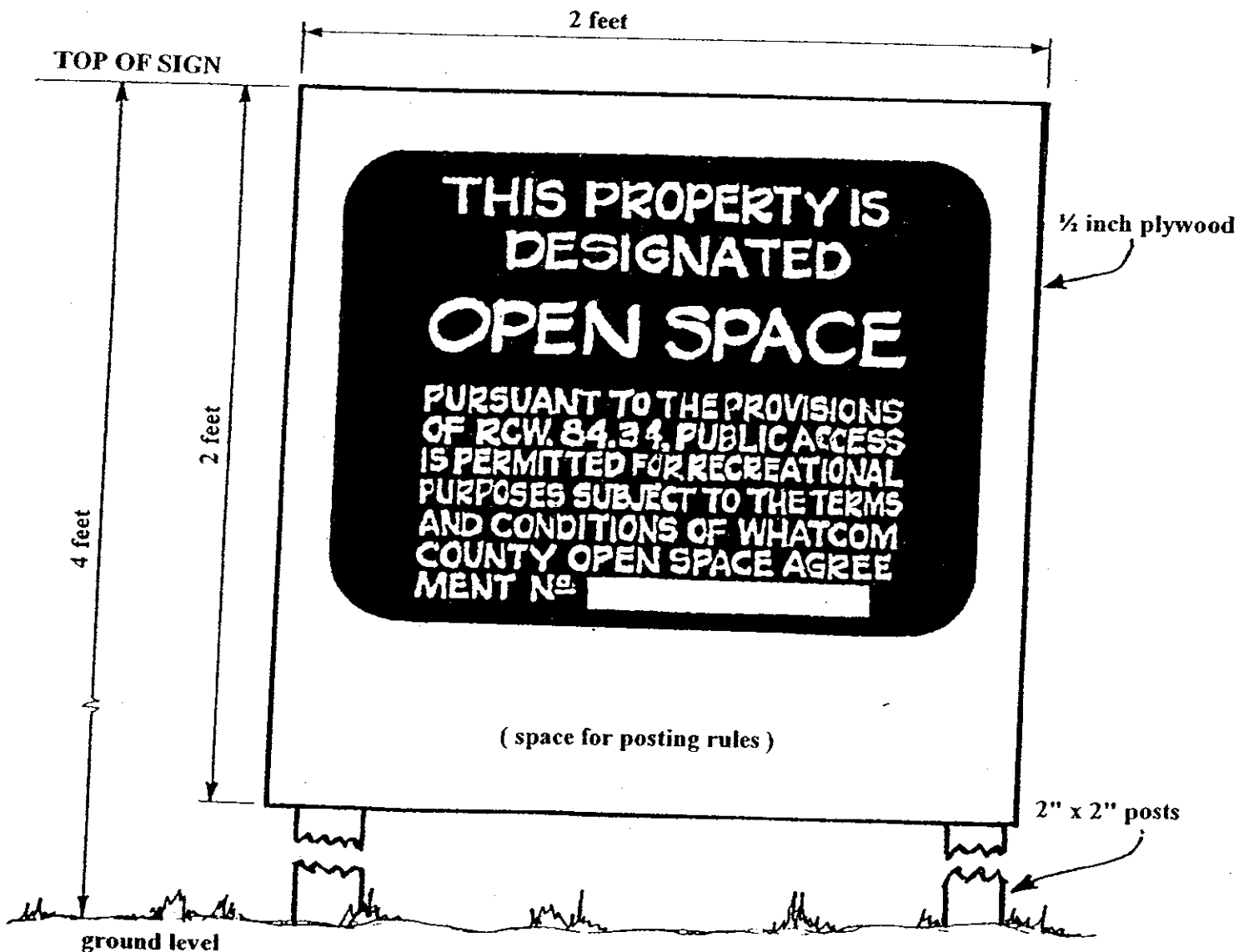
Seal

WHATCOM COUNTY OPEN SPACE SIGN SPECIFICATION

As a condition of approval of your Open Space application, you must post at least one Open Space sign on the property's road frontage in a conspicuous location, visible to passing motorists. It shall be the property owner's responsibility to assure that the sign remains in place during the period of the Open Space Agreement.

A typical sign and mounting are illustrated below. The sign shall be purchased from the Whatcom County Planning and Development Department for \$5.00 plus tax of .39 cents. The sign shall be permanently attached to a weather-resistant solid backing at least two feet by two feet in size. You may also post reasonable rules of personal conduct while on the premises, pursuant to Whatcom County Public Access Policy. Such rules shall be approved by the Planning Department prior to posting.

TYPICAL SIGN AND MOUNTING



HOLD HARMLESS AGREEMENT

Owner Name

Owner Name

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 Whatcom County Council has approved the attached application.

Parcel number(s):

DATED: This _____ day of _____, 2008

SIGNED:

Owner Name

Owner Name

Open Space Taxation Act

JULY 2017

The information and instructions in this publication are to be used when applying for assessment on the basis of current use under the “open space laws,” chapter 84.34 RCW and chapter 458-30 WAC.



What is the Open Space Taxation Act?

The Open Space Taxation Act, enacted in 1970, allows property owners to have their open space, farm and agricultural, and timber lands valued at their current use rather than at their highest and best use. The Act states that it is in the best interest of the state to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens.

Lands qualifying for current use classification

The law provides three classifications:

Open space land

Farm and agricultural land

Timber land

Open space land is defined as any of the following:

1. Any land area zoned for open space by a comprehensive official land use plan adopted by any city or county.
 - a. Conserve and enhance natural or scenic resources.
 - b. Protect streams or water supply.
 - c. Promote conservation of soils, wetlands, beaches or tidal marshes. (As a condition of granting open space classification, the legislative body may not require public access on land classified for the purpose of promoting conservation of wetlands.)
 - d. Enhance the value to the public of neighbouring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space.
 - e. Enhance recreation opportunities.
 - f. Preserve historic sites.
 - g. Preserve visual quality along highway, road, and street corridors or scenic vistas.
 - h. Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative authority granting the open space classification.
3. Any land meeting the definition of “farm and agricultural conservation land,” which means either:
 - a. Land previously classified under the farm and agricultural classification that no longer meets the criteria and is reclassified under open space land; or
 - b. “Traditional farmland,” not classified, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.



Farm and agricultural land is defined as any of the following:

1. Any parcel of land that is 20 or more acres, or multiple parcels of land that are contiguous and total 20 or more acres, and are:
 - a. Devoted primarily to the production of livestock or agricultural commodities for commercial purposes.
 - b. Enrolled in the federal conservation reserve program (CRP) or its successor administered by the United States Department of Agriculture.
 - c. Other commercial agricultural activities established under chapter 458-30 WAC.
2. Any parcel of land that is five acres or more but less than 20 acres, is devoted primarily to agricultural uses, and has produced a gross income equivalent to:
 - a. Prior to January 1, 1993, \$100 or more per acre per year for three of the five calendar years preceding the date of application for classification.
 - b. On or after January 1, 1993, \$200 or more per acre per year for three of the five calendar years preceding the date of application for classification.
3. Any parcel of land that is five acres or more but less than 20 acres, is devoted primarily to agricultural uses, and has standing crops with an expectation of harvest within:
 - a. Seven years and a demonstrable investment in the production of those crops equivalent to \$100 or more per acre in the current or previous calendar year.
 - b. Fifteen years for short rotation hardwoods and a demonstrable investment in the production of those crops equivalent to \$100 or more per acre in the current or previous calendar year.
4. For parcels of land five acres or more but less than 20 acres, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs.
5. Any parcel of land less than five acres devoted primarily to agricultural uses and has produced a gross income of:
 - a. Prior to January 1, 1993, \$1,000 or more per year for three of the five calendar years preceding the date of application for classification.
 - b. On or after January 1, 1993, \$1,500 or more per year for three of the five calendar years preceding the date of application for classification.
6. "Farm and agricultural land" also includes any of the following:
 - a. Incidental uses compatible with agricultural purposes, including wetland preservation, provided such use does not exceed 20 percent of the classified land.
 - b. Land on which appurtenances necessary for production, preparation, or sale of agricultural products exist in conjunction with the lands producing such products.
 - c. Any non-contiguous parcel one to five acres, that is an integral part of the farming operations.
 - d. Land on which housing for employees or the principal place of residence of the farm operator or owner is sited provided the use of the housing or residence is integral to the use of the classified land for agricultural purposes, the housing or residence is on or contiguous to the classified land, and the classified land is 20 or more acres.
 - e. Land that is used primarily for equestrian-related activities for which a charge is made, including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed. Depending on the number of classified acres, the land may be subject to minimum gross income requirements.
 - f. Land that is primarily used for commercial horticultural purposes, including growing seedlings, trees, shrubs, vines, fruits, vegetables, flowers, herbs, and other plants in containers, whether under a structure or not. For additional criteria regarding this use, please refer to RCW 84.34.020(2)(h).

Timber land is defined as the following:

Any parcel of land five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timber land means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than 10 percent of the land may be used for such incidental uses.

It also includes the land which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

The timber land classification may be unavailable in some counties. As a result of the passage of Senate Bill 6180 in 2014, counties have the option to merge their timber land classification into their designated forest land program under chapter 84.33 RCW. To determine whether your county offers the timber land classification, you may contact the county assessor or visit the Department of Revenue's website at: www.dor.wa.gov.

Who may apply?

An owner or contract vendee may apply for current use assessment. However, all owners or contract vendedes must sign the application for classification, and any resulting agreement.

When may I apply?

Applications may be made for classification at any time during the year from January 1 through December 31. If approved, current use assessment will begin on January 1 following the year the application was submitted.

Where do I get the application?

Application forms for the farm and agricultural land classification are available from the county assessor's office. Application forms for the open space and timber land classifications are available from either the county assessor's office or by contacting the county legislative authority.

Where do I file the application?

An application for open space classification is filed with the county legislative authority.

An application for farm and agricultural land classification is filed with the county assessor.

An application for timber land classification is filed with the county legislative authority. Timber land applications require that a timber management plan also be filed.

Is there an application fee?

The city or county legislative authority may, at their discretion, establish a processing fee to accompany each application. This fee must be in an amount that reasonably covers the processing costs of the application.

What happens after I file my application for open space classification?

Applications for classification or reclassification as "open space land" are made to the appropriate agency or official called the "granting authority." If the land is located in the county's unincorporated area, the county legislative authority is the granting authority on the application. If the land is located within an incorporated area of the county, the application is acted upon by both the county and city legislative authorities.

If the application is subject to a comprehensive plan that has been adopted by any city or county it will be processed in the same manner in which an amendment to the comprehensive plan is processed. If the application is not subject to a comprehensive land use plan, a public hearing on the application will be conducted, but a notice announcing the hearing must be published at least 10 days prior to the hearing.

The granting authority must approve or reject the application within six months of receiving the application. In determining whether an application made for classification or reclassification should be approved or denied, the granting authority may consider the benefits to the general welfare of preserving the current use of the property.



They may require that certain conditions be met including but not limited to the granting of easements.

If the application is approved, the granting authority will, within five calendar days of the approval date, send an agreement to the applicant for signature showing the land classification and conditions imposed. The applicant may accept or reject the agreement. If the applicant accepts, he or she must sign and return the agreement to the granting authority within 30 days after receipt.

The approval or denial of the application for classification or reclassification is a legislative determination and is reviewable only for arbitrary and capricious actions. Appeal can be made only to the superior court of the county where the application was filed.

Within 10 days of receiving notice of classification of the land from the granting authority, the assessor submits the notice to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

If approved, current use assessment will begin on January 1 following the year the application was submitted. The criteria for classification continue to apply after classification has been granted.

How does a public benefit rating system work?

If the county legislative authority has established a public benefit rating system (PBRs) for the open space classification, the criteria contained within the rating system governs the eligibility and valuation of the land subject to the application.

When a county creates or amends a PBRs, all classified open space land will be rated under the new PBRs. Land that no longer qualifies for classification will not be removed from classification, but will be rated according to the PBRs. Within 30 days of receiving notification of the new assessed value established by the PBRs, the owner may request removal of classification of the land without imposition of additional tax, interest, and penalty.

What happens after I file my application for farm and agricultural land classification?

Upon application for classification or reclassification, the assessor may require applicants to provide data regarding the use of the land, including, but not limited to, the productivity of typical crops, sales receipts, federal income tax returns, other related income and expense data, and any other information relevant to the application.

The application will be considered approved unless the assessor notifies the applicant in writing prior to May 1 of the year after the application was submitted. The criteria for classification continue to apply after classification has been granted.

What is an “advisory committee”?

The county legislative authority must appoint a five member committee representing the active farming community within the county. This committee will serve in an advisory capacity to the assessor in implementing assessment guidelines as established by the Department of Revenue for the assessment of open space lands, farm and agricultural lands, and timber lands.

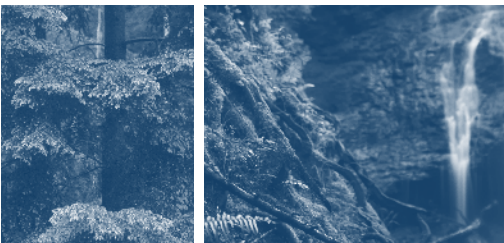
How do I appeal a denial of my farm and agricultural land application?

The owner may appeal the assessor’s denial to the board of equalization in the county where the land is located. The appeal must be filed with the board on or before July 1 of the year of the determination or within 30 days after the mailing of the notice of denial, or within a time limit of up to 60 days adopted by the county legislative authority, whichever is later.

What happens after I file my application for timber land classification?

Applications for timber land classification or reclassification are made to the county legislative authority. A timber management plan is required at the time of application or when a sale or transfer of timber land occurs and a notice of continuance is signed.

The application form requests information about forest management, restocking, fire protection, insect and disease control, weed control, and any other summary of experience and activity that supports the growth and harvest of timber for commercial purposes.



The application is acted upon in a manner similar to open space land applications and within six months of receiving the application.

Approval or denial of a timber land application is a legislative determination and is reviewable only for arbitrary and capricious action. Appeal can be made only to the superior court of the county where the application was filed.

Within 10 days of receiving notice of classification of the land from the granting authority, the assessor submits the notice to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

If approved, current use assessment will begin on January 1 following the year the application was submitted. The criteria for classification continue to apply after classification has been granted.

How is the value of classified land determined?

The assessor is required to maintain two values for each parcel that is classified. The first is the value that would be placed on the land if it was not classified. This is commonly referred to as the "fair market value." The second is the current use land value based on its current use, not highest and best use, as classified by the granting authority.

Open space land located within a county that has adopted a public benefit rating system will be valued according to the criteria of the rating system.

In the absence of a rating system, the per acre value can be no less than the lowest per acre value of classified farm and agricultural land in the county.

In determining the current use value of farm and agricultural land, the assessor considers the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years. This earning or productive capacity is the "net cash rental" and is capitalized by a "rate of interest" charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes.

Timber land is valued according to a schedule prepared by the Department of Revenue according to chapter 84.33 RCW. The Department of Revenue annually adjusts and certifies timber land values to be used by county assessors in preparing assessment rolls. The assessors assign the timber land values to the property based upon land grades and operability classes.

When are taxes due on classified lands?

Land classified as open space, farm and agricultural, or timber land is assessed at its current use value and placed on the assessment rolls the year after the application was submitted. Taxes on classified land are due and payable the year after the current use value was placed on the assessment rolls.

How long does the classification last?

The land continues in its classification until a request for removal is made by the owner, the use of land no longer complies, a sale or transfer to an owner that causes land to be exempt from property taxes, or the ownership has changed and the new owner has not signed a Notice of Continuance. The notice of removal is recorded with the county auditor in the same manner as the recording of state tax liens on real property. Additional tax, interest, and penalties will apply if the land is removed and the removal does not meet one of the exceptions listed in RCW 84.34.108(6).

How do I withdraw from classification?

If intending to withdraw all or a portion of the land from classification after 10 years of classification, the owner must complete a withdrawal form with the county assessor.

If a portion of the land is removed from classification, the remaining portion must meet the requirements of original classification unless the remaining land has different income or investment criteria.



What happens after I file a request to withdraw?

Upon receipt of a request for withdrawal, the assessor notifies the granting authority that originally approved the classification, and, the assessor withdraws the land from classification. The land withdrawn from classification is subject to seven years of additional tax and interest, but not a 20 percent penalty.

What happens if the classified land is sold or transferred?

When classified land is sold or transferred, the seller or transferor becomes liable at the time of sale for the additional tax, interest, and penalty unless the new owner(s) signs the Notice of Continuance which is attached to or shown on the real estate excise tax affidavit. The county auditor cannot accept an instrument of conveyance on any classified land unless the Notice of Continuance has been signed or the additional tax, interest, and penalty has been paid. The assessor determines if the land qualifies for continued classification

What if I want to change the use of my classified property?

An owner changing the use of land from a classified use must notify the county assessor within 60 days of this action. The assessor will remove the land from classified status and impose an additional tax equal to the difference between the tax paid on the current use value and the tax that would have been paid on the land had it not been classified. The additional tax is payable for the last seven tax years, plus interest at the same rate as charged on delinquent property taxes, plus a penalty of 20 percent of the total amount.

If the assessor removes my land from classification, may I appeal?

Yes, the owner may file an appeal of the removal from classification to the county board of equalization on or before July 1 of the year of the determination, or within 30 days of the date the notice was mailed by the assessor, or within a time limit of up to 60 days adopted by the county legislative authority, whichever is later.

Upon removal from classification, what taxes are due?

At the time the land is removed from classification, any taxes owing from January 1 of the removal year through the removal date, and any additional tax, applicable interest, and penalty owing are due and payable to the county treasurer within 30 days of the owner being notified.

What if the additional taxes are not paid?

Any additional tax, applicable interest, and penalty become a lien on the land at the time the land is removed from classification. This lien has priority over any other encumbrance on the land. Such a lien may be foreclosed upon expiration of the same period after delinquency in the same manner as delinquent real property taxes. If unpaid, interest is charged on the total amount due at the same rate that is applied by law to delinquent property taxes. Interest accrues from the date of the delinquency until the date the total amount is paid in full.

What is done with the additional tax, interest, and penalty paid when land is removed from classification?

Upon collection, the additional tax is distributed by the county treasurer in the same manner in which current taxes applicable to the subject land are distributed. The applicable interest and penalties are distributed to the county's current expense fund.



How do I change the classification of my property?

Land may be reclassified, upon request by the owner, subject to all applicable qualifications for each classification, without additional tax, interest, and penalty for the following:

1. Land classified as farm and agricultural land may be reclassified to timber land; timber land may be reclassified to farm and agricultural land.
2. Land classified as either farm and agricultural land or timber land under chapter 84.34 RCW, or forest land under chapter 84.33 RCW may be reclassified to open space land.
3. Land classified as farm and agricultural land or timber land may be reclassified to forest land under chapter 84.33 RCW.
4. Land previously classified as farm and agricultural land may be reclassified to open space land as "farm and agricultural conservation land" and subsequently be reclassified back to farm and agricultural land.

Applications for reclassification are acted upon in the same manner as approvals for initial classification. The county assessor approves all applications for farm and agricultural classifications and reclassifications. The county legislative authority (and in some cases, the city legislative authority) approves all land classifications or reclassifications for timber land and open space land, including farm and agricultural conservation land.

Is supporting information required to change classifications?

The assessor may require an owner of classified land to submit data regarding the use of the land, productivity of typical crops, income and expense data, and similar information regarding continued eligibility.

Laws and Rules

It is helpful to read the complete laws, Revised Code of Washington, chapters 84.33 and 84.34 (RCW) and rules, Washington Administrative Code, chapter 458-30 (WAC) to understand requirements of the classifications and the tax liabilities incurred.

Need More Information?

Requirements for making application for current use classification are available at the county assessor's office or by contacting the county legislative authority.

For general information contact:

- **Department of Revenue, Property Tax Division**
P. O. Box 47471
Olympia, Washington 98504-7471
(360) 534-1400
- **Website dor.wa.gov**
- **Telephone Information Center**
1-800-647-7706
- For tax assistance or to request this document in an alternate format, visit <http://dor.wa.gov> or call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711.



<http://dor.wa.gov>

**HYPOTHETICAL EXAMPLE OF APPLIED PUBLIC BENEFIT RATING
RESULTING IN NEW CURRENT USE VALUE AND "SHIFT" IN TAXES**

**UPON APPLICATION APPROVAL
TO CLASSIFY OR RE-CLASSIFY AS OPEN SPACE LAND**

TERMS:

FMVA= Fair Market Value per acre

CUVA = Current Use Value per acre

FMV = Fair Market Value per acre multiplied by # of acres

CUV = Current Use Value per Acre multiplied by # of acres

PBR = Public Benefit Rating

DIFF = Difference between FMV and CUV

SAVINGS = Savings is difference between Fair Market Value and Current Use Value multiplied by the PBR

NEW VALUE is FMV-SAVINGS

NEW VALUE X CONSOLIDATED LEVY RATE = NEW TAXES

LEVY RATE = HYPOTHETICAL CONSOLIDATED LEVY RATE

FORMULA:

FMV-CUV= DIFF

DIFF X PBR = SAVINGS

FMV-SAVINGS = NEW VALUE

NEW VALUE X LEVY RATE = TAXES

CALCULATION:

FMV -CUV = DIFF

600,000 - 24,000 = 576,000

DIFF X PBR = SAVINGS

576,000 X .85 = 489,600

FMV-SAVINGS = NEW VALUE

600,000 - 489,600 =

110,400 = New CU Value

NEW VALUE X LEVY RATE =
NEW TAXES ON LAND VALUED
AT CURRENT USE

110,400 X .01=1,104

FMV taxes = 6,000

Current Use Taxes = 1,104

TAX SHIFT = 4, 896

HYPOTHETICAL EXAMPLE:

Application for Open Space Land
= 20 acres - vacant raw land

Variables:

Fair Market Value/acre = 30,000

PBR = 85%

CUVA = 1,200

CUV = 20 X 1,200 = 24,000

HYPOTHETICAL CONSOLIDATED LEVY
RATE = 10 dollars per every
thousand dollars of assessed value or
.01

EXPLANATION OF TAX SHIFT:

LEVY RATE = 10 dollars per every thousand dollars of assessed value or .01

Fair Market Value TAX = $600,000 \times .01 = \$6,000.00$ Taxes

Current Use Value TAX = $110,400 \times .01 = \$1,104.00$ Taxes

- Difference between FMV Tax & CUV Tax $\$6,000 - \$1,104 = \$4,896$
- \$4,896 in taxes that would otherwise be collected from this tax payer are "shifted" to other tax payers in the form of an increase in the levy rate applied to all assessed values on property within any given taxing district (as applicable) including the subject parcel acres that are approved for assessment at current use. The particular taxing district will still need to meet its budget, and in order to accomplish this, to offset reduction in value from properties classified under the current use programs (and other exemptions) will increase its levy rate to meet its budget.

NOTE: at 100% PBR the shift in taxes on the above example would be \$5,760.00

- Generally, a tax code area is defined by geographic boundaries where *most* all of the parcels are subject to the same consolidated levy rate. However, not all parcels in a geographically defined tax code area are captured by the same taxing districts. For example, if in a particular tax code area there are two parcels of land that are contiguous, and one is developed, and one is raw unimproved land, and both are in the fire district's boundaries, the improved land will be subject to a levy by the fire district, but the unimproved land will not be subject to a levy by the fire district.
- The example above illustrates why it is difficult to calculate the increase in taxes affecting tax payers whose land is assessed at fair market value, that would be imposed by the approval of a parcel at current use values.
- To further illustrate: the compensating increase in a taxing district's levy rate will also apply to land assessed at current use values within a taxing district's boundaries, but since the assessed value per acre has been substantially reduced as compared to fair market value, the amount of compensatory tax to meet the district's budget is proportionately much less from these parcels as compared to those from parcels assessed at fair market value.

Whatcom County Planning & Development Services Staff Report

Rural Residential Island (RRI) Building Height

I. File Information

File # PLN2024-00004

File Name: Lummi Rural Building Height 2024

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Action: Proposed amendments to WCC 20.34.400 to, under certain conditions, increase the allowed maximum height of structures from 24 to 25 or 30 feet, depending on its proximity to the shoreline.

Location: Rural Residential-Island District (RRI).

Staff Recommendation: Planning and Development Services recommends the Planning Commission review the draft code and modify as appropriate, hold a public hearing, and offer a recommendation to the County Council.

Background: In 2024 the County Council placed on its annual docket Item #PLN2024-00004:

Lummi Island Height: Review height limitations allowed on Lummi Island for consistency with other similarly zoned and situated areas. Lummi Island height limitations are the most restrictive in any zone and limit building height to 24 feet without provisions to increase.

The Council asked Planning and Development Services to review the height limitations for buildings in the Residential Rural Island (RRI) district, a zone only found on Lummi Island. It has had a maximum height limit of 24 feet since 1979, when its original subarea plan was enacted. The Lummi Island Fire Department's (District 11, which is staffed by volunteers) tallest ladder truck is also 24 feet. The 2009 Lummi Island Subarea plan states that water supply is the limiting factor in fire insurance ratings. Lummi is also characterized by potential wildland fire hazards due to its rural character, including the prevalence of wood construction and wood shake roofs, steep and narrow roads, poor access to some remote areas, and the proximity of woodlands to development.

Eliza Island (EI), which is geographically close to Lummi Island, has no fire department, has an allowed maximum height that is more consistent with other districts. Eliza Island's maximum height is 25 feet when within 100 feet of the marine shoreline ordinary high-water mark, and 30 feet elsewhere. It should be noted that building height is measured differently in areas governed by the Shoreline Management Program (SMP) as seen in WCC 23.110.080H (7). In the areas outside of shoreline maximum building height is measured as defined in Figure 20.97.020A.

Other Whatcom County Rural districts have various height maximums, ranging from 25-35 feet. The maximum height allowed in any Whatcom County Residential Rural district is 35 feet. Lummi Island has historically had the most restrictive height limitations.

II. Code Amendments

The proposed code amendment is found in Exhibit A.

These amendments would allow a maximum height of 25 feet when within 100 feet of the marine shoreline's ordinary high-water mark and 30 feet elsewhere. This change creates consistency with other Rural height limitations in Whatcom County.

To protect views from existing homes, the amendments modify the setback requirements for new structures that exceed the historic 24-foot height: for every foot over 25 feet of height a structure is built, there is an increase in setback by an equal amount (still limited to 30 feet). An increase in building setback is a common code tool used when building height is increased.

The proposed amendments also include provisions to mitigate fire hazards by either requiring a fire flow system or a residential fire sprinkler system when a structure exceeds 25 feet.

III. Comprehensive Plan Evaluation

The Comprehensive Plan goals and policies were reviewed, and staff has identified the following as applicable to the proposal:

- Goal 2D – *Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.* The proposed amendments are consistent with this goal.
- Goal 2L – *Recognize the important regional differences within Whatcom County.* The proposed amendments are consistent with this goal.

The Lummi Island Subarea Plan (LSAP) was also reviewed, and staff found goals or policies that address building heights and District 11's fire-fighting capabilities. Thus, the proposed amendments are consistent with the LSAP.

IV. Proposed Findings of Fact and Reasons for Action

1. Council docketed item #PLN2024-00004 to "review height limitations for consistency with other similarly zoned and situated areas."
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on October 14th, 2024. No comments have been received to date.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on July 17th, 2024, for their 10-day review. No comments were received to date.
4. The Planning Commission held a duly noticed public hearing on the proposed amendments on _____, 2024.
5. The requirement to increase setbacks as height increases is intended to protect views from existing residences.
6. The requirement to provide a fire flow system or a residential fire sprinkler system for structures over 25 feet mitigates the limited firefighting capacity of District 11's tallest ladder truck.

V. Proposed Conclusions

1. The amendments are in the public interest.

2. The amendments are consistent with the Whatcom County Comprehensive Plan, including the Lummi Island Subarea Plan.

VI. Recommendation

Planning and Development Services recommends the Planning Commission review the draft code and modify as appropriate, hold a public hearing, and offer a recommendation to the County Council.

Attachments

1. Exhibit A – Proposed Code Amendments

Exhibit A: 2024 RRI Height Code

Title 20 ZONING

Chapter 20.34 RURAL RESIDENTIAL-ISLAND (RR-I) DISTRICT

20.34.400 Height limitations.

- 1) The ~~M~~maximum height of structures shall be limited to ~~24~~25 feet when any portion of the structure is within 100 feet of the marine shoreline ordinary high water mark, and 30 feet when further away.
Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.
- 2) All building setbacks shall be pursuant to WCC 20.80.200, or WCC 23.40.020 if within shoreline jurisdiction, but shall be increased by one foot for each foot of building height in excess of 25 feet.
- 3) Any structure exceeding 25 feet in height shall require a fire flow system consistent with WCC 15.04.040, even if the structure has less than the sq footage thresholds cited in B105.1.1.