

Whatcom County Council Planning and Development Committee

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Committee Minutes - Final

**Tuesday, July 25, 2023
2:20 PM
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 3:10 P.M., MAY BEGIN EARLY
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010)**

COUNCILMEMBERS

Tyler Byrd
Ben Elenbaas
Kaylee Galloway

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Committee Chair Ben Elenbaas called the meeting to order at 2:05 p.m. in a hybrid meeting.

Roll Call

Present: 3 - Tyler Byrd, Ben Elenbaas, and Kaylee Galloway

Also Present: Barry Buchanan, Todd Donovan, Carol Frazey, and Kathy Kershner

Announcements

Special Presentation

1. [AB2023-466](#) Report from the Planning and Development Services Department
Mark Personius, Planning and Development Services Department Director, reported on the following:
 - There has been a slight decrease in the number of commercial and residential permits coming in, partly due to high department staff turnover.
 - They have initiated a triage process to help screen permit intakes up front to prioritize those that are not problematic for faster review.
 - They recently contracted with a consultant to provide field verifications for wetland delineation reports which will speed up the permit review and approval process.
 - They authorized overtime for staff to help address some of the applications in the permit queue.
 - They have filled all eight of the vacant positions they had six months ago.
 - They have seen an increase in administrative use permits, primarily for Accessory Dwelling Units (ADUs).
 - Substitute Senate Bill (SSB) 5290, that will cut timelines that the Planning Department has to issue a permit decision, was just passed by the Legislature and will start in 2025.
 - Clean energy investments are coming to Cherry Point.
 - The Department is working with their permitting software vendor to improve their timeline for permit reviews.
 - They have done a soft launch of their public permitting portal where people can pay online and see the status of permits.
 - They anticipate issuing a request for proposal (RFP) for the Comprehensive Plan update scope of work and the Council will be

seeing a supplemental budget request to accept a grant from the Department of Commerce to help pay for the Comprehensive Plan update.

- They are nearing completion of their initial assessment of their offsite wetland mitigation program and hope to have it wrapped up in the fall.

He answered whether the State provided funds or a grant process for staff to help with the requirements of Substitute Senate Bill 5290 and whether that might be part of the discussion on 2024 legislative priorities, whether Planning will be coming to the Council with a budget request for staff, an idea of having a budget request for a consultant who would look at the code for things that currently make it harder to get permits processed, how many ADU permits they have processed, at what point SSB 5290 considers a permit application as received by the Planning Department to start the timer, what happens when there is a challenging permit that needs more information, and whether the applicant can waive the timeline so Planning does not have to issue a denial.

Elenbaas requested that when Planning is working through the code and sees opportunities for us to allow things like ADUs, they would bring it to the Council to see whether they would like to go that route. He would like to work toward allowing those things more than not.

Personius stated there was another bill passed that was specific to ADUs for which they have to make some changes to the code to be compliant. He will talk more to the Council about that at the next meeting when they talk about affordable housing.

This agenda item was REPORTED.

Committee Discussion

1. [AB2023-398](#) Discussion of an ordinance adopting various amendments to WCC Title 20, Zoning, regarding home-based businesses

Cliff Strong, Planning and Development Services Department, gave the Councilmembers a "re-cap" of the ordinance and the proposed changes, and stated he had not proposed to change any policies about home-based businesses. He answered whether Conditional Use Permit (CUP) is being added where it was not before on Table 1 (on page two of the "Staff Report,") and stated it was added to Type III. He answered whether there is anything that is allowed now that will not be allowed in the new code and stated not that he could tell.

Elenbaas stated he showed the ordinance to people who do this type of thing and their response was that it does not apply to them because they already have a CUP or because they are agritourism. He asked whether this changes a CPU for someone who currently has one and Strong stated it does not. If they already have a permit, that is valid until they stop relying on it for a year. Elenbaas asked how the State's definition around agritourism is meshing with this type of thing and with short-term rental policies and whether agritourism is exempt from these regulations. Strong stated he thinks Council's original intent on this was to allow for those types of things to happen which is why they are creating the Type IV home-based business that allows for larger events like that. Elenbaas and Strong discussed whether Whatcom County is having similar struggles to Skagit County around agritourism and wedding events, and Elenbaas stated he wants to make sure none of this language is us thinking we need to regulate something just because the neighboring county might be doing it, though he does not interpret it that way.

Amy Keenan, Planning and Development Services Department, stated she has not heard of any issues recently, particularly from the agriculture community, requesting that these not be allowed. Most of these historically have been in the rural zone, but they have had some in the agricultural zone and they found that as long as they do public notification and respect what neighbors are saying, they have been pretty successful in permitting these.

Donovan asked whether someone who has a permit for cottage industries would still be fine and would now just become known as a home-based business, and Strong stated that is correct.

Strong answered what the next step is for this item and stated at the last meeting a few issues were raised by Councilmembers but he has not yet acted on them because they wanted to talk about them more. He and Elenbaas discussed the issues and Strong stated one solution Elenbaas had proposed was to require ten acres of contiguously-owned parcels (Exhibit A: Section 20.80.970 (5)(a)). The next issue raised was that one hour of amplified noise for a one-hour duration (Exhibit A: Section 20.80.970 (5) (d)) seemed silly. The State noise rule ends at 10 p.m. The third issue was that the 9 p.m. end time for these events (Exhibit A: Section 20.80.970 (5) (e)) is not sufficient, so someone said that maybe there should not be start or end times but they should just rely on the noise rules.

Elenbaas stated he would make motions to incorporate having the noise

ordinance guide people on activity times so it is easier to abide by and enforce.

Elenbaas moved that staff revisit the language about the issues that he (Strong) just brought up (start time/stop time, something that incorporates parcels, and jiving with the noise ordinance).

Strong answered whether this is up for introduction tonight and stated it is not. It is scheduled for introduction on August 8 so that gives him time to make these changes and submit a revised ordinance before then.

Galloway spoke in support of the motion and stated anything they can do to make it easier for people to have small businesses is important to her.

The motion carried by the following vote:

Aye: 3 - Elenbaas, Galloway, and Byrd

Nay: 0

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

Motion approved that staff come back with proposed language about the 10-acre minimum parcel size for commercial social events, noise regulations, and the prohibition of events after 9 p.m.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 2:43 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Ben Elenbaas-via email 8/2/2023

Dana Brown-Davis, Council Clerk

Ben Elenbaas, Committee Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE