

# Public Participation Plan

## **Whatcom County Comprehensive Plan and Development Regulation Amendments**

Recommended Planning Commission – April 8, 2021

~~Approved by County Council~~

~~October 13, 2020~~

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# Chapter 1. Introduction

This Public Participation Plan (PPP) is intended to guide the County in reviewing comprehensive plan and development regulation amendments. The Plan is required by state law (RCW 36.70A.140), which indicates:

***“Comprehensive plans – Ensure public participation. Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. . . .”***

The bolded sentence of RCW 36.70A.140 above guided the County in developing this PPP. Prior to implementation, this plan will have been reviewed by the planning commission and the county council, with opportunity for the public to comment. The plan will be implemented as adopted.

The issues that will be considered as part of County’s review and amendment of the comprehensive plan and development regulations are divergent and far-reaching. A one-size-fits-all approach to this public participation plan for all of these very different types of issues would not be effective and would do a disservice to the residents of Whatcom County.

This PPP outlines the public participation approach that will be taken with each issue rather than a generic overall approach. The objective of this plan is to provide a clear process for each

issue so residents can easily determine how best to be involved in the issues they care about most.

There are other planning issues that require public participation that may not be mentioned in this plan, including standard map and text amendments to Title 20 Zoning that are initiated for review after approval of this plan. At minimum, these items will be processed as Level 1 projects. If additional public participation is required or another approach is appropriate, the Planning and Development Services Department will upgrade the item to a more vigorous approach. Please see Chapter 4 for more information about public participation approaches.

Ongoing programs administered through the Planning Department also provide opportunities for public participation through their respective advisory committees. The Agricultural Advisory Committee, Purchase of Development Rights Oversight Committee, Forestry Advisory Committee, Surface Mining Advisory Committee, and Wildlife Advisory Committee meet as needed to assist in the administration of their programs, and may recommend amendments to the comprehensive plan and County Code. These advisory committee meetings are open to the public. More information on these programs can be found at: <http://www.whatcomcounty.us/210/Boards-Commissions> .

### *The PPP is designed to meet the following objectives:*

- Provide a roadmap for the public, outlining a clear and accessible public process for comprehensive plan and development regulation amendments;
- Ensure input is sought from a broad base of public participants and is elicited in a timely fashion, considered, and incorporated as appropriate into review of Comprehensive Plan and Development Regulation amendments; and
- Make a concerted and continuous effort to ensure that elected officials and staff are fully aware of and understand community and stakeholder concerns.

## **1.1. Public Participation Plan Format**

To meet PPP objectives consistent with GMA goals this document:

- Outlines the **issues** that will be considered (Chapter 2);
- Identifies the potential project **participants** in the comprehensive planning process (Chapter 3), and;
- States the **approach** that will be taken with each issue (Chapter 4).

## 1.2. Remote Participation

The County should identify methods for remote public participation for all public hearings (for example, on-line or telephonic participation).

## Chapter 2. The Issues

The issues that Comprehensive Plan and development regulation amendments will address can be divided into two categories: statutory requirements and docketed requests. This section of the PPP outlines these issues, within these categories. Each issue has been assigned a number beginning first with an “S” or “D” for “statutory” or “docket” respectively. These numbers will carry with each issue to Chapter 4 of this document. Chapter 4 will go into greater detail on the public participation approach that the County will take on each of these issues.

### 2.1. Statutory Requirements

The Growth Management Act (GMA) requires Whatcom County to address certain issues in the comprehensive plan and/or development regulations. The following is a current list of identified statutory requirements:

- S-1. **Forest Practices** (RCW 36.70A.570, amended in 2007 by SHB 1409) – Relating to the transfer of jurisdiction over conversion-related forest practices to local governments. For counties planning under the GMA, if more than 25 Class IV applications had been filed with the DNR between certain dates, then the county, and the cities within it, are required to adopt forest practices approval ordinances.
- S-2. **Utilities to Schools in Rural Areas** (RCW 36.70A, amended in 2017 by HB 2243) – The State Legislature amended the GMA to indicate it does not prohibit extension of public facilities and utilities to serve a school in a rural area if certain conditions are met.
- S-3. **Buildable Lands / Review and Evaluation Program** (RCW 36.70A.070, .115, .215, amended in 2017 by ESSSB 5254) – Whatcom County is now subject to the buildable lands (review and evaluation) program requirements of the GMA, which formerly only applied to six large counties in the state. ~~This bill~~ The GMA requires the County, in conjunction with the cities, to ~~address a number of issues, which include updating the County-wide~~

~~Planning Policies. Additionally, the County will~~ issue a buildable lands report that compares growth assumptions in the comprehensive plan with actual growth that has occurred and, if necessary, develop reasonable measures to reconcile any inconsistencies. This process involves determining if there is sufficient suitable land to accommodate growth projections. ~~It is anticipated that the Countywide Planning Policies will be reviewed in 2020-21.~~ The buildable lands report is due by June 30, 2022. This report must be considered in the next countywide Comprehensive Plan and development regulation update, which is due by June 30, 2025.

- S-4. **Shoreline Management Program Update** (RCW 90.58.080). Review and, if necessary, revise the Whatcom County Shoreline Management Program to assure it complies with applicable law and guidelines and to assure consistency with the County's comprehensive plan and development regulations. The Shoreline Management Program update is due by June 30, 2020.

## 2.2. Docketed Amendment Requests

The items in this section were initiated for further review by the County Council under Resolution ~~2021-007~~~~2020-027~~. As with statutory requirements in the previous section, this list will be updated on an annual basis.

D-1. **Battery Energy Storage Systems** (PLN2021-000001) - Amend the Whatcom County Zoning Code by adding a definition of Battery Energy Storage System (BESS) and modifying the definition of Public Utility (WCC 20.97), amending the Rural zone to allow BESS as a conditional use and increase lot coverage for BESS (WCC 20.36), and adding BESS as a conditional use in the Public Utilities chapter (WCC 20.82)

D-2. **TDR Receiving Area** (PLN2021-00002) - Amend the Whatcom County Comprehensive Plan, Zoning Text, and /or Zoning Map to designate approximately 23.77 acres, zoned Rural one dwelling/five acres (R5A), as a transfer of development rights receiving area pursuant to WCC 20.89.051. A maximum of 3 development rights would be transferred from the Lake Whatcom Watershed to the subject site.

D-3. **Temporary Homeless Facilities** (PLN2021-00003) - Amend the Whatcom County Code to allow establishment and operation of temporary homeless facilities in accordance with Ordinance 2020-053.

D-4. **Wireless Communication Facilities** (PLN2021-00005) - Review and update the Zoning Code provisions relating to Wireless Communication Facilities (WCC 20.13) to ensure consistency with Federal rules.

D-5. **Whatcom County Code Amendments** (PLN2021-00006) - Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the

codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.

D-6. **Bellingham UGA Expansion** (PLN2021-00007) - Amend the Whatcom County Comprehensive Plan by expanding the Bellingham Urban Growth Area (UGA) on 339 acres (the site is currently designated as UGA Reserve). Rezone this land to Urban Residential - Mixed (URMX) and commercial zoning.

D-7. **Lake Whatcom Watershed Overlay District Amendments** (PLN2021-00008) - Amend the Lake Whatcom Watershed Overlay District (WCC 20.51) and the definition of significant tree (WCC 20.97.436.4) to improve compliance with the Total Maximum Daily Load by further reducing phosphorus loading impacts from development and improve tree protection measures.

D-8. **Marijuana Growing and Processing** (PLN2021-00009) - Review and revise Whatcom County Code relating to marijuana growing and processing in rural areas. Consider impacts of marijuana growing and processing facilities in rural areas, and evaluate growing and processing facilities as an agricultural or non-agricultural use. Consider compatibility with GMA and County Comprehensive Plan.

D-9. **Six-Year Capital Improvement Program Amendment** (PLN2021-00010) - Amend the Six-Year Capital Improvement Program by adding the Whatcom Unified Emergency Coordination Center Re-Roof Project.

D-10. **Affordable Housing Amendments** (PLN2021-00011) - Amend the Whatcom County Code to allow certain affordable housing alternatives, including tiny homes under certain circumstances and duplexes in urban zones via Planned Unit Developments.

~~D-1. **Capital Facilities Planning** (PLN2020-00002) - Amend the capital facilities element of the Whatcom County Comprehensive Plan, including the Six-Year Capital Improvement Program (Appendix F).~~

D-112. **Neighborhood Commercial to Residential Rezone** (PLN2020-00003) - Rezone approximately 1.25 acres from Neighborhood Commercial (NC) to Residential Rural (RR-1).

D-123. **Rural Forestry Designation and Text Amendment** (PLN2020-00004) - Amend the comprehensive plan designation from Mineral Resource Lands (MRL) to Rural Forestry on approximately 66 acres in the Nooksack Falls exclave (off Mt. Baker Hwy). Amend the Zoning Code to allow certain conditional uses in the Nooksack Falls exclave within the Rural Forestry zone (WCC 20.42.155).

~~D-4. **Whatcom County Code Amendments** (PLN2020-00005) - Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.~~

D-~~135~~. **Shoreline Program Update** (PLN2020-00006) - Update the Whatcom County Shoreline Management Program (Title 23). Move the goals and policies of the Shoreline Management Program to the Whatcom County Comprehensive Plan. NOTE: This is the same project as S-4 above.

~~D-6. —Countywide Planning Policy Amendments (PLN2020-00007)—Amend the Countywide Planning Policies (CWPPs) by adding new sections relating to the Review and Evaluation Program (Buildable Lands), Dispute Resolution Procedures, and Countywide Planning Policy Amendment Procedures. The CWPPs are inserted into Appendix C of the Whatcom County Comprehensive Plan. NOTE: This includes some of the work set forth in project S-3 above.~~

D-~~147~~. **MRL Expansion – Breckenridge Rd.** (PLN2019-00002) - Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 22.8 acres off Breckenridge Rd., east of Nooksack. The underlying zoning is Rural one dwelling/five acres (R5A).

D-~~158~~. **Lummi Island Ferry Amendments** (PLN2019-00004) - Amend Whatcom County Comprehensive Plan provisions relating to the Lummi Island Ferry. Modify Policy 6A-1 relating to ferry level of service and delete Policy 6C-9 relating to a ferry feasibility study as shown in Resolution 2018-026.

D-~~169~~. **Density Credit Program - Zoning Code Amendments** (PLN2019-00005) - Amend the Whatcom County Zoning Code to implement the following recommendations contained in the TDR/PDR Multi-Stakeholder Work Group Final Report dated October 3, 2018: (1) modify the UR4 zone in the Birch Bay Urban Growth Area to allow increased density if density credits are purchased and (2) modify the code to allow larger accessory dwelling unit size if density credits are purchased.

~~D-10. —Point Roberts Subarea Plan and Point Roberts Special District (PLN2019-00007)—Review and, if needed, revise the Point Roberts Subarea Plan and the Point Roberts Special District (WCC 20.72).~~

D-~~174~~. **Surface Mining Pipeline Buffer** (PLN2019-00010) - Amend the Whatcom County Comprehensive Plan and Whatcom County Code to determine the minimum safe distance to allow surface mining to be conducted from a petroleum pipeline to ensure a pipeline will not become exposed or rupture during an earthquake event and contaminate an aquifer. Determination should be based on independent sources where possible and assume a magnitude 9.0 or greater earthquake could occur.

D-~~182~~. **Surface Mining of Dry Meander Zones** (PLN2019-00011) - Amend the Whatcom County Comprehensive Plan and Whatcom County Code to allow the seasonal extraction of sand and gravel from dry upland areas located within the 1,000 year meander zone of the Nooksack River, provided that such extraction has no negative impact on salmon spawning habitat. The intent is to (a) reduce the conversion of land currently used for farming, forestry and wildlife habitat into gravel pits, and (b) safely remove some of the significant sediment load

that enters the Nooksack every year in an effort to reduce flooding and the need to build higher flood prevention berms along the river as the climate continues to change.

D-~~193~~. **Density Credit Program – Comprehensive Plan Amendments** (PLN2018-00002) - Amend the Whatcom County Comprehensive Plan to reflect a shift in emphasis from a traditional transfer of development rights program to a density credit program. Density credits allow development incentives, such as increased density, in exchange for a voluntary contribution towards preserving agricultural lands and open space.

D-~~2014~~. **Repeal Cherry Point-Ferndale Subarea Plan (PLN2018-00003)** - Repeal the Cherry Point-Ferndale Subarea Plan, which was adopted in 1981. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan and Zoning Code.

D-~~2145~~. **CAO On-Going Agriculture** (PLN2018-00005) - The Critical Areas Ordinance (CAO) was adopted by the County Council in December 2017 (Ordinance 2017-077). Section 4(a) of this Ordinance states “Planning and Development Services staff shall work with the farming community to develop creative solutions that would allow farmers to maintain or attain ‘ongoing agriculture’ status pursuant to applicable laws.

D-~~2216~~. **Wind Energy System Amendments** (PLN2018-00008) – Review and, if needed, revise WCC 20.14 Wind Energy Systems.

D-~~2317~~. **Cherry Point Amendments** (PLN2018-00009) – Amend the Whatcom County Comprehensive Plan and Whatcom County Code to address ways the County may limit the negative impacts on public safety, transportation, the economy, and the environment from crude oil, coal, liquefied petroleum gases, and natural gas exports from the Cherry Point Urban Growth Area, in accordance with Whatcom County Comprehensive Plan Policy 2CC-16. [Some of the amendments apply to various land uses on a countywide basis.](#)

D-~~2418~~. **Sustainable Salmon Harvest Goal** (PLN2018-00010) – Amend the Comprehensive Plan to create a new policy to work with Lummi and Nooksack Nations, the State Department of Fish and Wildlife (WDFW) and other stakeholders to establish a sustainable salmon harvest goal for the county.

D-~~2519~~. **Mineral Resource Lands County-wide Designation Process** (PLN2017-00004) - Through a county-led countywide assessment, seek to identify and designate potential commercially significant mineral resource lands, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals pursuant to Comprehensive Plan Policy 8R-1.

~~D-20. **Wireless Communication Facilities** (PLN2016-00006) – Review and update provisions in WCC 20.13 (Wireless Communication Facilities) to ensure consistency with: (1) New 2015 FCC rules (80 FR 1238) which are designed to implement and enforce Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and (2) New 2018 FCC rules entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.”~~

D-~~261~~. **Sign Regulations Update** (PLN2016-00009) - Review and revise Whatcom County Code 20.80.400 (Sign Regulations), including updating the code for consistency with the U.S. Supreme Court's decision in *Reed v. Town of Gilbert* (2015).

D-~~272~~. **Vacation Rental Regulations** (PLN2014-00020/PLN2016-00011) - Amend Whatcom County Code Title 20 (Zoning) & Title 23 (Shoreline Management Program) to allow vacation rentals under certain conditions as a use within certain zones and shoreline designations.

D-~~283~~. **Code Enforcement Amendments** (PLN2015-00003) - Create a new Whatcom County Code (WCC) Chapter 22.15, called "Code Compliance Procedures," to establish an efficient system to address enforcement of building, critical areas and zoning codes. The proposal would consolidate the existing code enforcement provisions from WCC 15, 16.16, and 20 into a new WCC 22.15. The proposed amendments include provisions that would allow the County to record a document at the Whatcom Auditor's office indicating that there is a code violation on a property.

~~D-24. **Boundary Line Adjustments** (PLN2014-00001) - Amend Section 20.83.110 of the Whatcom County Zoning Ordinance relating to boundary line adjustments. The amendment would allow boundary line adjustments to nonconforming parcels to resolve encroachments such as fences, trees and other occupational indicators. The amendment would also allow boundary line adjustments that modify the boundaries between two nonconforming parcels based upon land owner preferences, as long as the smallest parcel is not decreased in size.~~

D-~~295~~. **Weddings and Special Events** (PLN2014-00016) - Amend the Official Whatcom County Zoning Ordinance (Title 20) to allow for "Weddings and Special Events" in specific zone districts through an approved Conditional Use Permit (CUP). Authorization to approve this amendment will result in the county needing to define "Special Events" under the "Definitions" section of WCC 20.97 and an additional amendment made to the "Parking Space Requirements" under WCC 20.80.580.

D-~~3026~~. **Agricultural Strategic Plan Implementation** (PLN2012-00007) - Resolution 2018-027 was approved by the County Council on 8/8/2018 declaring support for the updated Whatcom County Agricultural Strategic Plan. Immediate priorities in this plan include reviewing designation of Agricultural Lands of Long-term Commercial Significance and the agricultural zoning code. Reviewing the Rural Study Areas as listed in the 2007 Rural Land Study and making recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2018-027 (Updated Agricultural Strategic Plan) and RCW 36.70A.170 and .177 will be included. Other short-term and medium-term priorities in this plan include development of policies and regulations that provide for protection of the best agricultural areas while supporting development at zoned densities and continued work on development of the Natural Resource Marketplace. These activities may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.

D-~~3127~~. **Mineral Resource Lands Expansion - North Star Rd.** (PLN2012-00009) - Consider proposal to amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on

approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).

## **2.3. Comprehensive Plan and Development Regulation Appeals**

The Whatcom County Council may address appeals brought to the Growth Management Hearings Board (GMHB) or the courts. Public participation for settlement activities that will result in an ordinance amending the comprehensive plan and/or development regulations will include, at a minimum:

- Posting an initial draft proposal on the County website and sending it to anyone requesting notification at least 30 days prior to the public hearing. Posting any revised draft on the County website and sending it to anyone requesting notification at least 10 days prior to the public hearing.
- If urban growth areas are being modified, sending the draft proposal to cities and any citizen planning groups for non-City UGAs at least 30 days prior to the public hearing. Sending any revised draft to cities and any citizen planning groups for non-City UGAs at least 10 days prior to the public hearing.
- Publishing notice of the hearing in the newspaper and the on County website and, if urban growth areas are being modified, e-mailing notice to cities at least 10 days prior to the public hearing; and
- Holding a public hearing.

## Chapter 3. Project Participants

The Public Participation Plan is designed to reach all audiences that may have an interest in Comprehensive Plan and development regulation amendments. It is also designed to reach out to other groups and individuals – those that may not yet have an interest or be inclined to participate – to encourage their awareness, understanding and involvement in the process. The PPP also promotes use of existing communication networks to encourage involvement in the Whatcom County Comprehensive Plan and development regulation amendment process.

### 3.1. The Public

The general public is defined as members of the community including residents, groups, property owners, farmers, business owners and any others that might be interested in the Comprehensive Plan and development regulation amendments. The following sections contain a breakdown of some specific types of community groups and organizations that the County will attempt to engage in the process.

#### 3.1.1. Interested Property Owners and Developers

Interested property owners and developers are defined as members of the community that have an interest in growth and development regulations, especially as they relate to their private property rights. They may have an interest in developing or preserving their property. This might include farmers, real estate and development groups and other related professionals.

#### 3.1.2. Community Organizations

Community organizations are loosely defined as groups, associations, or committees that come together for a common interest or cause. This includes service groups, environmental groups, chambers of commerce, non-profit organizations, advocacy groups, community councils, neighborhood associations, local granges, social service organizations, religious organizations,

and others. Community organizations also include groups that are centered around non-city UGAs like the Birch Bay steering committee and others.

### 3.1.3. Other Groups and Individuals

WAC 365-196-600(4) states that “Each county or city should try to involve a broad cross-section of the community, so groups not previously involved in planning become involved.” People may add themselves to County e-mail lists on the “Notify Me” site at:

<http://www.co.whatcom.wa.us/list.aspx>

## 3.2. Governmental/Quasi-Governmental Groups

Governmental and quasi-governmental groups are defined as organizations that have a connection to local government, including Whatcom Council of Governments; Whatcom County Council; City Councils; Whatcom County and individual cities’ Planning Commissions; area tribes; local special purpose districts; citizen advisory committees and others. Groups typically consist of elected officials, appointed or volunteer community members, or jurisdictional staff. Table 1 below shows a selected group of advisory committees that may be asked to comment on comprehensive plan and development regulation amendments.

**Table 1: Selected Whatcom County Advisory Boards/Committees and Commissions**

Agricultural Advisory Committee	Portage Bay Shellfish Protection District Advisory Committee
Bicycle/Pedestrian Advisory Committee	Public Health Advisory Board
Birch Bay Shellfish Protection District Advisory Committee	Purchase of Development Rights Oversight Committee
Birch Bay Watershed and Aquatic Resources Management Advisory Committee	Rural Library Board
Business and Commerce Advisory Committee	Surface Mining Advisory Committee
Development Standards Technical Advisory Committee	Whatcom County Family & Community Network
Climate Impact Advisory Committee	Whatcom County Housing Advisory Committee
Drayton Harbor Shellfish Protection District Advisory Committee	Whatcom Council of Governments: Citizens’ Transportation Advisory Group
Flood Control Zone District Advisory Committee	Whatcom Transportation Authority’s Citizen Advisory Panel
Flood Control Sub-Zone District Advisory Committee	Wildlife Advisory Committee
Marine Resource Committee	WRIA 1 -Management Team
Forestry Advisory Committee	WRIA 1 - Planning Unit
Parks and Recreation Committee	

### 3.2.1. Planning Commission

Implementation of the GMA as it relates to public participation is covered within WAC 365-196-600 “Public Participation.” WAC 365-196-600(3)(c) states: “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.” RCW 36.70 is the Planning Enabling Act, which requires:

- Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county at least ten days before the hearing (RCW 36.70.390 and .590).
- A recommendation of approval of comprehensive plan or official control (e.g. development regulation) amendments shall be by the affirmative vote of not less than a majority of the total members of the planning commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the planning commission and the reasons for its action (RCW 36.70.400 and .600).

The Planning Commission is an appointed group of citizens that work directly with Planning and Development Services to craft legislation and make recommendations to the County Council. They also hear and make recommendations on applications for amendments to the Whatcom County Code and the Comprehensive Plan from private individuals, agencies and other applicants. Currently, the Planning Commission hears from the public primarily during public hearings and through written correspondence.

It is the goal that most town hall meetings, open houses and other public participation activities will occur with some involvement of the Planning Commission. In this way, the Planning Commission will hear straight from the public on each issue and will be more involved in crafting policies, earlier in the process. The public is encouraged to communicate with planning commissioners through the email and mailing address listed in Chapter 5 of this document in addition to attending planning commission meetings.

### 3.3. The Cities

Whatcom County will continue to engage with the Cities on issues of common interest, including the buildable lands (review and evaluation) program and UGA planning.

# Chapter 4. Public Participation Approach

## 4.1. Overall Approach

The Washington Administrative Code (WAC) provides guidelines and rules for public involvement in comprehensive planning. WAC 365-196-600 “Public Participation” states that “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.”

Through this public participation program the planning commission will act as a central hub for many public participation activities. In this way, the planning commission will have maximum exposure to the public perspective no matter how complex or minute the issue.

Starting in section 4.2, issues are broken down into 3 types for the purposes of public participation. Each type of issue has a different approach and the approach is described in each section. All the issues retain the numbers assigned to them in Chapter 2, so if more information is needed about an issue, the reader may refer back to Chapter 2.

## 4.2. Level 1 Issues

Level 1 issues are generally less complicated, have already been through extensive public process or are quasi-judicial actions<sup>1</sup>. This level is also appropriate for most standard map and text amendments to Title 20 Zoning. A more vigorous public participation approach may be assigned at the discretion of the Planning and Development Services Department, which may include referring the proposal to an advisory committee for review.

### 4.2.1. Approach

Level 1 issues will be subject to the public process required by the code. Typically, they will follow this process:

- 1) **Proposal:** Staff generates a proposal or a recommendation on an application.
- 2) **Proposal posted:** Proposal is posted to the website and announced through email list. Legal notice will be given as required and applicable. Public may make comment to the Planning Commission via email and/or US mail.
- 3) **Public hearing:** Planning Commission holds public hearing on issue.
- 4) **Work session and recommendation:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.
- 5) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

### 4.2.2. Level 1 Projects

S-1. **Forest Practices** (RCW 36.70A.570, SHB 1409)

S-2. **Utilities to Schools in Rural Areas** (RCW 36.70A, amended in 2017 by HB 2243)

S-3/~~D-6~~. **Buildable Lands / Review and Evaluation Program** (RCW 36.70A.070, .115, .215, amended in 2017 by ESSSB 5254), ~~including Countywide Planning Policies (PLN2020-00007)~~

D-1. **Battery Energy Storage Systems** (PLN2021-000001)

D-2. **TDR Receiving Area** (PLN2021-00002)

D-3. **Temporary Homeless Facilities** (PLN2021-00003)

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<sup>1</sup> Quasi-judicial actions of local decision-making bodies are “those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding” (RCW 42.36.010). These require adjudication in a court-like process, in which the guidelines for public participation are different from other actions. Notice requirements for quasi-judicial rezones are set forth in the Whatcom County Code.

- D-4. Wireless Communication Facilities (PLN2021-00005)
- D-5. Whatcom County Code Amendments (PLN2021-00006)
- D-7. Lake Whatcom Watershed Overlay District Amendments (PLN2021-00008)
- D-8. Marijuana Growing and Processing (PLN2021-00009)
- D-9. Six-Year Capital Improvement Program Amendment (PLN2021-00010)
- D-10. Affordable Housing Amendments (PLN2021-00011)
- ~~D-1. Capital Facilities Planning (PLN2020-00002)~~
- D-112. Neighborhood Commercial to Residential Rezone (PLN2020-00003)
- D-123. Rural Forestry Designation and Text Amendments - Nooksack Falls (PLN2020-00004)
- ~~D-4. Whatcom County Code Amendments (PLN2020-00005)~~
- D-147. MRL Expansion - Breckenridge Rd. (PLN2019-00002)
- D-158. Lummi Island Ferry Amendments (PLN2019-00004)
- D-169. Density Credit Program - Zoning Code Amendments (PLN2019-00005)
- ~~D-10. Point Roberts Subarea Plan and Point Roberts Special District (PLN2019-00007)~~
- D-1913. Density Credit Program - Comprehensive Plan Amendments (PLN2018-00002)
- D-2014. Repeal Cherry Point-Ferndale Subarea Plan (PLN2018-00003)
- D-2115. CAO On-Going Agriculture (PLN2018-00005)
- ~~D-20. Wireless Communication Facilities (PLN2016-00006)~~
- D-261. Sign Regulations Update (PLN2016-00009)
- D-272. Vacation Rentals (PLN2014-00020/PLN2016-00011)
- D-2823. Code Enforcement Amendments (PLN2015-00003)
- ~~D-24. Boundary Line Adjustments (PLN2014-00001)~~
- D-2925. Weddings and Special Events (PLN2014-00016)
- D-3127. Mineral Resource Lands Expansion - North Star Rd. (PLN2012-00009)

## 4.3. Level 2 Issues

Level 2 issues require a little more than the code-required public process. The issues in this category are of a sensitive or political nature and/or the public has come out to oppose or support them in the past. They are generally more complicated.

### 4.3.1. Approach

Typically, level 2 issues will follow this process:

- 1) **Alternatives:** Staff generates alternative approaches to the issue, when applicable.
- 2) **Alternatives posted:** Alternatives are posted to the website and announced through email list.
- 3) **Advisory Committee/Agency/City Review and Comment:** The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.
- 4) **Proposal:** Staff generates a proposal considering any feedback received on the alternatives.
- 5) **Proposal posted:** Proposal is posted to the website and announced through email list and legal notice as required and applicable. Public may make comment to the Planning Commission via email and/or US mail.
- 6) **Public hearing:** Planning Commission holds public hearing on issue.
- 7) **Work session:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.
- 8) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

### 4.3.2. Level 2 Projects

D-6.      **Bellingham UGA Expansion (PLN2021-00007)**

D-~~2216~~.      **Wind Energy System Amendments (PLN2018-00008)**

D-~~2418~~.      **Sustainable Salmon Harvest Goal (PLN2018-00010)**

D-~~3026~~.      **Agricultural Strategic Plan Implementation (PLN2012-00007).** Coordination with the Agriculture Advisory Committee and applicable Cities.

## 4.4. Level 3 Issues

These issues are generally more complicated and are of interest to the general public. All of these issues will have many opportunities for public comment, including a town-hall style meeting where people are able to openly share their feelings on the alternatives proposed or just the issue in general. When appropriate, town hall meetings will be planned close to areas that will be or are being impacted by the issue.

### 4.4.1. Approach

Typically, level 3 issues will follow this process:

- 1) **Alternatives:** Staff generates alternative approaches to the issue, when appropriate.
- 2) **Alternatives posted:** Alternatives are posted to the website and announced through email list.
- 3) **Advisory Committee/Agency/City Review and Comment:** The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.
- 4) **Town hall meeting(s):** A town hall style meeting(s) is held to seek public input on the issue and the proposed alternatives. When appropriate, the meeting is held in a location that is reasonably located near an area affected by the issue. Planning Commission may be in attendance at this town hall meeting. Announcements of town hall meetings will be done through the website, email list, media releases, and local postings as appropriate.
- 5) **Proposal:** Staff generates a proposal considering feedback received on the alternatives, including feedback heard at the town hall meeting.
- 6) **Proposal posted:** Proposal is posted to the website and announced through email list. Legal notice will be given as required and as appropriate. Public may make comment to the Planning Commission via email and/or US mail.
- 7) **Public hearing:** Planning Commission holds public hearing on issue.
- 8) **Work session:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.
- 9) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

### 4.4.2. Level 3 Projects

D-~~1741~~ Surface Mining Pipeline Buffer (PLN2019-00010)

D-~~1842~~ Surface Mining of Dry Meander Zones (PLN2019-00011)

D-~~2347~~ Cherry Point Amendments (PLN2018-00009)

D-~~2549~~. Mineral Resource Lands County-wide Designation Process (PLN2017-00004)

S-4/D-~~135~~. Shoreline Management Program Update (PLN2020-00006)

It is anticipated that projects D-~~1741~~ and D-~~1842~~ will be incorporated into review of project D-~~2549~~.

## Chapter 5. Conclusion

This public participation plan will guide the review of comprehensive plan and development regulations amendments. It is a living document that should be updated as conditions change or new methods are discovered. This public participation plan meets the requirements of the RCW and the requirements of the WAC. Specifically, the Planning and Development Services Department hopes that this public participation program will “involve a broad cross-section of the community, so groups not previously involved in planning become involved” as WAC 365-196-600(4) suggests it should.

To provide written feedback on this public participation plan, please contact Planning and Development Services at [pds@co.whatcom.wa.us](mailto:pds@co.whatcom.wa.us) ~~[abil@co.whatcom.wa.us](mailto:abil@co.whatcom.wa.us)~~. If you wish to provide comment on any issue to the Planning Commission or County Council, please utilize the following addresses:

~~Whatcom County Planning and Development Services  
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