

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, May 23, 2023
1:30 PM
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 2:25 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 1:30 p.m. in a hybrid meeting.

Roll Call

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

Also Present: Todd Donovan and Carol Frazey

Announcements

Committee Discussion

1. [AB2023-310](#) Discussion of a proposed ordinance adopting amendments to Whatcom County Code Title 20, Zoning, to regulate short-term vacation rentals

Cliff Strong, Planning and Development Services Department, stated this process is holding up our Shoreline Management Program (SMP) periodic update. The Department of Ecology (DOE) will not progress until we clear up this issue. This Ordinance (with its Exhibit A) is structured so that we can at least adopt the items consistent with the SMP, and the other things (formerly called “Exhibit B,” but now called “Attachment A”) can be addressed at a later date. He answered whether every county that has a shoreline management plan regulates short-term vacation rentals and stated he does not know about other jurisdictions but we had an issue with our SMP identifying short-term rentals as a commercial use. One of the issues that Council wanted to address was that these should be considered residential uses and that is what DOE is waiting for. They are waiting for us to bring those two documents together and treat these the same under both codes. Exhibit A of this Ordinance rectifies the definitions so that it is clear that they are residential uses. He answered whether a long-term rental is considered a commercial use, and stated it is not, under our SMP.

Elenbaas asked why we did not just classify short-term rentals like long-term rentals and move ahead and Strong stated that is what they are trying to do with Exhibit A.

Galloway stated her understanding is that this Ordinance with its Exhibit A is defining short-term rentals which is consistent with the definition that is used in our in-progress, updated SMP and is allowing the use of short-term rentals in the various zoning types as accessory use except in the Lake Whatcom watershed where it is a conditional use. So, to her, this is the non-controversial half of the code updates.

Elenbaas stated that sounds like the most round-about way to regulate short-term rentals that he has ever heard. His problem with accepting any of this is that he wants to know what regulation they are applying to the definition of short-term rental. He does not want to pass part of it to suffice the SMP. He would prefer to adopt it in its entirety (or not adopt it at all) and then go back and change the SMP without attaching it to this.

Strong stated that is why they structured the Ordinance with just Exhibit A so that it just makes it consistent with our SMP. The other items can be decided by the Council at a later date. Another option would be to delete section two of the Ordinance about finding a vendor.

Byrd asked whether vacation rentals that are already in place in the Lake Whatcom watershed are grandfathered in and Strong stated that it is their interpretation that anything that was legal at the time can continue. He answered how people would have to prove that they have been renting their unit.

Elenbaas asked whether there are any zones that are excluded and Strong stated the Council decided they would allow them in most of the single-family zones.

Donovan urged people to read the white paper (on file) and will support having this Ordinance introduced this evening.

Byrd moved to strike section two from the Ordinance (under NOW, THEREFORE, BE IT ORDAINED).

Councilmembers and Strong discussed Galloway's request two weeks ago regarding defining a single-family rental unit and whether a dwelling is not a vacation rental if it is not a single-family dwelling unit, what exactly Exhibit A is doing, whether a modified definition of bed and breakfast inns and establishments creates any problems with the SMP and how those are different than a hostel, whether part of the concern is that they are defining vacation rentals as single-family and maybe not capturing condos and duplexes and whether those can be fixed by just a code scrub since 98 percent of rental units were reported by Granicus to be single-family homes, and whether section two needs to be in the Ordinance or whether Council can give direction concerning Attachment A in a separate motion.

Dana Brown-Davis, Clerk of the Council, asked whether they would also

need to strike the reference to Attachment A (which was formerly called “Exhibit B”) in number eleven under the findings of fact in the Ordinance and Strong stated they would.

Councilmembers and Strong discussed whether they need section three but Strong stated that section needs to stay.

The motion to strike section two carried by the following vote:

Aye: 3 - Byrd, Elenbaas, and Galloway

Nay: 0

Byrd moved to amend the Ordinance to strike point 11 in the findings of fact.

He amended his motion to also strike point twelve but he was not looking at the correct version of the Ordinance online.

Byrd restated his motion to amend the Ordinance to strike point 11 in the findings of fact.

Donovan stated he does not understand the point of the motion and urged the Council to take what they have from staff which gives staff direction on what the Council has said they want them to do, and Councilmembers discussed whether the two parts of proposed code amendments presented by staff can be considered separately.

The motion to strike point 11 carried by the following vote:

Aye: 3 - Byrd, Elenbaas, and Galloway

Nay: 0

Galloway moved to recommend to the full Council that they introduce the version as amended in Committee.

The motion carried by the following vote:

Aye: 3 - Byrd, Elenbaas, and Galloway

Nay: 0

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

ACTION SUMMARY:

Motion approved to strike section two from the Ordinance (under NOW, THEREFORE, BE IT ORDAINED).

Motion approved to amend the Ordinance to strike point 11 in the findings of fact.

Motion approved to recommend the version of the Ordinance as amended in Committee for Introduction.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 2:08 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Ben Elenbaas-via email 5/25/2023

Dana Brown-Davis, Council Clerk

Ben Elenbaas, Committee Chair

Kristi Felbinger, Minutes Transcription

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