

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 22, 2025

1 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING - ADJOURNS BY 1:20 P.M. (PARTICIPATE IN-PERSON, SEE
REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR
CALL 360.778.5010)**

COUNCILMEMBERS

Todd Donovan
Ben Elenbaas
Jon Scanlon

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Committee Chair Ben Elenbaas called the meeting to order at 1:03 p.m. in a hybrid meeting.

Roll Call

Present: 3 - Todd Donovan, Ben Elenbaas, and Jon Scanlon

Also Present: Barry Buchanan, Tyler Byrd, Kaylee Galloway, and Mark Stremmler

Announcements

Committee Discussion

1. [AB2025-535](#) Discussion of an Ordinance amending Whatcom County Code Title 22 to clarify the roles and duties of participants in the Hearing Examiner process

Rajeev Majumdar, Whatcom County Hearing Examiner, briefed the councilmembers on the proposed code changes in the substitute ordinance. He answered whether he is trying to streamline or align things with the other jurisdictions he serves, and whether the code changes require a public hearing or being docketed.

Kimberly Thulin, Prosecuting Attorney's Office, stated her understanding is that Mr. Kooistra, as attorney for the Planning Department, determined that this was something that did not require a public hearing because they are technical amendments to the code (procedural in nature, not substantive in nature).

Majumdar stated these do not have Growth Management Act (GMA) implications and do not need to go through the Planning Commission.

Elenbaas stated he wonders how they do not have GMA implications, but stated the changes look incredibly reasonable. He thanked the Hearing Examiner.

Scanlon stated he would like to see this and the next two agenda items (**AB2025-536** and **AB2025-539**) go to a public hearing to allow people to give input.

Majumdar gave an example of other code changes they have been working on, regarding consequences for not obeying a summons or subpoena, that did not make it into this ordinance. He answered whether previous hearing examiners ever subpoenaed anybody and stated that has happened in the

state but did not happen with the county's previous hearing examiner.

Councilmembers discussed making motions in the Council meeting tonight to hold public hearings for this and the next two agenda items.

This agenda item was DISCUSSED.

2. [AB2025-536](#) Discussion of an Ordinance amending Whatcom County Code Section 2.11 to clarify the authority of the Hearing Examiner

Rajeev Majumdar, Whatcom County Hearing Examiner, briefed the councilmembers on the code changes and why they are important. He stated there was a reserved (empty) section of the Code titled "Hearing examiner - Duties and powers" that he moved and added language to. He answered whether the changes are just coming from his sense of the holes in our code or whether other counties have similar language in theirs. He stated he is actively moving toward encouraging all counties to adopt this and the proposed Hearing Examiner rules, but this specific suggestion came out of a very specific case that came out of Whatcom County. He stated they want to get away from vagueness whenever possible.

This agenda item was DISCUSSED.

Committee Discussion and Recommendation to Council

1. [AB2025-539](#) Resolution amending Resolution 2024-021 to update Business Rules of the Whatcom County Hearing Examiner to approve clarifying changes promulgated by the Hearing Examiner

Rajeev Majumdar, Whatcom County Hearing Examiner, briefed the councilmembers on the resolution and stated the rules are not effective unless the Council approves them. He answered what the difference is between the resolution and substitute resolution, and stated there were no substantive changes, but changes in syntax.

Donovan moved that the RESOLUTION be recommended for approval.

Scanlon stated he would like to hold a public hearing on this.

Majumdar stated he would be available on September 9th.

Cathy Halka, Clerk of the Council, asked that the motion maker clarify that they are moving the substitute resolution and that this would be a motion to hold the item in Council since it is on the Council's agenda for action tonight.

Donovan withdrew his motion *and moved* that they recommend to hold the substitute resolution until September 9th for a public hearing.

The motion carried by the following vote:

Aye: 3 - Elenbaas, Donovan, and Scanlon

Nay: 0

**This agenda item was FORWARDED TO COUNCIL WITH
RECOMMENDED MOTION(S).**

Motion approved that they recommend to hold the substitute resolution (in Council) until September 9 for a public hearing.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 1:28 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Ben Elenbaas-via email 6/6/2025

Cathy Halka, Council Clerk

Ben Elenbaas, Committee Chair

Meeting Minutes prepared by Kristi Felbinger

SIGNED COPY ON FILE