

**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, November 9, 2021  
1:30 PM  
Virtual Meeting**

**VIRTUAL MEETING - ADJOURNS BY 2:45 P.M. (TO PARTICIPATE, SEE  
INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL  
360.778.5010)**

**COUNCILMEMBERS**

Rud Browne  
Todd Donovan  
Ben Elenbaas

**CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## Call To Order

Committee Member Todd Donovan called the meeting to order at 1:30 p.m. in a virtual meeting.

*Clerk's note:* Committee Chair Elenbaas requested that Donovan act as chair for the meeting.

## Roll Call

**Present:** 3 - Rud Browne, Ben Elenbaas, and Todd Donovan

**Absent:** None

Also Present: Barry Buchanan, Tyler Byrd, Carol Frazey, and Kathy Kershner

## Announcements

### Special Presentation

1. [AB2021-657](#) Presentation by City of Bellingham Planning and Community Development Department regarding regulations for detached accessory dwelling units (DADUs) and accessory dwelling units (ADUs)

Greg Aucutt, City of Bellingham, presented and answered questions about how Bellingham is accommodating growth.

Satpal Sidhu, County Executive, spoke about the buildable lands study and the problem with using up land with single family homes.

Aucutt answered whether the goal is to maintain a fifty/fifty balance between single and multi-family homes or to change that strategy.

**This agenda item was PRESENTED AND DISCUSSED.**

### Committee Discussion

1. [AB2021-647](#) Discussion of amendments to the WCC regulating the production, processing, and retail sales of recreational marijuana in Whatcom County and repealing Ordinance No. 2021-066

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers and answered whether the proposed changes would put anyone out of business, how many producers may have issues with or be affected by these proposed new rules, and whether the related moratorium would be needed if the permanent ordinance is adopted in two weeks.

Amy Keenan, Planning and Development Services Department, answered questions about why the rule of allowing one processing license per lot with a 1,000-foot separation between production facilities has been proposed, and whether businesses would be able to start up today with the setup that has been generating complaints.

**This agenda item was DISCUSSED.**

2. [AB2021-605](#) Discussion on proposed amendments to the Whatcom County Code Title 20 (Zoning) to provide additional affordable housing options

The following people briefed the Councilmembers and answered questions:

- Mark Personius, Planning and Development Services Department Director
- Cliff Strong, Planning and Development Services Department
- Curtis Metz, Planning and Development Services Department

They answered whether tiny homes on wheels fall under the Accessory Dwelling Unit (ADU) regulations, the requirement to meet the International Residential Code (IRC) or U.S. Department of Housing and Urban Development (HUD) standards, what the differences are between what proponents of tiny homes on wheels are requesting and what the requirements are, who can certify a structure as a permanent habitable structure and where the requestors are failing to achieve the certification, how the 120-day rule is holding things up for them, and how the County settled on the 120-day limit for “temporary recreational occupancy.”

Cathy Halka, Council Legislative Analyst, answered whether a transcript of this discussion should be created for reference.

Councilmembers and staff discussed settling the issue of tiny homes on wheels before deciding on the proposed code amendments, and holding the discussion and the proposed ordinance in order to work with the stakeholder group and County staff and bring back a version that would answer some of these questions.

***Elenbaas moved*** to recommend to the full Council that this item be held in committee until December 7 (and that the proposed ordinance not be introduced tonight).

The motion carried by the following vote:

**Aye:** 2 - Elenbaas and Browne

**Nay:** 1 - Donovan

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

3. [AB2021-548](#) Discussion and status update of proposed amendments to the Whatcom County Code regarding short-term rentals

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers and addressed questions from their previous discussion which are also included in the attached memo. He answered what the difference is between what the City of Bellingham is achieving with their system and what the County has proposed, whether registration would address how the public can reach someone in the middle of the night if there is a complaint, and whether they should require some sort of annual self-certification or inspection for health and safety issues just as they would for a hotel or motel.

Councilmembers discussed the issue, what they would like to do with this proposal, and whether they would like a presentation from the vendor Granicus.

**This agenda item was DISCUSSED.**

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 2:51 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

**Ben Elenbaas-via email 11/23/2021**

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

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Ben Elenbaas, Committee Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE

