

Whatcom County Council Planning and Development Committee

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



Committee Minutes - Draft Minutes

Tuesday, November 18, 2025

11 AM

Hybrid Meeting - Council Chambers

**HYBRID MEETING - MAY BEGIN EARLY - ADJOURNS BY 12:00 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 11:06 a.m. in a hybrid meeting.

Roll Call

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

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

Announcements

Committee Discussion

1. [AB2025-809](#) Discussion of an ordinance adopting amendments to Whatcom County Code Title 20, Zoning and Title 22, Land Use and Development

Lucas Clark, Planning and Development Services Department, read from the memo (on file) on the eleven proposed amendments for the code scrub.

Donovan stated they are getting kind of liberal with what they are calling a code scrub and that there are some pretty substantive changes in here.

Amy Keenan, Planning and Development Services Department, and Clark discussed some of the amendments with the councilmembers.

Amendment No. 6: This amendment is to clarify density requirements within the Resort Commercial zoning district within WCC 20.64.260

Amy Keenan, Planning and Development Services Department, spoke about the purpose of this amendment.

Scanlon stated he would like to see a conversation happen between Planning and Environmental Health regarding this amendment.

Amendment No. 2: This amendment is to update existing “Day Care Home” definition within WCC 20.97.040 to comply with State Child Care Facilities Standards

Scanlon stated he had asked Planning questions on this amendment, and that it helps, in some ways to expand child care access in our county. He asked if there was anything else, such as the recommendations regarding the Comprehensive Plan from the Child and Family Well-being Task Force, that they might be able to build in to the code to expand child care access in our county.

Amendment No. 3: This amendment is to clarifying well buffer distance standards within WCC 20.38.060(6) for clustered lots within a subdivision
Keenan explained the proposed amendments.

Elenbaas stated it seems like you would preserve agricultural ground better by allowing wells to be on the largest tract possible so the setbacks on the septic systems do not interfere. It seems like this is less helpful in preserving the ability of the reserve tract to be farmed.

Clark answered what drove these changes.

Clerk's note: Discussion on this item continued later during this discussion and at the end of the agenda.

Amendment No. 1 is to revise Chapter 20.71 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WCC 20.71.302), by removing the impervious surface limitations as it relates to public schools

Clark answered whether this amendment is applying to a very narrow overlay district that only has one school or whether another property owner could say they want a similar exemption. He stated the intent was that it would only apply to the school district and that they would still be subject to all the stormwater requirements of the area just like any private landowner.

Stremmler asked how they would explain to a homeowner why the school district is exempt from limitations related to impervious surface and the homeowner is not, and the following people answered:

- Amy Keenan
- Aly Pennucci, Executive's Office

They discussed that this was a proposal from the school district to construct a trail and Planning would be remiss if they did not allow an existing school that has been permitted to meet the needs of their community, that there are different allowances for schools because they are serving a different purpose than a homeowner but that they also still have to meet their stormwater requirements, when mitigation for the school district would likely begin, and whether they would be required to mitigate for existing impervious surface.

Amendment No. 3 continued

Elenbaas asked Planning staff about amending Whatcom County Code 20.38.060 subsection six to add something along the lines of "...unless siting the well on the reserve tract allows the cluster parcels to be smaller, which would allow the reserve tract to be larger." He stated by having the wells have to be on the cluster parcels, you may have to make those parcels bigger to site everything (thus giving up land that could otherwise be farmed), especially if you are dealing with critical areas. He stated he would work on some language to propose for tonight.

Scanlon stated he would like to know if there is an environmental health impact when it comes to wells.

Clerk's note: See further discussion of this item below at the end of this agenda.

This agenda item was DISCUSSED.

2. [AB2025-811](#) Discussion of an ordinance adopting amendments to Whatcom County Code Title 20 (Zoning) to comply with preemptive state regulations for accessory dwelling units and co-living standards

The following people briefed the councilmembers and answered questions:

- Maddie Schacht, Planning and Development Services Department
- Mark Personius, Planning and Development Services Department Director
- Lucas Clark, Planning and Development Services Department

Schacht stated they have some new State preemptive laws which they are required to address by December 31st of this year or else the State requirements will go into effect and supersede our current standards. She stated the update only applies to urban growth areas (UGAs) and not to rural areas whatsoever. She summarized what the State is requiring, and stated the Planning Commission proposed a couple amendments which the Planning Department does not support.

Personius answered if there had been discussion in the legislature about whether it makes sense to allow for two accessory dwelling units (ADUs) anywhere else such as Limited Areas of More Intensive Rural Development (LAMIRDs), and combining that with the work that was done in the Comprehensive Water System Plan. He stated this is strictly enabling

legislation that applies only to urban growth areas. The law on ADUs in rural areas is a little more unsettled and they are working to lobby the Legislature for clarifying language on it. That is why they bifurcated this and are only doing what the strict enabling legislation authorizes them to do. They are not recommending any changes to the allowance of ADUs outside of UGAs until they get that State guidance.

Councilmembers and the speakers discussed the Planning Commission recommendations that staff had issue with (including co-living housing and allowing a second ADU even if it is not connected to sewer service), and that those recommendations are not included in what is being introduced.

Galloway stated she is inclined to support the Planning Commission's recommendations regarding co-living and she spoke about why. She stated she also wonders if requiring ADUs to be connected to infrastructure is putting up a barrier to building more housing units, and she spoke about allowing flexibility around other types of facilities being allowed to be converted to a living habitat.

Councilmembers discussed Galloway's comments and staff answered questions about the definition of co-living housing, whether this code would change the land capacity analysis calculations, and that they should think of co-living as dormitories or single-room occupancies.

This agenda item was DISCUSSED.

Committee Discussion of AB2025-809 Continued

1. [AB2025-809](#) Discussion of an ordinance adopting amendments to Whatcom County Code Title 20, Zoning and Title 22, Land Use and Development

Elenbaas came back to **Amendment No. 3** in **AB2025-809**. He presented three options for language to amend WCC 20.38.060 20.38.060(6) as follows:

1. Wells serving clustered residential lots shall not be located on the reserve tract except when such placement allows the reserve tract to be increased in size or arranged in a manner that enhances agricultural use. In such cases, wells may be located on the reserve tract provided they do not materially interfere with ongoing or foreseeable agricultural operations.
2. Wells serving clustered residential lots may be located on the reserve tract only when their placement results in a larger or more agriculturally functional reserve tract than would otherwise be achievable. Any such wells

shall be sited and designed to avoid interference with agricultural operations, including tillage, livestock movement, and equipment access.

3. Wells serving clustered residential lots shall not be located on the reserve tract unless the placement of such wells increases the total acreage of the reserve tract or improves the configuration of the reserve tract for agricultural use.

Elenbaas answered questions about his proposed options and stated he would vote for option number three.

Councilmembers and staff discussed the proposed language suggestions and how such an amendment would be helpful for preserving the reserve tract for farming, that they can create a substitute ordinance for introduction tonight and introduce both versions in order to give Planning and Health Department staff time to talk about the issue, and the 100-foot setback on cluster lots in agricultural protection overlay subdivisions.

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 12 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Ben Elenbaas, Committee Chair

Meeting Minutes prepared by Kristi Felbinger