

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 9, 2023

1:50 PM

Hybrid Meeting

**HYBRID MEETING - ADJOURNS BY 2:30 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 1:56 p.m. in a hybrid meeting.

Roll Call

Present: 2 - Ben Elenbaas, and Kaylee Galloway

Absent: 1 - Tyler Byrd

Also Present: Barry Buchanan, Todd Donovan, Carol Frazey, and Kathy Kershner

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, briefed the Councilmembers and stated this will come in two phases: this ordinance with Exhibit A (the regulatory scheme for vacation rentals) and future code amendments (annual registration requirement and the performance standards all vacation rentals would need to meet in order to register). He stated staff recommends that adoption of the latter be postponed to give the Planning, Finance, and a selected vendor time to develop the registration system, a registration fee, and a public outreach program.

He answered whether vacation rental regulations currently exist in our code, why vacation rentals would be a conditional use in the Lake Whatcom Watershed Overlay District but not in the Lummi Island zone or other shoreline areas and whether that is what the Planning Commission recommended, what the process and timeline will look like for the second phase, and whether there is a way to pass that part but allow for time to implement it.

Strong stated to set up a registration system, they need to find a vendor, give the vendor time to get it set up, do a public outreach program, and set a fee structure. He answered a question about the sequence for implementing policy and setting up the infrastructure.

Councilmembers discussed the proposed amendments to Whatcom County Code (WCC) 20.80.960. Kershner pointed out a scrivener's error in the numbering of the subsections.

She asked whether we have data on the types of vacation rental units we have in Whatcom County and specifically any duplexes (or other rentals with more than one unit) that are rented out. She asked about striking the language in WCC 20.80.960 Subsection 4(a) which states:

- (a) There shall be no more than one vacation rental unit per lot.

She moved to strike the language but is not on the committee.

Elenbaas moved to strike WCC 20.80.960 Subsection 4(a) but there was not a main motion on this item and this was just a discussion, so no action was taken (see withdrawal of the motion below).

Kershner asked what the basis was for the number of people that are permitted to stay in a vacation rental as stated in WCC 20.80.960 Subsection 4(b) and what the thought was behind WCC 20.80.960 Subsection 4(f) which states:

Owners/operators shall abide by official emergency orders including not renting during an emergency (e.g., flood, pandemic, etc.);

She asked Strong how often he thinks that would be implemented, who will determine such an emergency order, and whether vacation rental restrictions would have to be included in an emergency order. She would like the statement fleshed out more so that it determines what is meant and who is going to be issuing the order.

Donovan stated the duplex question was an interesting one but according to Granicus (potential vendor) over 90 percent of rentals were single-family houses. He does not know if they consider a duplex to be a single-family house.

Galloway asked for clarification on defining what a rental unit is and Strong read the definition that is in the Ordinance. She asked if they could strike part of WCC 20.80.960 Subsection 4(f) so it would read:

Owners/operators shall abide by official emergency orders ~~including not renting during an emergency (e.g., flood, pandemic, etc.);~~

Councilmembers discussed the Ordinance (**AB2023-309**), whether the Ordinance should be introduced tonight, and whether it would need to be re-introduced if there were amendments.

Strong stated the Department of Ecology (DOE) is holding up the County's Shoreline Management Program (SMP) periodic update because they had earlier stated that their approval was based on the Council adopting some regulations about vacation rentals. He answered whether there is a law that says that the County has to do that or whether the DOE is just saying we have to do it.

Galloway stated she will send her three suggested amendments to staff.

Elenbaas withdrew his motion to amend WCC 20.80.960 Subsection 4(a).

Councilmembers discussed whether the Ordinance (**AB2023-309**) should be introduced tonight.

This agenda item was DISCUSSED.

Committee Discussion and Recommendation to Council

1. [AB2023-312](#) Resolution relating to a schedule for joint County and City review of Urban Growth Areas

Matt Aamot, Planning and Development Services Department, briefed the Councilmembers.

Elenbaas moved that the Resolution be RECOMMENDED FOR APPROVAL. The motion carried by the following vote:

Aye: 2 - Elenbaas, and Galloway

Nay: 0

Absent: 1 - Byrd

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 2:28 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Ben Elenbaas-via email 5/17/2023

Dana Brown-Davis, Council Clerk

Ben Elenbaas, Committee Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE