

**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, September 24, 2019**

**2 PM**

**Council Chambers**

**COUNCILMEMBERS**

Barbara Brenner

Tyler Byrd

Todd Donovan

**CLERK OF THE COUNCIL**

## Call To Order

Committee Chair Tyler Byrd called the meeting to order at 2:03 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

## Roll Call

**Present:** 3 - Barbara Brenner, Tyler Byrd and Todd Donovan

**Absent:** None

Also present, Carol Frazey, Todd Donovan, Barry Buchanan, and Rud Browne.

## Committee Discussion

1. AB2019-479 Discussion of proposed ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

Mark Personius, Planning and Development Services Director, answered a question about the Planning Department's involvement in this issue.

Karen Frakes, Prosecuting Attorney's Office, stated this would be more of a Public Works Department matter as opposed to a Planning Department matter.

Councilmembers discussed the history of the most recent regulations adopted for Lake Samish, basing regulations on environmental and property damage, getting more information on erosion and dock destruction issues from Public Works, the problem of aquatic invasive species from ballast boat tanks and boats with bladders that can not be inspected properly, changes they would like to see in the proposed ordinance, being mindful of protecting everyone's rights in regard to activities on the lake, and regulating activities as opposed to particular vessels.

Byrd opened the floor for public comment and the following people spoke:

**Becky O'Brine-Wilson**

**Eric McHenry**

**Gary Simon**

**Rich DeVeau**

**James Wilson**

**Paul (no last name given)**

Councilmembers continued to discuss the level of erosion on the lake, and potential changes to the proposed ordinance.

**Brenner moved that the Discussion be HELD IN COMMITTEE. The motion carried by the following vote:**

**Aye:** 3 - Brenner, Byrd and Donovan

**Nay:** 0

**Absent:** 0

### **Committee Discussion and Recommendation to Council**

1. AB2019-481 Consideration of Hearing Examiner's recommendation on Preliminary Long Subdivision application filed by Wesley Herman (WD-40 Cluster Long Subdivision)  
Amy Keenan, Planning and Development Services Department, provided background information on the application and the Hearing Examiner's recommendation.

***Brenner moved*** that the Hearing Examiner Recommended Decision be RECOMMENDED FOR AFFIRMATION.

Keenan provided more background information and answered questions about how the development agreement functions, why four of the eight development rights are allowed to have an Accessory Dwelling Unit (ADU) and why so many exemptions are necessary.

**Brenner's motion that the Hearing Examiner Recommended Decision be RECOMMENDED FOR AFFIRMATION carried by the following vote:**

**Aye:** 3 - Brenner, Byrd and Donovan

**Nay:** 0

**Absent:** 0

2. AB2019-417 Resolution to replace the Business Rules of the Whatcom County Hearing Examiner  
Royce Buckingham, Prosecuting Attorney's Office, provided background information on the the proposed new rules and answered questions about appeal procedures.

Councilmembers requested a version with tracked changes or a summary of the changes before making a decision.

**Donovan moved that the Resolution be HELD IN COMMITTEE. The motion carried by the following vote:**

**Aye:** 3 - Brenner, Byrd and Donovan

**Nay:** 0

**Absent:** 0

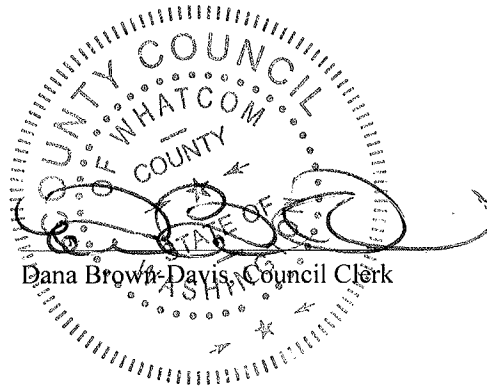
### **Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 3:55 p.m.


ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

  
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Tylee Byrd, Committee Chair

  
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Kristi Felbinger, Minutes Transcription

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