

**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, January 25, 2022**

**1 PM**

**Virtual Meeting**

**VIRTUAL MEETING - ADJOURNS BY 3 P.M. (TO PARTICIPATE, SEE  
INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL  
360.778.5010)**

**COUNCILMEMBERS**

Todd Donovan

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 1:01 a.m. in a virtual meeting.

## Roll Call

**Present:** 3 - Todd Donovan, Ben Elenbaas, and Kaylee Galloway

**Absent:** None

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

## Announcements

### Committee Discussion and Recommendation to Council

1. [AB2021-744](#) Resolution approving recommendations on three applications for Open Space Current Use Assessment

Joshua Fleischmann, Planning and Development Services Department, briefed the Councilmembers on the amendments made to the Resolution since the last time it was discussed (making it clear it was the Planning Commission recommendation for being adopted and clarifying that a waiver of the Open Space Land public access requirement has been granted for application OSP2020-00003).

**Donovan moved and Galloway seconded that the Resolution be RECOMMENDED FOR APPROVAL. The motion carried by the following vote:**

**Aye:** 3 - Donovan, Elenbaas, and Galloway

**Nay:** 0

**Absent:** 0

### Committee Discussion

1. [AB2021-648](#) Ordinance adopting amendments to WCC Title 20 (Zoning) regulating the production, processing, and retail sales of recreational marijuana in Whatcom County and repealing Ordinance No. 2021-066

The following people discussed the item with Councilmembers:

- Cliff Strong, Planning and Development Services Department
- Danielle Rosellison, The Cannabis Alliance
- Charles Sullivan, Planning and Development Services Department

They discussed the proposed language in Whatcom County Code 20.80.690 Subsection 2i (on page eight of Exhibit A) stating:

“(i) In the Rural district, production or processing facilities on parcels smaller than 4.5 acres shall not exceed a total of 2,000 square feet. On lots of 4.5 acres or greater production and processing facilities shall not exceed 1 acre.”

They also discussed what the goal is, whether there is a reason the original ordinance was not working, what is included in the 2,000 square foot requirement for a production facility and what does not count against that size limit, looking at problem facilities to see how the code applies and to determine whether this is a regulatory issue or an enforcement issue, whether the 2,000 square foot requirement on parcels smaller than 4.5 acres is in existing code, whether complaints are more about a few bad actors and not the whole industry, whether cannabis should be considered agriculture and why it is not, whether our code language should defer to the State to maintain consistency so that in some regards cannabis is agriculture and in other regards it may not be, whether the County has a right to say cannabis is not subject to the Right-to-Farm Act, whether outdoor grows should be illegal and they require that it is grown indoors with the mitigation measures in place, the absence of hemp regulations and exploring what the future of that looks like independent of this particular process, and that this ordinance is not on the agenda for Council action this evening.

***Galloway moved*** to recommend approval of the proposed ordinance to the full Council.

Councilmembers and Council staff discussed whether a recommendation is needed at this time since it will be on the Council agenda for action in two weeks, whether the Ordinance would need to be re-introduced if they amend it, and how long the current moratorium is in place.

Elenbaas did not recognize Galloway’s motion so Councilmembers did not need to vote on it.

**This agenda item was DISCUSSED.**

2. [AB2022-035](#) Discussion of an ordinance repealing the Cherry Point Ferndale Subarea Plan and deleting a reference to the Subarea Plan in the Whatcom County Comprehensive Plan  
Matt Aamot, Planning and Development Services Department, presented and answered whether this is the last of the subarea plans, and whether there

is anything that is currently allowed or not allowed in the subarea plan that will not be covered in the County Comprehensive Plan if deleted.

*Donovan moved* that the Committee recommend that the Council approve the Ordinance.

Dana Brown-Davis, Clerk of the Council, asked for clarification on whether the Ordinance is just on the agenda for introduction tonight.

Aamot stated it was.

*Donovan withdrew* his motion.

**This agenda item was DISCUSSED.**

3. [AB2022-062](#) Discussion regarding land disturbance permit, in response to Whatcom Mountain Bike Coalition

Michael Kershner, Planning and Development Services Department (PDS), presented and answered whether the agreement between Whatcom Mountain Bike Coalition (WMBC) and PDS would allow trail maintenance to be done all at once right after logging has occurred, whether there is an exemption that can be put in the code for trail maintenance after logging, how the 500 square feet at a time permitting occurs to accomplish trail maintenance on two miles of trail, whether there is any way to do this by taking into account slope or distance from the water source that we are protecting by incorporating a sliding scale to the code.

Eric Brown, Whatcom Mountain Bike Coalition, spoke about the timing of trail impacts this year and the 500 square foot rule.

Councilmembers and the speakers discussed whether they can find a way to allow the trail maintenance to be done all at once, whether there is a way to show there is not any increased phosphorus offloading from the trail work compared to the logging or even mitigate it, and considering code changes for trail repairs after logging if it will not contribute to additional phosphorus.

Cathy Craver, Public Works Department, stated they have not looked into specific land disturbance activities to calculate specific phosphorus contributions. When these land clearing restrictions and regulations came to the forefront there was a policy level decision by the Council at that time that they were not going to allow any of these land disturbances (whatever it was at the time) to occur. But trail maintenance was not a topic she thinks

was brought up at the time. They want to get away from trying to distinguish which land disturbance activity is better or worse.

Mark Personius, Planning and Development Services Department Director, stated that the Planning Department will be coming to the Council probably in early March with the annual docket if they want to docket a potential code change.

Brown spoke about the order of operations of the trail maintenance.

**This agenda item was DISCUSSED.**

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

Cliff Strong, Planning and Development Services Department, asked if this discussion could be postponed so the next item could be presented.

Elenbaas gave an update on the item.

Dana Brown-Davis, Clerk of the Council, stated if they would like to hold the item then they would need to withdraw the Ordinance from introduction tonight as well.

*Elenbaas moved* to hold it into the future.

*Donovan suggested* a date certain and that they get this done in a month.

*Elenbaas amended* his motion to hold this in committee in two weeks and plan on introducing the Ordinance on February 22, 2022.

The motion carried by the following vote:

**Aye:** 3 - Donovan, Galloway, and Elenbaas

**Nay:** 0

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

### **Special Presentation**

1. [AB2022-070](#) Presentation by Granicus on vacation rental tracking software

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers and introduced the presentation.

Kyle Salonga, Granicus, presented and answered whether you have to get the whole list of services or whether the County could choose which solutions

they want, where Granicus gets the address data, whether a unit could get falsely identified as a short-term rental, and whether the Council could see examples of how it looks to the City of Bellingham who has the service.

The following other Granicus representatives were present and one of them spoke:

- Graeme Dempster, Granicus
- Jeffrey Goodman, Granicus

**This agenda item was PRESENTED.**

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 3:03 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

**Ben Elenbaas-via email 1/31/2022**

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

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Ben Elenbaas, Committee Chair

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Kristi Felbinger, Minutes Transcription

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