

1  
2  
3 WHATCOM COUNTY COUNCIL  
4 **Planning and Development Committee**

5  
6 March 30, 2010  
7  
8  
9

10 **CALL TO ORDER**

11  
12 Committee Chair Bill Knutzen called the meeting to order at 3:00 p.m. in the Council  
13 Chambers, 311 Grand Avenue, Bellingham, Washington.  
14

15  
16 **ROLL CALL**

17  
18 **Present:** Ken Mann, Bill Knutzen and Barbara Brenner  
19 **Absent:** None  
20 **Also Present:** Carl Weimer, Sam Crawford and Kathy Kershner  
21

22  
23 **OTHER BUSINESS**

24  
25 Knutzen stated the Council will issue an invitation (*on file*) to all petitioners and  
26 interveners relating to Ordinance 2009-071. He has asked Hearing Examiner Michael  
27 Bobbink to facilitate the meeting. He would like councilmember feedback on the draft  
28 invitation.  
29

30 Crawford stated the County Council is hosting this event. It is not proposed and  
31 organized by the administration. It will be a Council meeting. All councilmembers have  
32 agreed to attend. He read the draft invitation. It will be a Committee of the Whole  
33 meeting. He is comfortable facilitating this discussion. He met with another professional  
34 facilitator, who thought they would do just fine. He brings a lot of experience with this issue  
35 to the table.  
36

37 Knutzen stated the Council is coming at this from a neutral standpoint. He wants to  
38 hear all sides of each story. They will base their decision on the feedback of each party. A  
39 facilitator will control the meeting and provide an unbiased point-of-view.  
40

41 Weimer stated an independent facilitator may be a benefit. The State Department of  
42 Commerce used to provide that service at no cost. It's something to look into.  
43

44 David Stalheim, Planning and Development Services Director, stated he contacted  
45 the State Department of Commerce, who provides a list of those services. They have used  
46 Hearings Board members from other Hearings Boards to mediate. That was their advice. It  
47 would have to be someone from a different hearings board.  
48

49 Crawford stated they are fine on their own.  
50

51 Mann stated he doesn't have high expectations for the outcome of this meeting, so  
52 he's not wrapped up in who runs it. If Councilmember Crawford wants to take on that  
53 challenge, let him. He doesn't want to pay for a professional facilitator.

1  
2 Brenner stated she has high hopes for the outcome of the meeting. She's fine with  
3 allowing Councilmember Crawford to facilitate the meeting.  
4

5 Rebecca Craven, Council Policy Analyst, asked if she can send out the invitation.  
6

7 *The councilmembers concurred.*  
8  
9

10 **COMMITTEE DISCUSSION**

11  
12 **1. ORDINANCE AMENDING THE WHATCOM COUNTY CODE, TITLE 20, TO**  
13 **CLARIFY AND REVISE THE DEFINITION AND STANDARDS OF HOME**  
14 **OCCUPATIONS (AB2010-047)**  
15

16 *Mann moved* to recommend approval to the full Council.  
17

18 The following staff person answered questions:

- 19
  - Wain Harrison, Planning and Development Services Department  
20

21 Discussion included the memo from Mr. Harrison to the Council dated March 23,  
22 2010 regarding home occupation size limits on Council packet page 246; the disparity of the  
23 memo language and the graduated scale of home occupations and cottage industries;  
24 consistency with cottage industry regulations; allowing this in the smallest, most confined  
25 business and not in a larger-scale operation;  
26

27 Crawford stated be clear about what they are trying to accomplish. Define better  
28 what this 8,000 square foot structure is. Apply the definition equally across the various  
29 types of small businesses. Do a better job of defining what an older barn is.  
30

31 *Mann moved* to recommend a hearing on the ordinance as presented in the Council  
32 packet.  
33

34 The motion carried by the following vote:

35 **Ayes:** Mann, Knutzen and Brenner (3)

36 **Nays:** None (0)  
37

38 **2. RURAL ELEMENT UPDATE - DISCUSSION OF GROWTH MANAGEMENT ACT**  
39 **REQUIREMENTS AND THE PLANNING COMMISSION RECOMMENDATIONS**  
40 **(AB2010-072)**  
41

42 Crawford asked about allowing an extension due to economic circumstances before  
43 plats expire. He asked the status of that item.  
44

45 David Stalheim, Planning and Development Services Director, stated the staff is  
46 putting that proposal together, and it will go before the Planning Commission in May. The  
47 preliminary draft may go to the Council before Planning Commission, to make sure they are  
48 on the right track.  
49

50 Crawford asked to introduce that draft as an interim ordinance in two weeks, and  
51 adopt it as an interim ordinance in four weeks. Stalheim stated that's up to the Council.  
52 The concern is that an interim ordinance won't provide permanence.  
53

1 Crawford stated it would provide relief to the people sooner. Stalheim stated they  
2 need to change the land division ordinance and zoning ordinance. They need to change two  
3 ordinances.

4  
5 Crawford stated he needs something to introduce in two weeks. Stalheim stated  
6 staff can get that in two weeks.

7  
8 The following staff people gave a staff report, read a presentation (*on file*), and  
9 answered questions:

- 10 • Gary Davis, Planning and Development Services Department
- 11 • David Stalheim, Planning and Development Services Department Director

12  
13 Discussion included whether the County has any rural residential, three units per  
14 acre (RR3) zones; whether rural character can be created through building design rather  
15 than limiting the size; incorporating the limited areas of more intense rural development  
16 (LAMIRD) provisions of the Growth Management Act (GMA); whether the LAMIRD's are fine  
17 the way they are; aligning the LAMIRD's and County Comprehensive Plan; the Clallam  
18 County option of applying a density overlay to rural areas; the Hearings Board definition of  
19 a rural density; whether the County zoning is really out of compliance outside of LAMIRD  
20 areas if it justifies the rural character; limiting the zoning in a density overlay; whether or  
21 not the Supreme Court ruling no longer allows the Hearings Board to accept an established  
22 bright line; whether the Supreme Court gave any guidance on defining rural zoning; the  
23 definition of rural character being different for large expanses of land that are undeveloped,  
24 such as 200 acre lots, and acreage with a rural dwelling development, and; issues of  
25 character, sprawl, and existing services.

26  
27 Brenner stated explore all the options. Stalheim stated staff is comfortable that all  
28 options meet Growth Management criteria. They are viable options.

29  
30 Knutzen stated this will be held in committee. Next time, the Committee will go  
31 through recommended maps and text amendments, and follow up direction from today.

32  
33 Kershner stated she would like staff to go ahead with exploring the options, including  
34 the options of expanding the LAMIRD over waterlines and the density overlay.

35  
36 Knutzen stated he would like to know which properties were affected. It seems more  
37 options are available now. Stalheim stated they can explore the options on slides 28 and 29  
38 more at the next meeting.

39  
40 Davis stated the staff can expand on the options presented at the next meeting.

41  
42 ***The committee concurred.***

43  
44 Stalheim stated think about what the Council wants to do first: hear from the public  
45 or develop alternatives. He encourages that the Council have a public hearing up front,  
46 early in the process.

47  
48 Weimer asked if it makes sense to send the new options to the Planning Commission  
49 for another look. Stalheim stated the Planning Commission agenda is full for 2010. The  
50 Planning Commission could have a discussion on a focused issue, if time allows. People  
51 have agreed to remand to the Hearings Board. He anticipates the Hearings Board will  
52 develop a schedule.

1  
2  
3  
4  
5  
6  
7

**ADJOURN**

The meeting adjourned at 4:35 p.m.

Please contact the Council Office to obtain an  
official, signed copy:  
360-676-6690 or [council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)

16  
17  
18  
19

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

\_\_\_\_\_  
Bill Knutzen, Committee Chair