

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**

1

December 10, 2009

Regular Meeting

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1 **Call To Order:** The meeting was called to order, by Whatcom County Planning  
2 Commission Chair, Jean Melious, in the Northwest Annex Conference Room at 6:35 p.m.

3  
4 **Roll Call**  
5 Present: Jean Melious, Ken Mann, John Lesow, Rabel Burdge, Geoff Menzies, Sean Wilson,  
6 John Belisle  
7 Absent: David Hunter, John Steensma

8  
9 **Staff Present:** David Stalheim, Wain Harrison, Cathy Craver, Michelle Stiles, Tyler  
10 Schroeder, Chip Anderson-Public Works Stormwater, Becky Boxx

11  
12 **Director's Dialog**

13  
14 Director Stalheim stated the County Executive signed the Urban Growth Area ordinance.  
15 The record will be forwarded to the Growth Management Hearings Board in January.

16  
17 An overview of the Planning Department work plan, for the next year, was given.

18  
19 The Director presented Commissioners Mann and Menzies, who are leaving the  
20 Commission, with plaques to recognize their service.

21  
22 **Open Session for Public Comment**

23  
24 Jack Petree, Whatcom County: Reminded the Commission that the items sent to the  
25 Growth Management Hearings Board are not lawsuits, but a petition for an opinion.

26  
27 Bob Wiesen, Whatcom County: Stated the County makes it hard for the small businesses  
28 to make a profit or stay in business with the rules they create. Jobs are being lost in the  
29 resource industries. Most people don't want to live in a condominium or apartment so the  
30 growth is going in the rural areas.

31  
32 **Commissioner Comments**

33  
34 Commissioner Burdge read a small article on conserving resources and spoke on  
35 agricultural land regulations in Skagit County.

36  
37 Commission Lesow made some comments regarding building in the rural areas of the  
38 county.

39  
40 **Approval of Minutes**

41  
42 November 12, 2009: Lesow moved to approve as written. Mann seconded. The motion  
43 carried.

44  
45 **Public Hearing**

46

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1 File #PLN2009-00018: Amendments to Whatcom County Code Title 20 to modify  
2 stormwater management provisions, clearing thresholds, and determine boundaries of  
3 effected areas to be consistent with the National Pollutant Discharge Elimination System  
4 (NPDES) Phase II Permit (WCC 20.80.630, 20.80.734, & 20.04.076).

5  
6 Cathy Craver presented the staff report. This is a program set up through the  
7 Environmental Protection Agency (EPA) and administered through the Washington State  
8 Department of Ecology (DOE). The permit outlines that the County needs to comply with  
9 the stormwater standards, the County needs to come up with a stormwater management  
10 plan and set out all of the actions to complete the requirements of the permit. The County  
11 has already completed the plan. The areas covered by the permit include Bellingham and  
12 Ferndale's UGAs, Sudden Valley and a portion of the Chuckanut area.

13  
14 Staff gave an overview of what the natural resources staff will be reviewing regarding  
15 clearing thresholds.

16  
17 The hearing was opened to the public. There was no public testimony.

18  
19 Burdge moved to accept the staff recommendation for approval. Lesow seconded. Roll Call  
20 Vote: Ayes – Belisle, Burdge, Lesow, Mann, Menzies, Melious, Wilson; Nays – 0; Abstain –  
21 0; Absent – Hunter, Steensma. The motion carried.

22  
23 **Public Hearing**

24  
25 File #PLN2009-00017: Amendments to Whatcom County Code Title 20 to modify the  
26 dates of seasonal restrictions on clearing activities from September 1<sup>st</sup> through April 30<sup>th</sup>  
27 to October 1<sup>st</sup> through May 31<sup>st</sup>, and imposing a deadline on the issuance of development  
28 permits to two weeks prior to the seasonal closure date in the Water Resource Special  
29 Management Areas (WCC 20.80.735).

30  
31 Cathy Craver presented the staff report. This is currently in place as an interim ordinance.  
32 The development community has stated September is typically one of the drier months  
33 and staff concurs.

34  
35 The hearing was opened to the public. There was no public testimony.

36  
37 Wilson moved to accept the staff recommendation for approval. Lesow seconded. Roll Call  
38 Vote: Ayes – Belisle, Burdge, Lesow, Mann, Melious, Menzies, Wilson; Nays – 0; Abstain –  
39 0; Absent – Hunter, Steensma. The motion carried.

40  
41 **Public Hearing**

42  
43 File #PLN2009-00007: Clarifications and amendments to the definition and standards of  
44 home occupations within Whatcom County's zoning code, Title 20.

45  
46 Michelle Stiles presented the staff report. Previously home occupations were only allowed  
47 inside the single family dwelling unit. Staff is now proposing to allow them in accessory

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1 dwellings as well. The current code says 25 percent of the floor area can be used for a  
2 home occupation. In September 2009 the Whatcom County Council passed an interim  
3 ordinance to remove the size limitation. Staff recommends a limit of 1,000 square feet  
4 and a limit of 500 square feet in the Urban Residential (UR), Urban Residential Medium  
5 Density (URM) and Urban Residential Mixed Use (URMX) zones as well as several other  
6 modifications to the standards.

7

8 The hearing was opened to the public.

9

10 Bob Wiesen, Whatcom County: Inquired where the County got their information and what  
11 the problems really are. Fears some good businesses are not being allowed to operate.

12

13 The hearing was closed to the public.

14

15 The Commission debated the issue of on/off street parking for employees and customers  
16 and how much area should be given to the home occupation.

17

18 Mann moved to accept Option C, with a size limitation of 2,500 square feet, 1,000 in the  
19 UR, URM and URMX zones; change the wording in 20.84.150(4) to read: No traffic shall  
20 be generated by such home occupations in greater volume that ~~would normally be~~  
21 ~~expected in the applicable zoning district and...~~; strike 20.84.150(6). The motion failed for  
22 lack of a second.

23

24 Menzies moved to accept Option C as presented by staff. Belisle seconded. Roll Call Vote:  
25 Ayes – Belisle, Burdge, Lesow, Melious, Menzies; Nays – Mann, Wilson; Abstain – 0;  
26 Absent – Hunter, Steensma. The motion carried.

27

28 **Public Hearing**

29

30 File #PLN2009-00006: Clarifications and amendments to the definition and standards of  
31 cooking facilities and accessory apartments within Whatcom County's zoning code, Title  
32 20.

33

34 Michelle Stiles presented the staff report. Regarding accessory apartments, staff had  
35 concerns about the inability to discriminate internal versus external access to the main  
36 unit from the accessory apartment. In the current code it is not clear if an internal door  
37 through the garage is permitted. There has also been an issue on determining minimum  
38 lot size. Staff proposes to change the minimum lot size from 5.0 acres to 4.5 acres. This is  
39 because a large number of parcels are a gross 5.0 acres which includes roads and rights-  
40 of ways.

41

42 The Commission debated if the term "Family" or "Household" should be used in the text.

43

44 Regarding second kitchens staff stated that it is difficult to distinguish if a home that has a  
45 second kitchen is being used as a duplex. Staff proposed to add the requirement of a  
46 recorded document stating the second kitchen is for the household use.

47

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1 The hearing was opened to the public. There was no public testimony.

2  
3 Wilson moved to accept the staff recommendations with the following amendments to  
4 Appendix A:

5  
6 20.97.003 Accessory Apartment – “Accessory Apartment” means a separate complete  
7 residential unit designed for occupancy by a ~~household~~ family...

8  
9 All Administrative approval uses sections of Title 20 (4) shall read – There shall be only  
10 one front entrance to the house visible from the front yard and street for houses with  
11 accessory apartments and only on additional entrance...

12  
13 20.20.130(10) Administrative approval uses – Outside of an urban growth area, the  
14 minimum lot size for detached accessory units shall be on a lot of record no less than 4.5  
15 acres ~~consistent with the definition of minimum lot size~~.

16  
17 Adopt Appendix B as presented and do not adopt Appendix C.

18  
19 Belisle seconded. Roll Call Vote: Ayes – Belisle, Burdge, Lesow, Mann, Melious, Menzies,  
20 Wilson; Nays – 0; Abstain – 0; Absent: Hunter, Steensma. The motion carried.

21  
22 Wilson left the meeting at 9:45 p.m.

23  
24 File #PLN2009-00020: Adoption of the interim ordinance ORD2009-066 as a permanent  
25 ordinance, amending the definition of “parcel” in the Agricultural Protection Overlay (APO)  
26 zone.

27  
28 Tyler Schroeder presented the staff report. The proposal would amend the definition of  
29 parcel to include adjoining rights-of-way and would remove submerged lands within the  
30 boundaries of any waterfront parcel.

31  
32 The hearing was opened to the public. There was no public testimony.

33  
34 Burdge moved to accept the staff recommendation. Lesow seconded. Roll Call Vote: Ayes  
35 – Burdge, Lesow, Mann, Menzies, Melious; Nays – Belisle; Abstain – 0; Absent – Hunter,  
36 Steensma, Wilson. The motion carried.

37  
38 **Other Business**

39  
40 Commissioner Menzies made statements regarding water quality.

41  
42 The meeting was adjourned at 10:10 p.m.

43  
44 Minutes prepared by B. Boxx.

45  
46  
47 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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Jean Melious, Chair

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David Stalheim, Secretary