



## WHATCOM COUNTY PLANNING COMMISSION

5280 Northwest Drive  
Bellingham WA 98226

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### AGENDA April 13, 2023

The Whatcom County Planning Commission will hold a hybrid meeting at 6:30 p.m., with the option to attend remotely or in person at 5280 Northwest Drive, Bellingham.

- Call to Order
- Roll Call
- Flag Salute
- Department Update
- Open Session for Public Comment
- Commissioner Comments
- Approval of Minutes of: March 23, 2023
- Proposed Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments. This plan will guide public participation efforts relating to comprehensive plan and development regulation amendments. File #PLN2023-00005.
  - *Public Hearing and Work Session*
- Discuss next steps in the Comprehensive Plan Process (*no attachments*)
- Unfinished Business
- Adjournment

**NOTE:** For information on how to watch and participate in the meeting in real time, please visit the following web page: [Participate in Virtual Planning Commission Meeting](#)

*Individuals who require special assistance to participate in the meetings are asked to contact "PDS\_Planning\_Commission@co.whatcom.wa.us" at least 96 hours in advance.*

#### Upcoming Meeting Topics

- Birch Bay Reasonable Measures

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#### Pending Items Commissioners would like to address

*Code related implications of climate modeling*

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*There are nine members on the Whatcom County Planning Commission. If you will be giving written information to the Commissioners, please give a copy to the Coordinator for our office files.*

*For more information please contact Tammy Axlund at (360)778-5935 or PDS\_Planning\_Commission@co.whatcom.wa.us  
5280 Northwest Drive, Bellingham WA 98226*



**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
March 23, 2023**

Public Hearing and Work Session

1

1 **Call to Order**

2 The meeting was called to order by Whatcom County Planning Commission Chair,  
3 Kelvin Barton at 6:31 p.m.

4 **Roll Call**

5 **Present:** Kelvin Barton, Daniel Dahlquist, Atul Deshmane, Stephen Jackson, Kimberley  
6 Lund (arrived after roll call), Dominic Mocerri, Scott Van Dalen

7 Absent: Jim Hansen, Julie Jefferson

8 **Staff Present:** Cliff Strong, Steve Roberge, Tammy Axlund, and Chris Elder,  
9 Watershed Planner (Public Works)

10 **Department Update**

11 Steve Roberge, Assistant Director of Planning and Development Services (PDS),  
12 advised that the Planning Department has been busy hiring staff to fill several vacant  
13 positions. He announced that the next topic for the Commission will be the  
14 Comprehensive Plan work plan and the Public Participation Plan for that. There is a  
15 mine application that has stirred public interest and Mr. Roberge noted that several  
16 people were in attendance to provide public comment in that regard. The Planning  
17 Commission will not hear that conditional use application; it will go to the Hearing  
18 Examiner for a decision.

19 **Open Session Public Comment**

20 **Timestamp: 02:51**

21 Public Comment was provided by: James Welch, Kathleen Greenbaum, Robin Cline, Jim  
22 Cline, Richard Greenbaum, and Erica Simons.

23 **Commissioner Comments**

24 There were no Commissioner comments.

25 **Approval of Meeting Minutes**

26 **Timestamp: 23:28**

27 **Commissioner Lund moved** to approve the meeting minutes from February 23,  
28 2023.

29 **Commissioner Van Dalen seconded.**

30 **Roll Call Vote: Ayes-Barton, Dahlquist, Deshmane, Jackson, Lund, Mocerri, Van**  
31 **Dalen; (Ayes-7; Nays-0; Abstain-0). The motion carried.**

32 **Proposed Amendments to WCC Chapter 20.14, Wind Energy Systems**

33 **Timestamp: 24:27**

34 Cliff Strong, PDS Senior Planner, noted that Chris Elder, coordinator for, and Ellyn  
35 Murphy, Chair of, the Whatcom County Climate Impact Advisory Committee were in  
36 attendance. He provided an overview of the changes to the proposed amendments



**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
March 23, 2023**

Public Hearing and Work Session

2

1 which were made in response to concerns commissioners expressed at the February  
2 23<sup>rd</sup> Planning Commission meeting.

3 Mr. Strong and Mr. Elder responded to Commissioner questions.

4 **a) Public Hearing Regarding Proposed Amendments Wind Energy Systems**

5 **Timestamp: 32:10**

6 No attendees provided public comment.

7 **Work Session: Proposed Amendments Wind Energy Systems**

8 There was no further discussion on the topic

9 **Timestamp: 34:01**

10 **Commissioner Deshmane moved** to approve the recommended changes to the  
11 *proposed Wind Energy Ordinance.*

12 **Commissioner Lund seconded.**

13 **Roll Call Vote: Ayes-Barton, Dahlquist, Deshmane, Jackson, Lund, Mocerri, Van**  
14 **Dalen; (Ayes-7; Nays-0; Abstain-0). The motion carried.**

15 **Timestamp: 35:38**

16 **Commissioner Deshmane moved** to adopt the proposed Wind Energy Code as  
17 *amended, along with the Findings of Fact.*

18 **Commissioner Lund seconded.**

19 **Roll Call Vote: Ayes-Barton, Dahlquist, Deshmane, Jackson, Lund, Mocerri, Van**  
20 **Dalen; (Ayes-7; Nays-0; Abstain-0). The motion carried.**

21 **Adjournment**

22 The meeting was adjourned at 7:09 p.m.

23 Minutes prepared by Tammy Axlund.

24 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

25 \_\_\_\_\_  
26 Kelvin Barton, Chair

\_\_\_\_\_  
Tammy Axlund, Secretary

**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
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**Mark Personius**  
Director

## Memorandum

March 31, 2023

TO: The Whatcom County Planning Commission  
FROM: Matt Aamot, Senior Planner  
THROUGH: Steve Roberge, Assistant Director  
RE: Draft Public Participation Plan (PLN2023-00005)

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The Growth Management Act (GMA) requires counties to develop public participation programs for comprehensive plan and development regulation amendments. The Whatcom County Council updates the Public Participation Plan each year, after review by the Planning Commission.

The Public Participation Plan identifies statutory requirements (GMA provisions) and lists docketed comprehensive plan and development regulation amendments that have been initiated for further review by the County Council.

The Plan classifies proposed comprehensive plan and development regulation amendments as level 1, 2 or 3 projects for determining the public participation approach. The review process for each level is summarized below:

**Level 1** – Requires a staff report, notice in the newspaper, posting the proposal on the website, and sending it to the County’s e-mail list. Planning Commission holds a public hearing and issues a recommendation. County Council holds a public hearing and makes final decision.

**Level 2** – Requires all Level 1 processes, plus developing alternatives (when appropriate) and review by an advisory committee, County department, City, or agency.

**Level 3** – Requires all Level 2 processes, plus a town hall meeting.

Proposed changes from last year's Public Participation Plan include:

1. Inserting Docketed Amendments - Inserting the new comprehensive plan and development regulation amendments that the County Council initiated for review in 2023 (Resolution 2023-005).
2. Removing Amendments - Deleting amendments that were previously initiated but have completed the review process or were withdrawn.

Notice of the Planning Commission hearing will be published in the Bellingham Herald, sent to the County's e-mail list, and posted on the County website on March 31, 2023.

Thank you for your review and consideration of the draft Public Participation Plan. After the public hearing, staff will forward the Planning Commission's recommendations to the County Council for action.

# Public Participation Plan

## Whatcom County Comprehensive Plan and Development Regulation Amendments

Draft

March 2023

~~Approved by County Council~~

~~November 9, 2022~~

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# Chapter 1. Introduction

This Public Participation Plan (PPP) is intended to guide the County in reviewing comprehensive plan and development regulation amendments. The Plan is required by state law (RCW 36.70A.140), which indicates:

***“Comprehensive plans – Ensure public participation. Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. . . .”***

The bolded sentence of RCW 36.70A.140 above guided the County in developing this PPP. Prior to implementation, this plan will have been reviewed by the planning commission and the county council, with opportunity for the public to comment. The plan will be implemented as adopted.

The issues that will be considered as part of County’s review and amendment of the comprehensive plan and development regulations are divergent and far-reaching. A one-size-fits-all approach to this public participation plan for all of these very different types of issues would not be effective and would do a disservice to the residents of Whatcom County.

This PPP outlines the public participation approach that will be taken with each issue rather than a generic overall approach. The objective of this plan is to provide a clear process for each issue so residents can easily determine how best to be involved in the issues they care about most.



There are other planning issues that require public participation that may not be mentioned in this plan, including standard map and text amendments to Title 20 Zoning that are initiated for review after approval of this plan. At minimum, these items will be processed as Level 1 projects. If additional public participation is required or another approach is appropriate, the Planning and Development Services Department will upgrade the item to a more vigorous approach. Please see Chapter 4 for more information about public participation approaches.

Ongoing programs administered through the Planning Department also provide opportunities for public participation through their respective advisory committees. The Agricultural Advisory Committee, Conservation Easement Program Oversight Committee, Forestry Advisory Committee, Surface Mining Advisory Committee, and Wildlife Advisory Committee meet as needed to assist in the administration of their programs, and may recommend amendments to the comprehensive plan and County Code. These advisory committee meetings are open to the public. More information on these programs can be found at: <http://www.whatcomcounty.us/210/Boards-Commissions>.

### *The PPP is designed to meet the following objectives:*

- Provide a roadmap for the public, outlining a clear and accessible public process for comprehensive plan and development regulation amendments;
- Ensure input is sought from a broad base of public participants and is elicited in a timely fashion, considered, and incorporated as appropriate into review of Comprehensive Plan and Development Regulation amendments; and
- Make a concerted and continuous effort to ensure that elected officials and staff are fully aware of and understand community and stakeholder concerns.

## **1.1. Public Participation Plan Format**

To meet PPP objectives consistent with GMA goals this document:

- Outlines the **issues** that will be considered (Chapter 2);
- Identifies the potential project **participants** in the comprehensive planning process (Chapter 3), and;
- States the **approach** that will be taken with each issue (Chapter 4).

## 1.2. Remote Participation

The County should identify methods for remote public participation for all public hearings (for example, on-line or telephonic participation).

## Chapter 2. The Issues

The issues that Comprehensive Plan and development regulation amendments will address can be divided into two categories: statutory requirements and docketed requests. This section of the PPP outlines these issues, within these categories. Each issue has been assigned a number beginning first with an “S” or “D” for “statutory” or “docket” respectively. These numbers will carry with each issue to Chapter 4 of this document. Chapter 4 will go into greater detail on the public participation approach that the County will take on each of these issues.

### 2.1. Statutory Requirements

The Growth Management Act (GMA) requires Whatcom County to address certain issues in the comprehensive plan and/or development regulations. The following is a current list of identified statutory requirements:

- S-1. **2025 Comprehensive Plan, Development Regulation, Update and UGA Update/Review** (RCW 36.70A.130(1) and RCW 36.70A.130(3)) - Review and, if needed, revise the Whatcom County Comprehensive Plan and development regulations by June 2025 to ensure compliance with the requirements of RCW 36.70A. Review urban growth areas and densities permitted within urban growth areas by June 2025, in conjunction with the Cities. If necessary, revise urban growth areas and/or associated development regulations to accommodate the urban growth projected for the succeeding twenty-year period.
- S-2. **Utilities to Schools in Rural Areas** (RCW 36.70A, amended in 2017 by HB 2243) - The State Legislature amended the GMA to indicate it does not prohibit extension of public facilities and utilities to serve a school in a rural area if certain conditions are met.

~~S-3. **Buildable Lands / Review and Evaluation Program** (RCW 36.70A.070, .115, .215, amended in 2017 by ESSSB 5254) — Whatcom County is now subject to the buildable lands (review and evaluation) program requirements of the GMA, which formerly only applied to six large counties in the state. The GMA requires the County, in conjunction with the cities, to issue a buildable lands report that compares growth assumptions in the comprehensive plan with actual growth that has occurred and, if necessary, develop reasonable measures to reconcile any inconsistencies. This process involves determining if there is sufficient suitable land to accommodate growth projections. The Buildable Lands Report was issued on July 7, 2022. This report must be considered in the next countywide Comprehensive Plan and development regulation update, which is due by June 30, 2025.~~

S-4.S-3. Shoreline Management Program Update (RCW 90.58.080). Review and, if necessary, revise the Whatcom County Shoreline Management Program to assure it complies with applicable law and guidelines and to assure consistency with the County's comprehensive plan and development regulations. The County Council approved the amendments by resolution on May 24, 2022. The County is now waiting for Department of Ecology's approval prior to adopting the update by ordinance.

S-5.S-4. Tribal Participation in Planning (RCW 36.70A.210(3)(i) and (4), RCW 36.70A.040(8), and 36.70A.110(1)), amended in 2022 by SHB 1717). Develop Countywide Planning Policies that address the protection of tribal cultural resources. Develop and implement a memorandum of agreement (MOA) with federally recognized Indian tribes that voluntarily choose to participate in the planning process. If a MOA is adopted, the County, cities and tribe will coordinate their planning efforts for UGAs and other areas consistent with the terms outlined in the MOA.

## 2.2. Docketed Amendment Requests

The items in this section were initiated for further review by the County Council under Resolution 2022-011. As with statutory requirements in the previous section, this list will be updated on an annual basis.

D-1. **2025 Comprehensive Plan, Development Regulation and UGA Update** (PLN2023-00001) - Review and, if needed, revise the Whatcom County Comprehensive Plan and development regulations by June 2025 to ensure compliance with the requirements of RCW 36.70A. Review urban growth areas and densities permitted within urban growth areas by June 2025, in conjunction with the Cities. If necessary, revise urban growth areas and/or associated development regulations to accommodate the urban growth projected for the succeeding twenty-year period. NOTE: This is the same project as S-1 above.

D-2. **Zoning Code Density and Lot Size Amendments** (PLN2023-00002) - Amend the text of the Urban Residential District (WCC 20.20), Urban Residential Medium Density District (WCC 20.22), General Commercial District (WCC 20.62), Resort Commercial District (WCC 20.64), Supplementary Requirements (WCC 20.80), and Definitions (WCC 20.97). The text

amendments include allowing smaller minimum lot sizes, requiring minimum net densities, reducing setbacks, and defining minimum net density.

D-3. **Whatcom County Code Amendments (PLN2023-00003)** - Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.

~~D-1. **Capital Facilities Planning, CIP 2023-2028 (PLN2022-00001)** - Amend the capital facilities element of the Whatcom County Comprehensive Plan, including updating the list of special district plans adopted by reference (Chapter 4) and adopting a new Six-Year Capital Improvement Program for 2023-2028 (Appendix F).~~

~~D-2. **Whatcom County Code Amendments (PLN2022-00003)** - Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.~~

**D-43. Cherry Point Shoreline Access (PLN2022-00005)** - Review and, if necessary, revise county code and the Comprehensive Plan to protect, enhance, and expand public access to shorelines of Cherry Point. The review should include but not be limited to planning to facilitate the development of the Coast Millennium Trail, land swaps, development mitigation allowances, easements, and land purchases.

**D-54. Lake Whatcom Watershed Seasonal Closure Exemption (PLN2022-00006)** - Amend the Whatcom County Code to allow for an exemption to seasonal clearing activity closures in the Lake Whatcom watershed for trail maintenance and limited trail construction under certain circumstances.

~~D-5. **TDR Receiving Area (PLN2021-00002)** - Amend the Whatcom County Comprehensive Plan, Zoning Text, and /or Zoning Map to designate approximately 23.77 acres, zoned Rural one dwelling/five acres (R5A), as a transfer of development rights receiving area pursuant to WCC 20.89.051. A maximum of 3 development rights would be transferred from the Lake Whatcom Watershed to the subject site.~~

**D-6. Bellingham UGA Expansion (PLN2021-00007)** - Amend the Whatcom County Comprehensive Plan by expanding the Bellingham Urban Growth Area (UGA) on 339 acres (the site is currently designated as UGA Reserve). Rezone this land to Urban Residential - Mixed (URMX) and commercial zoning.

**D-7. Shoreline Management Program Update (PLN2020-00006)** - Update the Whatcom County Shoreline Management Program (Title 23). Move the goals and policies of the Shoreline Management Program to the Whatcom County Comprehensive Plan. NOTE: This is the same project as S-3S-4 above.

D-8. **MRL Expansion – Breckenridge Rd.** (PLN2019-00002) - Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 22.8 acres off Breckenridge Rd., east of Nooksack. The underlying zoning is Rural one dwelling/five acres (R5A).

D-9. **Wind Energy System Amendments** (PLN2018-00008) – Review and, if needed, revise WCC 20.14 Wind Energy Systems.

D-10. **Mineral Resource Lands County-wide Designation Process** (PLN2017-00004) - Through a county-led countywide assessment, seek to identify and designate potential commercially significant mineral resource lands, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals pursuant to Comprehensive Plan Policy 8R-1.

D-11. **Sign Regulations Update** (PLN2016-00009) - Review and revise Whatcom County Code 20.80.400 (Sign Regulations), including updating the code for consistency with the U.S. Supreme Court’s decision in *Reed v. Town of Gilbert* (2015) [and City of Austin, Texas v. Reagan National Advertising of Austin \(2022\)](#).

D-12. **Vacation Rental Regulations** (PLN2014-00020/PLN2016-00011) - Amend Whatcom County Code Title 20 (Zoning) & Title 23 (Shoreline Management Program) to allow vacation rentals under certain conditions as a use within certain zones and shoreline designations.

D-13. **Code Enforcement Amendments** (PLN2015-00003) - Create a new Whatcom County Code (WCC) Chapter 22.15, called “Code Compliance Procedures,” to establish an efficient system to address enforcement of building, critical areas and zoning codes. The proposal would consolidate the existing code enforcement provisions from WCC 15, 16.16, and 20 into a new WCC 22.15. The proposed amendments include provisions that would allow the County to record a document at the Whatcom Auditor’s office indicating that there is a code violation on a property.

D-14. **Weddings and Special Events** (PLN2014-00016) - Amend the Official Whatcom County Zoning Ordinance (Title 20) to allow for “Weddings and Special Events” in specific zone districts through an approved Conditional Use Permit (CUP). Authorization to approve this amendment will result in the county needing to define “Special Events” under the “Definitions” section of WCC 20.97 and an additional amendment made to the “Parking Space Requirements” under WCC 20.80.580.

D-15. **Agricultural Strategic Plan Implementation** (PLN2012-00007) – Resolution 2018-027 was approved by the County Council on 8/8/2018 declaring support for the updated Whatcom County Agricultural Strategic Plan. Immediate priorities in this plan include reviewing designation of Agricultural Lands of Long-term Commercial Significance and the agricultural zoning code. Reviewing the Rural Study Areas as listed in the 2007 Rural Land Study and making recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2018-027 (Updated Agricultural Strategic Plan) and RCW 36.70A.170 and .177 will be included. Other short-term and medium-term priorities in this plan include

development of policies and regulations that provide for protection of the best agricultural areas while supporting development at zoned densities and continued work on development of the Natural Resource Marketplace. These activities may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.

D-16. **Mineral Resource Lands Expansion – North Star Rd.** (PLN2012-00009) – Consider proposal to amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).

### 2.3. Comprehensive Plan and Development Regulation Appeals

The Whatcom County Council may address appeals brought to the Growth Management Hearings Board (GMHB) or the courts. Public participation for settlement activities that will result in an ordinance amending the comprehensive plan and/or development regulations will include, at a minimum:

- Posting an initial draft proposal on the County website and sending it to anyone requesting notification at least 30 days prior to the public hearing. Posting any revised draft on the County website and sending it to anyone requesting notification at least 10 days prior to the public hearing.
- If urban growth areas are being modified, sending the draft proposal to cities and any citizen planning groups for non-City UGAs at least 30 days prior to the public hearing. Sending any revised draft to cities and any citizen planning groups for non-City UGAs at least 10 days prior to the public hearing.
- Publishing notice of the hearing in the newspaper and the on County website and, if urban growth areas are being modified, e-mailing notice to cities at least 10 days prior to the public hearing; and
- Holding a public hearing.

## Chapter 3. Project Participants

The Public Participation Plan is designed to reach all audiences that may have an interest in Comprehensive Plan and development regulation amendments. It is also designed to reach out to other groups and individuals – those that may not yet have an interest or be inclined to participate – to encourage their awareness, understanding and involvement in the process. The PPP also promotes use of existing communication networks to encourage involvement in the Whatcom County Comprehensive Plan and development regulation amendment process.

### 3.1. The Public

The general public is defined as members of the community including residents, groups, property owners, farmers, business owners and any others that might be interested in the Comprehensive Plan and development regulation amendments. The following sections contain a breakdown of some specific types of community groups and organizations that the County will attempt to engage in the process.

#### 3.1.1. Interested Property Owners and Developers

Interested property owners and developers are defined as members of the community that have an interest in growth plans and development regulations, especially as they relate to their private property rights. They may have an interest in developing or preserving their property. This might include farmers, real estate and development groups and other related professionals.

#### 3.1.2. Community Organizations

Community organizations are loosely defined as groups, associations, or committees that come together for a common interest or cause. This includes service groups, environmental groups, chambers of commerce, non-profit organizations, advocacy groups, community councils,



neighborhood associations, local granges, social service organizations, religious organizations, and others. Community organizations also include groups that are centered around non-city UGAs like the Birch Bay steering committee and others.

### **3.1.3. Other Groups and Individuals**

WAC 365-196-600(4) states that “Each county or city should try to involve a broad cross-section of the community, so groups not previously involved in planning become involved.” People may add themselves to County e-mail lists on the “Notify Me” site at:

<http://www.co.whatcom.wa.us/list.aspx>

## **3.2. Governmental/Quasi-Governmental Groups**

Governmental and quasi-governmental groups are defined as organizations that have a connection to local government, including Whatcom Council of Governments; Whatcom County Council; City Councils; Whatcom County and individual cities’ Planning Commissions; area tribes; local special purpose districts; citizen advisory committees and others. Groups typically consist of elected officials, appointed or volunteer community members, or jurisdictional staff. The list below shows a selected group of advisory committees that may be asked to comment on comprehensive plan and development regulation amendments.

### **Selected Whatcom County Advisory Boards/Committees and Commissions**

- Agricultural Advisory Committee
- Bicycle/Pedestrian Advisory Committee
- Birch Bay Shellfish Protection District Advisory Committee
- Birch Bay Watershed and Aquatic Resources Management Advisory Committee
- Business and Commerce Advisory Committee
- Child and Family Wellbeing Taskforce
- Climate Impact Advisory Committee
- Conservation Easement Program Oversight Committee
- Development Standards Technical Advisory Committee
- Drayton Harbor Shellfish Protection District Advisory Committee
- Flood Control Zone District Advisory Committee
- Flood Control Sub-Zone District Advisory Committee
- Food System Committee
- Forestry Advisory Committee
- Marine Resource Committee
- Parks and Recreation Committee
- Portage Bay Shellfish Protection District Advisory Committee
- Public Health Advisory Board
- Racial Equity Commission
- Rural Library Board
- Surface Mining Advisory Committee
- Whatcom Council of Governments: Community Transportation Advisory Group

- Whatcom County Family & Community Network
- Whatcom County Housing Advisory Committee
- Whatcom Transportation Authority’s Citizen Advisory Panel
- Wildlife Advisory Committee
- WRIA 1 –Management Team
- WRIA 1 – Planning Unit

### 3.2.1. Planning Commission

Implementation of the GMA as it relates to public participation is covered within WAC 365-196-600 “Public Participation.” WAC 365-196-600(3)(c) states: “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.” RCW 36.70 is the Planning Enabling Act, which requires:

- Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county at least ten days before the hearing (RCW 36.70.390 and .590).
- A recommendation of approval of comprehensive plan or official control (e.g. development regulation) amendments shall be by the affirmative vote of not less than a majority of the total members of the planning commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the planning commission and the reasons for its action (RCW 36.70.400 and .600).

The Planning Commission is an appointed group of citizens that work directly with Planning and Development Services to craft legislation and make recommendations to the County Council. They also hear and make recommendations on applications for amendments to the Whatcom County Code and the Comprehensive Plan from private individuals, agencies and other applicants. Currently, the Planning Commission hears from the public primarily during public hearings and through written correspondence.

It is the goal that most town hall meetings, open houses and other public participation activities will occur with some involvement of the Planning Commission. In this way, the Planning Commission will hear straight from the public on each issue and will be more involved in crafting policies, earlier in the process. The public is encouraged to communicate with planning commissioners through the email and mailing address listed in Chapter 5 of this document in addition to attending planning commission meetings.

### 3.3. The Cities

Whatcom County will continue to engage with the Cities on issues of common interest, including ~~the buildable lands (review and evaluation) program and~~ UGA planning.

# Chapter 4. Public Participation Approach

## 4.1. Overall Approach

The Washington Administrative Code (WAC) provides guidelines and rules for public involvement in comprehensive planning. WAC 365-196-600 “Public Participation” states that “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.”

Through this public participation program the planning commission will act as a central hub for many public participation activities. In this way, the planning commission will have maximum exposure to the public perspective no matter how complex or minute the issue.

Starting in section 4.2, issues are broken down into 3 types for the purposes of public participation. Each type of issue has a different approach and the approach is described in each section. All the issues retain the numbers assigned to them in Chapter 2, so if more information is needed about an issue, the reader may refer back to Chapter 2.

Planning Commission and County Council meetings will be conducted in accordance with the Washington State Open Public Meetings Act (RCW 42.30). Specifically, RCW 42.30.240(1) states:

Except in an emergency situation, the governing body of a public agency shall provide an opportunity at or before every regular meeting at which final action is taken for public comment. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. If the governing body accepts written testimony, this testimony must be distributed to the governing body. The governing body may set a reasonable deadline for the submission of written testimony before the meeting.

This means that the Planning Commission and County Council need to take oral or written public comment when they take final action, even if the meeting is not a public hearing.

## 4.2. Level 1 Issues

Level 1 issues are generally less complicated, have already been through extensive public process or are quasi-judicial actions<sup>1</sup>. This level is also appropriate for most standard map and text amendments to Title 20 Zoning. A more vigorous public participation approach may be assigned at the discretion of the Planning and Development Services Department, which may include referring the proposal to an advisory committee for review.

### 4.2.1. Approach

Level 1 issues will be subject to the public process required by the code. Typically, they will follow this process:

- 1) **Proposal:** Staff generates a proposal or a recommendation on an application.
- 2) **Proposal posted:** Proposal is posted to the website and announced through email list. Legal notice will be given as required and applicable. Public may make comment to the Planning Commission via email, other electronic file transfer protocols set up by the County, and/or US mail.
- 3) **Public hearing:** Planning Commission holds public hearing on issue.
- 4) **Work session and recommendation:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email, other electronic file transfer protocols set up by the County, and/or US mail.
- 5) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

### 4.2.2. Level 1 Projects

S-2. **Utilities to Schools in Rural Areas** (RCW 36.70A, amended in 2017 by HB 2243)

~~D-2. **Zoning Code Density and Lot Size Amendments** (PLN2023-00002)~~

~~D-3. **Whatcom County Code Amendments** (PLN2023-00003)~~

~~S-3. **Buildable Lands / Review and Evaluation Program** (RCW 36.70A.070, .115, .215, amended in 2017 by ESSSB 5254)~~

~~D-1. **Capital Facilities Planning, CIP 2023-2028** (PLN2022-00001)~~

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<sup>1</sup> Quasi-judicial actions of local decision-making bodies are "those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding" (RCW 42.36.010). These require adjudication in a court-like process, in which the guidelines for public participation are different from other actions. Notice requirements for quasi-judicial rezones are set forth in the Whatcom County Code.

~~D-2. Whatcom County Code Amendments (PLN2022-00003)~~

D-54. Lake Whatcom Watershed Seasonal Closure Exemption (PLN2022-00006)

~~D-5. TDR Receiving Area (PLN2021-00002)~~

D-8. MRL Expansion - Breckenridge Rd. (PLN2019-00002)

D-11. Sign Regulations Update (PLN2016-00009)

D-12. Vacation Rentals (PLN2014-00020/PLN2016-00011)

D-13. Code Enforcement Amendments (PLN2015-00003)

D-14. Weddings and Special Events (PLN2014-00016)

D-16. Mineral Resource Lands Expansion - North Star Rd. (PLN2012-00009)

## 4.3. Level 2 Issues

Level 2 issues require a little more than the code-required public process. The issues in this category are of a sensitive or political nature and/or the public has come out to oppose or support them in the past. They are generally more complicated.

### 4.3.1. Approach

Typically, level 2 issues will follow this process:

- 1) **Alternatives:** Staff generates alternative approaches to the issue, when applicable.
- 2) **Alternatives posted:** Alternatives are posted to the website and announced through email list.
- 3) **Advisory Committee/Agency/City Review and Comment:** The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.
- 4) **Proposal:** Staff generates a proposal considering any feedback received on the alternatives.
- 5) **Proposal posted:** Proposal is posted to the website and announced through email list and legal notice as required and applicable. Public may make comment to the Planning Commission via email, other electronic file transfer protocols set up by the County, and/or US mail.
- 6) **Public hearing:** Planning Commission holds public hearing on issue.
- 7) **Work session:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email, other electronic file transfer protocols set up by the County, and/or US mail.

- 8) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

### 4.3.2. Level 2 Projects

- D-~~43~~. **Cherry Point Shoreline Access** (PLN2022-00005)
- D-6. **Bellingham UGA Expansion** (PLN2021-00007)
- D-9. **Wind Energy System Amendments** (PLN2018-00008)
- D-15. **Agricultural Strategic Plan Implementation** (PLN2012-00007). Coordination with the Agriculture Advisory Committee and applicable Cities.
- S-~~45~~. **Tribal Participation in Planning**

## 4.4. Level 3 Issues

These issues are generally more complicated and are of interest to the general public. All of these issues will have many opportunities for public comment, including a town-hall style meeting where people are able to openly share their thoughts and feelings on the alternatives proposed or just the issue in general. When appropriate, town hall meetings will be planned close to areas that will be or are being impacted by the issue.

### 4.4.1. Approach

Typically, level 3 issues will follow this process:

- 1) **Alternatives:** Staff generates alternative approaches to the issue, when appropriate.
- 2) **Alternatives posted:** Alternatives are posted to the website and announced through email list.
- 3) **Advisory Committee/Agency/City Review and Comment:** The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.
- 4) **Town hall meeting(s):** A town hall style meeting(s) is held to seek public input on the issue and the proposed alternatives. When appropriate, the meeting is held in a location that is reasonably located near an area affected by the issue. Planning Commission may be in attendance at this town hall meeting. Announcements of town hall meetings will be done through the website, email list, media releases, and local postings as appropriate.
- 5) **Proposal:** Staff generates a proposal considering feedback received on the alternatives, including feedback heard at the town hall meeting.

- 6) **Proposal posted:** Proposal is posted to the website and announced through email list. Legal notice will be given as required and as appropriate. Public may make comment to the Planning Commission via email, other electronic file transfer protocols set up by the County, and/or US mail.
- 7) **Public hearing:** Planning Commission holds public hearing on issue.
- 8) **Work session:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email, other electronic file transfer protocols set up by the County, and/or US mail.
- 9) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

#### 4.4.2. Level 3 Projects

S-1/~~D-1~~. **2025 Comprehensive Plan, Development Regulation ~~Update~~ and UGA Update Review (PLN2023-00001)**

D-10. **Mineral Resource Lands County-wide Designation Process (PLN2017-00004)**

S-~~34~~/D-7. **Shoreline Management Program Update (PLN2020-00006)**

## Chapter 5. Conclusion

This public participation plan will guide the review of comprehensive plan and development regulations amendments. It is a living document that should be updated as conditions change or new methods are discovered. This public participation plan meets the requirements of the RCW and the requirements of the WAC. Specifically, the Planning and Development Services Department hopes that this public participation program will “involve a broad cross-section of the community, so groups not previously involved in planning become involved” as WAC 365-196-600(4) suggests it should.

To provide written feedback on this public participation plan, please contact Planning and Development Services at [pds@co.whatcom.wa.us](mailto:pds@co.whatcom.wa.us). If you wish to provide comment on any issue to the Planning Commission or County Council, please utilize the following addresses:

Whatcom County Planning Commission  
c/o Secretary  
5280 Northwest Drive  
Bellingham, WA 98226  
[PDS\\_Planning\\_Commission@co.whatcom.wa.us](mailto:PDS_Planning_Commission@co.whatcom.wa.us)

County Council  
311 Grand Ave, Ste 105  
Bellingham, WA 98225  
[council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)



**From:** [Matt Aamot](#)  
**To:** [PDS Planning Commission](#)  
**Cc:** [Tammy Axlund](#); [Steve Roberge](#); [Tim Wilder](#)  
**Subject:** Public Participation Plan - WTA Amendment  
**Date:** Monday, April 10, 2023 10:02:45 AM

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Hi Planning Commission:

At the suggestion of the Whatcom Transportation Authority, we would like to amend the proposed Public Participation Plan (Section 3.2) as follows:

Governmental and quasi-governmental groups are defined as organizations that have a connection to local government, including Whatcom Council of Governments; Whatcom County Council; City Councils; Whatcom County and individual cities' Planning Commissions; area tribes; local special purpose districts; [Whatcom Transportation Authority](#); citizen advisory committees and others. Groups typically consist of elected officials, appointed or volunteer community members, or jurisdictional staff. The list below shows a selected group of advisory committees that may be asked to comment on comprehensive plan and development regulation amendments.

Thank you for considering this proposed modification.

Sincerely,

Matt Aamot  
Whatcom County Planning & Development Services

**From:** [JIM.HANSEN](#)  
**To:** [PDS Planning Commission](#)  
**Subject:** Suggested Amendments Public Participation Plan  
**Date:** Friday, April 07, 2023 6:23:48 PM

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Dear Staff and Commissioners

In advanced of our Thursday meeting, I'd like to propose the following changes to the Public Participation Plan

1. Move D-12 Vacations Rentals and D-16 Mineral Resources North Star to Level 2 Topics.
2. The Objectives of the Public Participation process include making the process "clear and accessible"
  - a. Education: My intent is that the public will be informed of how the process works and how they can most effectively be involved.
  - b. We should expand Section 3.3 to provide a higher level of public outreach and education pertinent to all three Levels. This probably involves giving staff more time revise Section 3.1.3 The Public. This would feature a well linked web page with a **process flow chart** that shows how the process works and highlights points where public input is most appropriate. For instance, we need to encourage public involvement at the Work Session level where the interest group representatives get involved. The Public Hearings usually do not generate modifications and often leave participants feeling disempowered. Another web page could educate the public on which decisions are made at which levels. For instance, if a matter is beyond policy and will be decided by staff and/or the Hearing Examiner, the public should have this knowledge readily available. Civics in this country is woefully inadequate and even informed activists can get confused
  - c. Outreach Tools: We need to develop a more aggressive outreach toolbox. Emails only reach those we think might be impacted, not the general public. Notices in the Newspaper go unread. What would a 21<sup>st</sup> Century public outreach toolbox look like? Radio? Articles stimulated in multiple periodicals with various formats? Help me here. I'm tired of people feeling like they are being kept in the dark until it's too late to impact issues dear to their hearts.

Thanks I'm interested in everyone's creativity on these issues.

Jim Hansen