

**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
February 11, 2021**

Meeting and Work Session

1

1 **Call to Order**

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

4 **Roll Call**

5 **Present:** : Kelvin Barton, Robert Bartel, Atul Deshmane, Jim Hansen, Dominic Mocerri,
6 Jon Maberry, Natalie McClendon, Stephen Jackson

7 **Absent:** Kimberley Lund

8 **Staff Present:** Ryan Ericson, Mark Personius, Cliff Strong, Tammy Axlund

9 **Department Update**

10 Planning and Development Services (PDS) Director, Mark Personius announced the
11 adoption of a new energy code which requires increased energy efficiency measures
12 for new construction of single-family residential and multifamily residential. This
13 resulted in 162 single-family permit intakes in the month of January, which is normally
14 the number we get in five months.

15 Mr. Personius mentioned several aspects of affordable housing that the County is
16 working on, addressed the numerous comments received regarding a marijuana
17 processing facility that is in an administrative use permit review process, and reported
18 that we are caught up on the backlog of Planning Commission meeting minutes. He
19 then answered Commissioners' questions.

20 **Open session Public Comment**

21 **Timestamp: 15.40**

22 The following individuals provided public comment.

Wendy Harris
Elliza Steele
Todd Baker

David Haggith
Holly Koon

Rainbow Medicine-
Walker

23 The public comments were related to the negative impacts cannabis operations are
24 having on surrounding properties, and requesting that the Commission endorse a
25 moratorium and review of the regulations. Commissioners discussed the issue and
26 asked clarifying questions of those who spoke.

27 Ryan Ericson, PDS staff, advised that a crop that has less than 0.3% THC is considered
28 hemp. Hemp itself is considered an agricultural product recognized by the Department
29 of Agriculture as an agricultural use. If a crop has over that .3% THC content, it is
30 regulated as cannabis, which is a commercial use.

31 **Commissioner Comments**

32 **Timestamp: 48:51**

33 Commissioner Deshmane noted that he began hearing about the issue about a week
34 ago and has reached out to Council Member Tyler Byrd, whose district it is. In addition
35 to the enforcement issues which need to be addressed by various government
36 agencies, he would like the Planning Commission to follow up on a potential
37 moratorium and code changes.

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1 Commissioner McClendon agreed that the Commission needs to determine whether the
2 rules we have in place are adequate and appropriate and are not being followed, or if
3 the rules we have in place are not adequate and appropriate.

4 **Approval of Meeting Minutes**

5 **Timestamp: 53.13**

6 **Commissioner Deshmane moved** to approve the meeting minutes from January 28,
7 2021.

8 **Commissioner Maberry seconded.**

9 **Roll Call Vote: Ayes-Barton, Deshmane, Hansen, Jackson, Maberry, McClendon,**
10 **Moceri; Abstain-Bartel; (Ayes-7; Nays-0; Abstain-1). The motion carried.**

11 **Commissioner McClendon moved** to approve the meeting minutes from July 9,
12 2020.

13 **Commissioner Maberry seconded.**

14 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Maberry,**
15 **McClendon, Moceri; (Ayes-8; Nays-0; Abstain-0). The motion carried.**

16 **Annual Business Meeting**

17 **Election of Chairperson and Vice-Chairperson**

18 **Timestamp: 55:00**

19 **Commissioner Maberry nominated** Commissioner Barton for Chair and
20 Commissioner Lund for Vice Chair.

21 **Commissioner Moceri seconded.**

22 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Maberry,**
23 **McClendon, Moceri; (Ayes-8; Nays-0; Abstain-0). The motion carried.**

24 **Review of Business Rules**

25 **Timestamp: 57:48**

26 The secretary provided a quick overview of minor edits to the Business Rules.
27 Commissioners discussed potential changes to minutes voting, but no motion was
28 brought forth on these items.

29 **Timestamp: 1:01:53**

30 **Commissioner Hansen moved** to limit responses to 3 minutes instead of 5 in 10.e.

31 **Commissioner Deshmane seconded.**

32 **Roll Call Vote: Ayes-Deshmane, Hansen, Jackson, Maberry; Nays-Bartel,**
33 **Barton, McClendon; Abstain-Moceri; (Ayes-4; Nays-3; Abstain-1). The motion**
34 **carried.**

35 Commissioner McClendon requested that prior to the next big public hearing, the
36 Planning Commission decides on a process to manage a large crowd.

37 **Timestamp: 1:17:19**

38 **Commissioner Maberry moved** to approve the 2021 Business Rules as amended.

39 **Commissioner Jackson seconded.**

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1 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Maberry,**
2 **McClendon, Mocerì; (Ayes-8; Nays-0; Abstain-0). The motion carried.**

3 **New Business in Response Open Public Comment Session**

4 **Timestamp: 1:19:12**

5 **Commissioner Maberry moved** to ask staff to look into moratorium language used in
6 *Skagit and San Juan Counties for marijuana processing, including practical*
7 *consequences resulting from the action; provide the Commission with something to*
8 *look at; and add to the next Planning Commission Agenda.*

9 **Commissioner Deshmane seconded.**

10 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Maberry,**
11 **McClendon, Mocerì; (Ayes-8; Nays-0; Abstain-0). The motion carried.**

12 Planning Director Mark Personius said staff would provide draft language for the
13 Planning Commission to put forward to the County Council.

14 Commissioners and staff discussed regulatory bodies responsible for enforcement over
15 water, land use, air quality, etc. Commissioners requested background information on
16 this as well as on the compliance obligations of the operator.

17 **Shoreline Management Plan (SMP) Update**

18 **Timestamp: 1:35:47**

19 Cliff Strong, Senior Planner in PDS, provided an overview of the information in the
20 agenda packet, summarized where the Commission left off at the last meeting, and
21 followed up on Commissioner questions from the January meeting.

22 **Timestamp: 1:40:43**

23 **Commissioner Maberry moved** to strike the wording of the language for high
24 *intensity new agriculture with all the examples in the definition for High intensity land*
25 *use in Whatcom County Code (WCC) Chapter 16.16.900 (Page 117) and, with the*
26 *exception of the words "high intensity," move it to the definition for Moderate intensity*
27 *land use.*

28 **Commissioner Deshmane seconded.**

29 Mr. Ericson pointed out that this would include dairies as well as the raising and
30 maintaining of animals which have high water quality impacts.

31 **Commissioner Maberry moved** to amend his motion to strike "nurseries" and
32 *"raising and harvesting crops requiring annual tilling" from the definition for high*
33 *intensity land use in WCC Chapter 16.16.900 (Page 117) and move them to moderate*
34 *intensity land use.*

35 **Commissioner Barton seconded.**

36 Commissioners and staff discussed these definitions in relation to wetland impact.

37 **Timestamp: 1:55:24**

38 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Maberry,**
39 **McClendon, Mocerì; (Ayes-8; Nays-0; Abstain-0). The motion to amend carried.**

40 Commissioners and staff continued to discuss definitions and buffers, and then voted
41 on the amended motion.

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1 **Timestamp: 2:06:27**

2 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Maberry; Nays-Hansen,**
3 **Jackson, McClendon; Abstain-Moceri; (Ayes-4; Nays-3; Abstain-1). The**
4 **amended motion carried.**

5 The Commission dealt with a point of order regarding tabulation of votes and
6 declaration of results of votes taken earlier in the meeting.

7 **Timestamp: 2:26:06**

8 **Commissioner Hansen moved** to revise 3d of 23.40.100 to add "except in the
9 floodways" after the word "mining."

10 **Commissioner Deshmane seconded.**

11 Commissioners discussed the motion and expressed a desire for more information on
12 the topic and the impacts of such a decision prior to voting on it.

13 **Timestamp: 2:37:54**

14 **Commissioner Moceri moved** to table the motion until the next meeting.

15 **Commissioner Hansen seconded.**

16 **Roll Call Vote: Ayes-Bartel, Deshmane, Hansen, Maberry, McClendon, Moceri;**
17 **Nays-Barton, Jackson; (Ayes-6; Nays-2; Abstain-0). The motion to table the**
18 **item carried.**

19 **Timestamp: 2:42:14**

20 **Commissioner Maberry moved** to approve all of Chapter 23 except 23.40 for public
21 review, while reserving the right for commissioners to reconsider based on any
22 additional information or public comment.

23 **Commissioner Jackson seconded.**

24 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Maberry,**
25 **McClendon, Moceri; (Ayes-8; Nays-0; Abstain-0). The motion carried.**

26 Mr. Strong introduced the No Net Loss Addendum for Commissioner discussion.

27 Commissioners indicated they would like to invite members of the development
28 community and individuals with expertise to talk about the update at upcoming
29 workshops. Commissioners Moceri and Maberry will coordinate with staff on this.

30 **Adjournment**

31 The meeting was adjourned at 9:36 p.m.

32 Minutes prepared by Tammy Axlund.

33 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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Kelvin Barton, Chair



Tammy Axlund, Secretary