

**WHATCOM COUNTY  
PLANNING & DEVELOPMENT SERVICES**

**Mushroom Substrate Definition**

**PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION**

1. The proposed amendment will clarify the definition of mushroom substrate to exclude wood and grain-based mushroom substrate production from unnecessary regulation.
2. On July 12, 2005 Whatcom County passed Ordinance No. 2005-057, which added a new chapter to Title 20, the Zoning Code, entitled Mushroom Substrate Production Facilities, (WCC20.15).
3. On February 14, 2006 a final decision by the Western Washington Growth Management Hearings Board found that certain provisions of Ordinance 2005-057 were inconsistent with the Growth Management Act.
4. On July 25, 2006 Whatcom County passed Ordinance 2006-031 revising the scope of WCC 20.15 to apply to Commercial Mushroom Substrate Production Facilities to comply with the Western Washington Growth Management Hearings Board decision of February 14, 2006.
5. The regulation of the production of mushroom substrate used to cultivate the wood and grain inhabiting species of mushrooms does not produce noxious odors that may potentially impact public health and is therefore unnecessary, and as such may be exempted from the requirements of WCC 20.15; Commercial Mushroom Substrate Production Facilities.
6. The Whatcom County Health Department is proposing a companion bill to revise WCC 24.12 (Health Regulations) to exclude wood and grain-based mushroom substrate from the definition of mushroom substrate.
7. Notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on June 27, 2010.
8. The Planning Commission held a public hearing on the subject amendments on July 8, 2010.
9. Whatcom County Comprehensive Plan Goal 2D is to “Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.”

10. Whatcom County Comprehensive Plan Policy 2D-1 is to “Eliminate unnecessary regulations.”
11. The Official Whatcom County Zoning Ordinance contains regulations that unnecessarily limit the production capabilities of wood and grain-based mushroom substrate.
12. A SEPA Determination of Non-Significance was published on June 24, 2010 in the Bellingham Herald subject to a 14 day comment period ending July 8, 2010.

### **PROPOSED CONCLUSIONS**

1. The subject amendments are consistent with the Whatcom County Comprehensive Plan.
2. The subject amendment serves the public interest by allowing for the production of wood and grain-based mushroom substrate.

### **RECOMMENDATION**

Based upon the above findings and conclusions, staff recommends approval of the amendment to WCC 20.15 shown on attached Exhibit 1.

Exhibit 1

Whatcom County Code - 20.15.020, *Definitions* is revised as follows:

- (1) "Active area" means any part of a facility where mushroom substrate production activities are conducted, including but not limited to related areas of feedstock (only excluding straw) storage, leachate and emission collection and treatment devices, and impervious surfaces.
- (2) "Commercial mushroom substrate production facility" means a facility producing any mushroom substrate for off-site commercial export.
- (3) "Expansion," as it pertains to facilities existing at the effective date of the ordinance codified in this chapter, means an increase in monthly mushroom substrate production over the average production of the three months prior to the effective date of the ordinance codified in this chapter.
- (4) "Facility" means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements on the land.
- (5) "Finished substrate" means substrate that has completed the fermentation process and is ready for pasteurization.
- (6) "Mushroom substrate" means a highly specific, nutrient-rich product prepared from selective organic and inorganic material for the purpose of cultivating mushrooms. Mushroom substrate, for the purposes of this chapter, does not include substrate prepared for the cultivation of wood inhabiting species of specialty mushrooms, such as shitake, enoki, or oyster mushrooms that is produced with sawdust and grains, such as rye, millet or wheat bran without any addition of manure, and with no generation of excessive process odor. Excessive process odor is defined in WCC 24.12.020 and means any odor generated from the production or use of substrate that is demonstrated to unreasonably interfere with public health.
- (7) "Mushroom substrate production" means any stage of a process where the ingredients necessary for the production of mushroom substrate are assembled, blended, stored or fermented.
- (8) "Mushroom substrate production facilities" means "commercial mushroom substrate production facilities" and/or "on-farm mushroom substrate production facilities."
- (9) "On-farm mushroom substrate production facility" means a facility producing mushroom substrate which is used exclusively on the same parcel or adjoining parcels to grow and harvest mushrooms in compliance with best management practices. Limited off-site shipment may be allowed if such shipment is conducted as authorized under WCC [24.12.060\(B\)\(1\)\(d\)](#).

(10) "Well head protection area" means the area (surface and subsurface), designated by the Whatcom County health department, managed to protect ground-water-based public water supplies.

(11) "Unfinished substrate" means feedstock that has been pre-wet, but is not yet finished substrate. (Ord. 2006-031 § 1 (Exh. A), 2006; Ord. 2005-057 Exh. A, 2005).