

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

October 27, 2011

Regular Meeting

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1 **Call To Order:** The meeting was called to order, by Whatcom County Planning  
2 Commission Chair, Michelle Luke, in the County Council Chambers at 6:30 p.m.

3  
4 **Roll Call**

5 Present: Michelle Luke, John Lesow, Ken Bell, Rod Erickson, Gary Honcoop, David Onkels,  
6 Jeff Rainey

7 Absent: John Belisle, Mary Beth Teigrob

8  
9 **Staff Present:** Roxanne Michael, Gary Davis, Joshua Fleischmann, Becky Boxx

10  
11 **Department Update**

12  
13 Roxanne Michael updated the Commission on staff changes, the agricultural program and  
14 the upcoming Planning Commission schedule.

15  
16 **Open Session for Public Comment**

17  
18 There was no public comment.

19  
20 **Commissioner Comments**

21  
22 Commissioner Honcoop stated Fire Marshal Warner Webb, who is taking a job in Pierce  
23 County, will be missed.

24  
25 **Public Hearing**

26  
27 File #PLN2011-00010: A proposed amendment from Robert Sorensen, Jr. to amend the  
28 Whatcom County Comprehensive Plan map, remove the Mineral Resource Lands (MRL)  
29 zoning overlay, and re-designate approximately 90-acres of Mineral Resource Lands to  
30 Rural. The parcels lie East of Aldrich Road, South of W. King Tut Road, and north of W.  
31 Hemmi Road. Parcel #'s: 390214 400339 & 390214 468400.

32  
33 Joshua Fleischmann presented the staff report.

- 34
- 35 • Parcel B is classified Open Space Agricultural Conservation and Parcel C is
  - 36 Designated Forest Land.
  - 37 • The site was included as a Mineral Resource land in the 1997 Comprehensive Plan.
  - 38 • Removing the MRL designation and zoning overlay would not maintain nor enhance
  - 39 the mineral resource industry.
  - 40 • The land is currently used for raspberry production.
  - 41 • Changing the MRL designation to Agriculture, changing the R10 zoning to
  - 42 Agricultural, and removing the MRL zoning overlay would maintain and protect
  - 43 agriculturally based natural resource industries.
  - 44 • Staff is not aware of any interlocal agreements affecting the site.
  - 45 • There is no de-designation criteria for MRL's. Because there is no criteria staff took
  - 46 the position that if the site does not meet all designation criteria it is appropriate for
  - 47 de-designation. The site does not meet all of the designation criteria.

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- 1       • According to the PDS GIS data, a portion of the MRL is within the 10 year zone of  
2       contribution for the James L Calman Community Water System. The source of this  
3       mapping information is unknown. According the consultant's report for James L  
4       Calman Community Water System Wellhead Protection Plan, dated October 3,  
5       2001, the MRL is outside the 10 year zone of contribution.  
6       • A letter from Alissi Consulting, dated December 15, 2010, states the sand on the  
7       site is not suitable for gravity mound septic systems. This has been confirmed by  
8       the Whatcom County Health Department.  
9       • There is no indication that the sand cannot be used for other applications.  
10      • Whatcom County has a policy to seek to designate a 50 year supply of construction  
11      aggregate. Currently this level is not met.

12  
13 The hearing was opened to the public.

14  
15 Lesa Starckenburg- Kroontje, for the applicant: The question is whether or not a MRL  
16 designation is appropriate for the property based on the material quality. In 1992 the  
17 County designated all lands with an existing Department of Natural Resources mining  
18 permit as MRL's. This property did not have a permit at that time. Between 1992 and  
19 1997 the site was designated per owner request because the owner wanted to remove a  
20 hill of sand on the site in order to farm the area. It is not consistent with the Growth  
21 Management Act (GMA) to have the site remain a MRL. At one time the sand on the site  
22 was suitable for septic systems. It is no longer suitable and the material now has no  
23 known uses. This would necessitate a change in the Comprehensive Plan. Even though  
24 there is a shortage of sand keeping this site in the MRL designation does not help with  
25 that.

26  
27 What precipitated this request was the person farming the property was looking to  
28 purchase the portion of land they are farming. They could not because of the 20 acre  
29 minimum size for MRL property.

30  
31 The water table is approximately six feet under the surface which makes it very difficult to  
32 mine.

33  
34 Dale Bus, Whatcom County: Lives near the site. They want to change the land to Rural so  
35 they can divide it and put houses on it. This is some of the best farmland in the area. The  
36 water table is about 26 feet down. The past summer the property owner hauled sand off  
37 of the site. The property should not be changed.

38  
39 Kevin Sorenson, Whatcom County: One of the owners of the property. The original zoning  
40 of the property was Agriculture. There was never any intention to mine the property they  
41 want it back to Agricultural zoning. Sand was taken off the property during the summer to  
42 give to a friend as fill. This also reduced the size of the hill.

43  
44 Pete Ruese, Whatcom County: Lives near the subject property. The water table is about 4  
45 feet in the area.

46  
47 George Sandhu, Whatcom County: Is leasing the property to farm. He has been farming  
48 the property since 1994. The water table is 4-6 feet.

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1 The hearing was closed to the public.

2  
3 The Commission discussed changing the Comprehensive Plan designation on the parcels  
4 from R10A to Agriculture. This would require another Comprehensive Plan application  
5 which may or may not be acted upon in 2012. Their concern was that the properties could  
6 be developed rather than used for agriculture. Parcel B is subject to the Agricultural  
7 Protection Overlay zone (APO) so it can't be developed. Parcel C could be developed.  
8 Lesa Starkenburg suggested a condition of the amendment be that the land use  
9 designation on Parcel C be changed from Designated Forest to Open Space Agricultural  
10 Conservation to prevent development.

11  
12 **Commissioner Bell moved to remove the MRL overlay and change the**  
13 **Comprehensive Plan designation from MRL to Rural. Commissioner Onkels**  
14 **seconded.**

15  
16 **Commissioner Lesow offered a friendly amendment to change the**  
17 **Comprehensive Plan designation from Rural to Agriculture. Honcoop seconded.**  
18 **The motion failed.**

19  
20 **Commissioner Bell made an amendment to his original motion to read:**  
21 **Recommend approval of the application to remove the MRL zoning overlay and**  
22 **change the comprehensive plan designation from MRL to Rural because the**  
23 **present use of the land is not mineral resource extraction, the proposed**  
24 **designation and zoning is more in character with the surrounding land, and the**  
25 **Mineral Resource Lands Designation Criteria #6, has not been achieved.**  
26 **Provided, however, the applicant will submit an application to redesignate**  
27 **Parcel C as Open Space Agriculture prior to the Comprehensive Plan docket vote**  
28 **by the County Council. Commissioner Onkels seconded. Roll Call Vote: Ayes –**  
29 **Erickson, Lesow, Luke, Rainey, Bell, Onkels; Nays – Honcoop; Abstain – 0;**  
30 **Absent – Belisle, Teigrob. The motion carried.**

31  
32 **Work Session**

33  
34 File #PLN2011-00022: Proposed amendments to the Whatcom County Code (WCC Title 20)  
35 to permit electric vehicle infrastructure (EVI) in residential, commercial, and industrial zones.

36  
37 Gary Davis had reviewed the wording of state law in light of the direction gave by the  
38 Planning Commission at the last meeting. State law requires counties to allow EVI as a  
39 use in non-residential zones, and the law defines EVI to include not just the level 1 and 2  
40 charging stations, but also battery exchange stations and rapid charging stations. To be  
41 in compliance with state law, all these types of EVI need to be permitted. Staff proposed  
42 the draft amendments be revised to have 20.59-20-70 allow "Electric vehicle rapid  
43 charging stations ~~infrastructure~~ and battery exchange facilities" accessory to service  
44 stations or gas stations, and to reinstate the definition of rapid charging station in  
45 20.97.115. The effect would be that levels 1 and 2 charging stations would be allowed  
46 accessory to a primary use throughout the county, while the rapid charging stations and  
47 battery exchange facilities would only be allowed as an accessory use to a service station  
48 or gas station.

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1 **Commissioner Bell moved to accept the staff recommendations. Commissioner**  
2 **Honcoop seconded. Roll Call Vote: Ayes – Erickson, Honcoop, Lesow, Luke,**  
3 **Rainey, Bell, Onkels; Nays – 0; Abstain – 0; Absent – Belisle, Teigrob. The motion**  
4 **carried.**

5  
6 **Other Business**

7  
8 Commissioner Luke reminded the Commission the next two meetings will be at the  
9 Council Chambers.

10  
11 The meeting was adjourned at 8:50 p.m.

12  
13 Minutes prepared by B. Boxx.

14  
15  
16 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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19  
20  
21 \_\_\_\_\_  
22 Michelle Luke, Chair

23 \_\_\_\_\_  
24 J.E. "Sam" Ryan, Secretary

25  
26  
27