

**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
January 14, 2021**

Work Session

1

1 **Call to Order**

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

4 **Roll Call**

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

7 **Staff Present:** Cliff Strong, Ryan Ericson, Mark Personius, Tammy Axlund, and Rick
8 Anderson (Information Technology)

9 **Department Update**

10 Mark Personius, Director of Planning and Development Services (PDS), announced that
11 the County Council reappointed Kimberley Lund, Stephen Jackson, and Atul Deshmane
12 for another term on the Planning Commission. He congratulated them and expressed
13 that PDS values them as part of the Commission, and appreciates the continuity.

14 He informed the Commission that PDS Natural Resource Supervisor, Ryan Ericson, has
15 left the County and is the new Planning Director for the town of Friday Harbor. Ryan
16 has agreed to be available on a short term limited basis to help PDS, the Planning
17 Commission, and County Council with the Shoreline Management Plan (SMP) updates.
18 January has been very busy for the Planning Department.

19 **Public Comment**

20 Karlee Deatherage provided public comment.

21 **Commissioner Comments**

22 There were no Commissioner comments.

23 **Approval of Meeting Minutes**

24 **Timestamp: 7:28**

25 **Commissioner McClendon moved** to approve the meeting minutes from December
26 10, 2020.

27 **Commissioner Deshmane seconded.**

28 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
29 **Maberry, McClendon, Mocerri; (Ayes 9; Nays-0; Abstain-0). The motion carried.**

30 **Commissioner McClendon moved** to approve the meeting minutes from January 30,
31 2020.

32 **Commissioner Deshmane seconded.**

33 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
34 **Maberry, McClendon, Mocerri; (Ayes 9; Nays-0; Abstain-0). The motion carried.**

35 **Commissioner McClendon moved** to approve the meeting minutes from February
36 27, 2020.

37 **Commissioner Deshmane seconded.**

38 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
39 **Maberry, McClendon, Mocerri; (Ayes 9; Nays-0; Abstain-0). The motion carried.**

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2

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

2 **Timestamp: 10:15**

3 Cliff Strong, Senior Planner in PDS, provided an overview of the information in the staff
4 memo, summarized where the Commission left off, and followed up on Commissioner
5 questions from the December meeting.

6 Ryan Ericson presented a table Stormwater comparing Title 20 Requirements and SMP
7 Requirements. Commissioners requested a copy of the table.

8 The group discussed a revised proposal from Futurewise and RE Sources—developed
9 after having met with staff to address implementation issues—for climate change/sea
10 level rise regulations in the SMP. PDS staff stated that though the proposal might be
11 more implementable than their original proposal, they reminded the Commission that
12 there is no state requirement to adopt sea level rise regulations, and continues to
13 recommend waiting for data from the CoSMoS model, which is anticipated to be
14 completed by November 2021, which would then need to be followed up with
15 vulnerability and risk assessments to see what kind and where the problems might be,
16 and updating our shoreline inventory and characterizations. Without such background
17 work we may be open to challenges.

18 **Timestamp: 54.28**

19 **Commissioner Hansen moved** *that the amendments to 23.40.140 Section A. General*
20 *be considered.*

21 **Commissioner Deshmane seconded.**

22 Commissioners discussed the motion and invited input from staff.

23 **Timestamp: 1:18:53**

24 **Commissioner Hansen withdrew his motion.** Commissioner Deshmane agreed.

25 **Commissioner Hansen moved** *that Section 23.40.140 subsections A and B be*
26 *amended as documented to remove commercial gravel mining.*

27 **Commissioner Deshmane seconded.**

28 Commissioners continued discussion and asked questions of staff.

29 **Roll Call Vote: Ayes- Deshmane, Hansen, McClendon; Nays-Bartel, Barton,**
30 **Jackson, Maberry; Abstain-Lund, Mocerri; (Ayes 3; Nays-4; Abstain-2). The**
31 **motion failed.**

32 **Timestamp: 1:31:27**

33 **Commissioner Hansen moved** *to amend 23.50.010 Nonconforming Uses per the*
34 *strikeouts in Section E. as on the screen.* (These proposed strikeouts were also in the
35 agenda packet.)

36 **Commissioner Deshmane seconded.**

37 Commissioners discussed the motion.

38 **Timestamp: 1:41:59**

39 **Commissioner McClendon moved to amend the motion** *to include the first line of*
40 *E. and add "is prohibited." It would read: The change of a nonconforming use to*
41 *another type of nonconforming use is prohibited.*

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3

1 **Commissioner Lund seconded.**

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

5 Commissioners continued discussion then voted on the amended main motion which
6 removes all of E except for the first line, which will now read: *The change of a*
7 *nonconforming use to another type of nonconforming use is prohibited.*

8 **Timestamp: 1:57:33**

9 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
10 **McClendon, Nays-Maberry, Mocer; (Ayes 7; Nays-2; Abstain-0). The motion**
11 **carried.**

12 **Timestamp: 2:08:55**

13 **Commissioner Lund moved** to accept changes to chapter 23.05 for public review,
14 while reserving the right for commissioners to reconsider based on any additional
15 information or public comment.

16 **Commissioner Jackson seconded.**

17 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
18 **Maberry, McClendon, Mocer; (Ayes 9; Nays-0; Abstain-0). The motion carried.**

19 **Timestamp: 2:12:26**

20 **Commissioner Deshmane moved** to accept changes to chapter 23.10 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 Commissioners asked staff about the definition of the terms "net lift" and "no net loss".

25 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
26 **Maberry, McClendon, Mocer; (Ayes 9; Nays-0; Abstain-0). The motion carried.**

27 **Timestamp: 2:18:47**

28 **Commissioner McClendon moved** to accept chapter 23.20 amendments for public
29 review, while reserving the right for commissioners to reconsider based on any
30 additional information or public comment.

31 **Commissioner Maberry seconded.**

32 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
33 **Maberry, McClendon, Mocer; (Ayes 9; Nays-0; Abstain-0). The motion carried.**

34 **Timestamp: 2:23:18**

35 **Commissioner Bartel moved** to accept changes to 23.30 amendments for public
36 review, while reserving the right for commissioners to reconsider based on any
37 additional information or public comment.

38 **Commissioner Lund seconded.**

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4

1 Commissioner McClendon indicated that the wording on page 61, item A, on line 39
2 needed clarification. The proposed revision to "all permits or developments for
3 residential lots or dwelling units shall provide public access" was accepted by consensus
4 by of the Commissioners.

5 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,
6 Maberry, McClendon, Mocerri; (Ayes 9; Nays-0; Abstain-0). The motion carried.**

7 Commissioners asked questions about several elements of section 23.40. Staff will
8 review these and bring answers back to the next meeting.

9 **Timestamp: 2:57:44**

10 **Commissioner Deshmane** moved to strike out A.1 in section 23.40.120 and revise it
11 to apply inside and outside of Cherry Point Management Area.

12 Commissioners asked for clarification on the motion.

13 **Timestamp: 3:02:39**

14 **Commissioner Deshmane revised his motion to:** Modify sections 120 and 125, so
15 120 is inclusive of 125, and remove redundancies.

16 **Commissioner Mocerri seconded.**

17 **Commissioner Deshmane withdrew the motion.** Commissioner Mocerri agreed.

18 **Timestamp: 3:05:07**

19 **Commissioner Deshmane** moved to ask staff to make a proposal for removing
20 redundancies between section 120 and 125, and making 120 inclusive of 125.

21 **Commissioner Mocerri seconded.**

22 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,
23 Maberry, McClendon, Mocerri; (Ayes 9; Nays-0; Abstain-0). The motion carried.**

24 Mr. Ericson suggested adding information for WAC 173.26.221 and 173.26.331 to the
25 code to help people differentiate between the two. The Chair asked him to send links to
26 these WACs to the Commissioners or to Mr. Strong to distribute.

27 Mr. Strong provided a status recap of the evening and asked how far Commissioners
28 hoped to get at the next meeting.

29 **Adjournment**

30 **Timestamp: 3:11:16**

31 The meeting was adjourned at 9:42 p.m.

32 Minutes prepared by Tammy Axlund.

33 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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Kelvin Barton, Chair



Tammy Axlund, Secretary