

**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
February 25, 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 at 6:32 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, Mark Personius, Ryan Ericson, Tammy Axlund

8 **Department Update**

9 Mark Personius, Director of Planning and Development Services (PDS), announced that
10 County Council adopted the new 2021 docket. Eight new items were added to the
11 twenty-one already in our work program. One of these items is related to reviewing
12 and revising the Whatcom County Code in relation to impacts of marijuana growing
13 and processing facilities in rural areas, evaluating growing and processing facilities as
14 an agricultural or nonagricultural use, and considering compatibility with GMA and the
15 County Comprehensive Plan. He noted that this has nothing to do with the moratorium
16 request on the Planning Commission agenda tonight.

17 **Open Session Public Comment**

18 **Timestamp: 04:33 & 35:19**

19 The following individuals provided public comment.

Rainbow Medicine-Walker	Todd Baker	Holly Koon
Roger Almskaar	David Haggith	Rosemary VanBeek
Eliza Steele	Ed Miller	Wendy Harris

20 Commissioners held a brief discussion regarding whether public comment during open
21 session is appropriate for items on the current agenda. Commissioner Barton referred
22 to the Business Rule 9.

23 **Commissioner Comments**

24 **Timestamp: 30:07**

25 Commissioner Mocerri stated that he reached out to the Building Association of
26 Whatcom County.

27 Commissioner Maberry disclosed that he talked to Ed Miller.

28 Commissioner Deshmane stated that he attended a very effective 1-hour training
29 specific to Planning Commissions, put on by Ann McFarlane of Jurassic Parliament. He
30 announced that it is available on demand and encouraged other commissioners to take
31 it. He also apologized with regards to starting the Marijuana topic, while acknowledging
32 the importance of dealing with it for the community.

33 Commissioner Lund said she spoke with Karlee from RE Sources. She noted that she
34 would like to be consistent in how and when we allow public comment so people know
35 when they can and cannot engage with us.

36 Commissioner Hansen reported that he communicated with Futurewise, RE Sources,
37 David Stalheim, and Wendy Harris, so they could have input into the process on
38 amendments that came to the attention of the commission yesterday.

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1 **Approval of Meeting Minutes**

2 **Timestamp: 48:57**

3 ***Commissioner Deshmane moved to approve the meeting minutes from May 9,***
4 ***2019.***

5 **Commissioner Jackson seconded.**

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

9 ***Commissioner Maberry moved to approve the meeting minutes from July 25, 2019.***

10 **Commissioner Bartel seconded.**

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

14 ***Commissioner Deshmane moved to approve the meeting minutes from July 23,***
15 ***2020.***

16 **Commissioner Bartel seconded.**

17 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Maberry,**
18 **McClendon, Mocerri; Abstain-Lund; (Ayes-8; Nays-0; Abstain-1). The motion**
19 **carried.**

20 ***Commissioner Deshmane moved to approve the meeting minutes from August 13,***
21 ***2020.***

22 **Commissioner Lund seconded.**

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

25 ***Commissioner Maberry moved to approve the meeting minutes from September 10,***
26 ***2020.***

27 **Commissioner Lund seconded.**

28 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Lund, Maberry,**
29 **McClendon, Mocerri; Abstain-Jackson; (Ayes-8; Nays-0; Abstain-1). The motion**
30 **carried.**

31 ***Commissioner Bartel moved to approve the meeting minutes from September 24,***
32 ***2020.***

33 **Commissioner Jackson seconded.**

34 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Maberry,**
35 **McClendon, Mocerri; Abstain-Lund; (Ayes-8; Nays-0; Abstain-1). The motion**
36 **carried.**

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1 **Commissioner Jackson moved** to approve the meeting minutes from October 8,
2 2020.

3 **Commissioner Bartel seconded.**

4 **Roll Call Vote: Ayes-Bartel, Barton, Hansen, Jackson, Lund, Maberry, Mocerri;**
5 **Abstain-Deshmane, McClendon; (Ayes-7; Nays-0; Abstain-2). The motion**
6 **carried.**

7 **Marijuana Production and Processing Regulations**

8 **Timestamp: 56:24**

9 Mr. Personius referenced the memorandum in the agenda packet outlining existing
10 marijuana production and processing regulations. He then provided a brief overview of
11 how issues are addressed and what the challenges are.

12 The primary complaints are for the odor and the grow lights. There are several ways to
13 resolve issues with the lighting. The Northwest Clean Air Agency is the organization to
14 deal with the odor when, at the property boundary, it rises to the level of a nuisance.
15 Much of the regulatory enforcement for marijuana grow operations falls to the Liquor
16 Cannabis Board. If someone is growing marijuana without a State license or County
17 permit, it is a law enforcement issue.

18 Commissioners continued to discuss the topic with staff.

19 **Timestamp: 1:26:55**

20 **Commissioner McClendon moved** to use the following language from the staff
21 memorandum to recommend to the County Council that they adopt a moratorium: Due
22 to concerns raised by the public regarding off-site impacts (e.g., odors, lighting, and
23 potentially excessive water use) from outdoor marijuana growing and processing
24 operations, the Planning Commission recommends the County Council consider
25 implementing an emergency moratorium on acceptance of applications for outdoor
26 marijuana growing and processing operations and work with PDS to revise those
27 regulations to address the public concerns.

28 **Commissioner Deshmane seconded.**

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

31 **Shoreline Management Plan (SMP) 2020 Update**

32 **Timestamp: 1:56:54**

33 Cliff Strong, Senior Planner in PDS, reminded commissioners of where they left off at
34 the last meeting.

35 A motion to revise 3d of 23.40.100 to add "except in the floodways" after the word
36 "mining" was tabled at the February 11th meeting. Since Paula Harris, Engineering
37 Manager of Public Works River and Flood Division, was not available to discuss this
38 item tonight, it has been moved to March 11th.

39 Commissioners decided not to discuss requirements for above ground manure holding
40 tanks, or the list of motions proposed by Commissioner Maberry until staff could
41 provide technical expertise and community stakeholders could review and provide

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1 input. In the staff memo for the next agenda packet, Mr. Strong will address the
2 proposed motions by Commissioner Maberry. He will also invite technical experts to
3 weigh in on manure holding tanks.

4 Commissioner McClendon requested the term "ecological lift" in section 16.16.760, be
5 replaced or defined. A definition will be added.

6 **Adjournment**

7 The meeting was adjourned at 8:55 p.m.

8 Minutes prepared by Tammy Axlund.

9 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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Kelvin Barton, Chair



Tammy Axlund, Secretary