

**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
November 12, 2020**

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 6:33 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:** Becky Boxx, Cliff Strong, Mark Personius, Tammy Axlund, Ryan
8 Ericson, and Jeremy Rische (Information Technology)

9 **Department Update**

10 Mark Personius provided a schedule update on items before County Council. County
11 Council is continuing review of the Cherry Point amendments and will have a special
12 work session on the afternoon of Tuesday, November 17th. The Public Participation and
13 Impact Fee proposals from the October 22nd Planning Commission meeting are on the
14 November 24th afternoon Council agenda for Planning and Development Committee.
15 Commissioners are encouraged to attend these remote meetings. Staff will send
16 notifications and meeting links to commissioners when a time is confirmed.

17 Mr. Personius reported that the department's proposed budget was approved by the
18 Executive and so far has no recommended changes by Council. The proposed budget
19 reduces PDS staff by three currently vacant positions, which means Planning
20 Department resources will be stretched.

21 Mr. Personius also noted that the County's legal department has advised staff not to
22 forward emails from commissioners to the Planning Commission (PC) group if they
23 contain proposals or recommendations related to PC business, because it might
24 constitute a meeting. Staff is seeking further advice from the attorney as to what can
25 be shared by email. Prior to the next meeting, Tammy will provide guidance on this
26 issue. As an alternative, if commissioners have specific motions they want to make on
27 agenda items scheduled for discussion at the next meeting, they may send them to
28 staff for inclusion in the agenda packet for that meeting. This would keep the process
29 transparent because the public would see it at the same time as the commissioners.
30 Items to go in the agenda packet must be received at least 10 days in advance of the
31 meeting.

32 Commissioners were encouraged to use the Shoreline Management Plan binder as a
33 guide for amendments at upcoming meetings. Commissioners should plan to work on
34 Title 23 and, if time, 16 and 22 at the December meeting.

35 **Timestamp: 20:23**

36 **Public Comment**

37 Eddy Ury provided public comment.

**RECORD OF PROCEEDINGS OF THE
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2

1 **Commissioner Comments**

2 **Timestamp: 18:35**

3 Commissioner McClendon requested that before the Commission adjourns a meeting,
4 they should vote to do so. She suggested commissioners discuss whether to add an
5 extra meeting in December.

6 **Timestamp: 24:07**

7 Commissioner Lund said she would be interested in hearing from staff as to when they
8 anticipate the bulk of past meeting minutes will be available for PC review. She also
9 stated for public record that Jeff Chalfant deserves a special distinction for the helpful
10 role he played as part of the stakeholder group and in being a bridge builder for the PC
11 as they finalized their recommendations for Council's consideration of the Cherry Point
12 amendments.

13 Commissioner Hansen reported that between meetings he had communication related
14 to PC business with Eddy Ury and Eleanor Hines of RE Sources, Austin Rose and the
15 Marine Resource Committee, County Executive Satpal Sidhu, State Representative
16 Sharon Shewmake, and Health Officer Frank James.

17 **Timestamp: 27:01**

18 **Approval of Minutes of October 22, 2020 and October 24, 2019**

19 **Commissioner McClendon moved** to approve the meeting minutes from October 22,
20 2020, subject to the inclusion of the entire motion on public participation and corrected
21 spelling of Commissioner Lund's name.

22 **Commissioner Deshmane seconded.**

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

25 **Timestamp: 31:29**

26 Commissioner Mocer requested adding roll call vote information to show which way
27 commissioners voted. At the time of the October 2019 meeting, roll call votes were
28 only taken when required, so this information was not recorded and is not available.
29 When roll call vote information is available, staff will include it in future minutes.

30 **Commissioner Deshmane moved** to adopt the meeting minutes from October 24,
31 2019, subject to the corrected spelling of Commissioner Lund's name.

32 **Commissioner Lund seconded.**

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

36 **Shoreline Management Plan Update**

37 Commissioner Hansen asked when the "No Net Loss" memo would be available for PC
38 review. Planning and Development (PDS) Senior Planner, Cliff Strong, indicated that
39 the consultant has started on it and it will likely be ready in December. He ensured
40 that the PC would receive it prior to taking any final action on the project.

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3

1 Mr. Strong walked the group through a PowerPoint presentation containing proposed
2 amendments to Chapters 10, 11, and 8 of the Shoreline Management Plan (SMP). He
3 and PDS Natural Resource Supervisor, Ryan Ericson, answered questions. Staff will
4 consider any decisions made prior to the PC's final recommendation as tentative, made
5 to get everyone going in the same direction, and subject to change until their final
6 decision after holding public hearing.

7 **Timestamp: 1:33:57**

8 **Commissioner Hanson moved** to approve Chapter 10 for the purpose of moving it to
9 public hearing.

10 **Commissioner Deshmane seconded.**

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

13 **Timestamp: 1:45:07**

14 **Commissioner Mocer moved** to change policy 11T-1 to read "After that date, all
15 new single family residences and their appurtenant structures should be built in a
16 manner not to need protective structures."

17 **Commissioner Maberry seconded.**

18 Staff answered questions and provided an overview of the applicable RCWs.
19 Commissioner Hanson recommended staff rework policy 11T-1 to make more sense,
20 yet remain consistent with the RCWs. Staff agreed.

21 **Mocer withdrew the motion. Maberry agreed.**

22 **Timestamp: 2:23:13**

23 **Commissioner Hanson moved** to insert "including flood control property acquisition"
24 after the word "measures" in policy 11GG-3.

25 **Commissioner McClendon seconded.**

26 Commissioners had several concerns about adding the clause and held discussion on
27 the issue.

28 **Timestamp: 2:37:48**

29 **Roll Call Vote: Ayes- Hansen, McClendon; Nays - Bartel, Barton, Deshmane,**
30 **Jackson, Lund, Maberry; (Ayes-2; Nays-7; Abstain-0). The motion failed.**

31 Regarding Policy 11TT-1, Mr. Strong suggested that subsections (a) and (b) be moved
32 to the Cherry Point Management Area (CPMA) section of the Shoreline Environment
33 Designations section, as they have to do with the designation's purpose, and all other
34 designations' purpose statements are located there. The Commission agreed.

35 He then explained that staff suggests deleting subsection (e) of that policy, as it
36 basically says that any development in the CPMA only has to comply with the policies
37 in this section of Chapter 11 and the regulations of WCC 23.40.125, and specifically
38 says such development doesn't have to comply with any other policies or regulations.

**RECORD OF PROCEEDINGS OF THE
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Work Session

4

1 But there are many other policies and regulations that should apply, such as ecological
2 protection, cultural resources, vegetation management, moorage facilities, etc.

3 Commissioner McClendon pointed out that the numbering system of this section is off,
4 and staff said they will fix it.

5 **Timestamp: 3:01:00**

6 **Commissioner Deshmane moved** to strike subsection "e" of policy 11TT-1 (line 3
7 through 23 on page 11-40).

8 **Commissioner Lund seconded.**

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

12 **Timestamp: 3:02:03**

13 Commissioner Hanson explained his written proposal recommending a change in
14 language for 11PP-12, to have stabilization measures only include things that can be
15 done and some adaptive management, but not things that have to be done over and
16 over for years, such as beach nourishment.

17 Staff explained State law on the item. Commissioners noted that the term is used in
18 other places in the document.

19 **Timestamp 3:06:54**

20 **Commissioner Hanson moved** to have the term "beach nourishment" struck and
21 replaced by "beach enhancement" under policy 11PP-12.

22 **Commissioner Deshmane seconded.**

23 Commissioner McClendon noted that it needed to be replaced in Item B as well.
24 Commissioners reached consensus to change it throughout the document.

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 Commissioner Lund recommended adding "sustainable" after "flexible" and
28 Commissioners showed consensus.

29 **Timestamp: 3:19:39**

30 Mr. Strong shared recommended amendments from a joint letter sent from RE
31 Sources, Futurewise, and the Washington Environmental Council. He noted that staff is
32 fine with the proposed changes to Policy 11AA-5 but recommended using "should"
33 rather than "shall" in the proposed language.

34 **Timestamp: 3:23:02**

35 **Commissioner Deshmane moved** to accept the language proposed by RE Sources
36 with the changing of "shall" to "should" in 11AA-5.

37 **Commissioner McClendon seconded.**

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5

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

3 Mr. Strong introduced the other changes recommended in the joint letter.
4 Commissioners discussed the recommendations.

5 **Timestamp: 3:36:22**

6 Commissioner Lund asked if Eddy Ury could incorporate commissioner comments and
7 come back with a revised policy proposal for the language in 11AA-8.

8 **Timestamp: 3:38:16**

9 **Commissioner Deshmane moved** to strike the language and ask staff, working with
10 various groups including RE Sources, to replace it with something implementable.

11 Commissioner Mocer pointed out that since the language has not yet been included, it
12 therefore does not yet exist. The motion died.

13 **Timestamp: 3:46:02**

14 **Commissioner Deshmane moved** to adopt the language from RE Sources for 10D
15 but include the language "ecological functions and ecosystem-wide processes."

16 **Commissioner Maberry seconded.**

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

20 There was consensus to hold Exhibit C – Chapter 8 until the next meeting.

21 **Adjournment**

22 **Timestamp: 3:51:06**

23 **Commissioner Deshmane moved** to adjourn.

24 **Commissioner McClendon seconded.**

25 **Vote: (Ayes-9; Nays-0; Abstain-0)**

26 The meeting was adjourned at 10:22 PM

27 Minutes prepared by Tammy Axlund.

28 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

29
30
31
32
33

Kelvin Barton, Chair

Tammy Axlund, Secretary