



RECORD OF PROCEEDINGS OF THE WHATCOM COUNTY PLANNING COMMISSION NOVEMBER 13, 2025

Public Hearing and Work Session

1

1 **Call to Order**

2 The meeting was called to order by Whatcom County Planning Commission Chair,
3 Kelvin Barton at 6:00.

4 **Roll Call**

5 **Present:** Kelvin Barton, Rud Browne, Jim Hansen, Nicholas Greif, Daniel Dunne,
6 Dominic Moceri, Scott Van Dalen

7 **Absent:** Suneeta Eisenberg, Julie Jefferson

8 **Staff Present:** Mark Personius, Kelly Chamberlain, and Aileen Kogut-Aguon

9 **Department Update**

10 Mark Personius, Director of Planning and Development Services (PDS), provided a
11 schedule update for the Commission:

- 12 • November 20th – Continued City/County UGA proposals - Everson, Lynden,
13 Sumas, Cherry Point
- 14 • A week off for the Thanksgiving holiday
- 15 • December 4th – Birch Bay and Blaine UGA Proposals, Chapter 2: Land Use and
16 Chapter 3: Housing

17 Commissioner Dunne and Commissioner Moceri expressed worry about multiple
18 chapters being presented with Birch Bay and Blaine in one meeting.

19 Commissioner Moceri suggested moving the hearing for Chapter 3 to another date. The
20 Chapter 3: Housing hearing will be moved to the special meeting on Tuesday
21 December 16th.

22 **Open Session Public Comment**

23 There was no public comment.

24 **Commissioner Comments**

25 Commissioner Greif asked why is Nooksack back on the docket.

26 Mr. Personius stated that it is on the rollover list as the Commission requested
27 additional information.

28 Commissioner Hansen commented that he attended the Nooksack Salmon Summit. He
29 noted the projects, ongoing and completed, using natural solutions and along with
30 community partners.

31 Commissioner Browne commented about last week's discussion on the Bellingham UGA
32 and affordable housing, suggesting pushing back against Bellingham's proposal
33 because there is no tax mechanism to collect the funds needed for their plan.

34 **Approval of Meeting Minutes**

35 **Timestamp: 6:14p**

36 **1 Commissioner Browne moved to approve the meeting minutes from October 23,**
37 **2025.**

38 **Commissioner Dunne seconded.**



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2

1 **Roll Call Vote: Ayes- Browne, Dunne, Greif, Hansen, Moceri, Van Dalen, Barton**
2 **(Ayes- 7; Nays- 0; Abstain- 0). The motion carried.**

3 **2Commissioner Browne moved to approve the meeting minutes from October 30,**
4 **2025.**

5 **Commissioner Van Dalen seconded.**

6 **Roll Call Vote: Ayes- Browne, Dunne, Greif, Hansen, Moceri, Van Dalen, Barton**
7 **(Ayes- 7; Nays- 0; Abstain- 0). The motion carried.**

8 **2025 Comprehensive Plan Update – Chapter 10: Environment**
9 **Timestamp: 6:17p**

10 Mr. Personius provided an overview for the Comprehensive Plan Update - Chapter 10:
11 Environment, noting extensive review from various committees, consultants, Public
12 Works and PDS staff. Mr. Personius stated that the chapter had not been updated in
13 some time and the integration of the WRIA 1 salmon recovery plan goals was an
14 important addition for this Comprehensive Plan update.

15 **a) Public Hearing**

16 **Timestamp: 6:20p**

17 Kaia Hayes, Land and Policy Re Sources Manager, provided public comment.

18 **b) Work Session**

19 **Timestamp: 6:23p**

20 **3Commissioner Hansen moved to change every reference of "Property Rights" to**
21 **"Property Prerogatives".**

22 **There was no second. The Commission moved on.**

23 **Timestamp: 6:25p**

24 **4Commissioner Dunne moved to delete the 20 pages of voluminous introductions,**
25 **have staff incorporate the goals and policies into the other existing chapters, and**
26 **remove this chapter from the comp plan.**

27 **Commissioner Moceri seconded.**

28 Commissioner Van Dalen asked input from Mr. Personius.

29 Mr. Personius stated the chapter has existed since 1997. This is the most significant
30 update to this chapter in 20 years, mostly due to watershed management protection
31 and salmon protections. There are many individuals and organizations with input into
32 the chapter that would not appreciate their work disappearing.

33 Commissioner Browne expressed his opposition to the motion.

34 Commissioner Van Dalen stated that eliminating a lot of work that has gone into the
35 chapter would result in another delay where all that work would have to come back in
36 another form.

37 **Commissioner Dunne withdrew the motion.**

38 **Timestamp: 6:36p**



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3

1 **5Commissioner Dunne moved** to amend the first part of the *Introduction* paragraph
2 on page 10-1 to read:

3 "Each person in Whatcom County has a fundamental right to a healthful and safe
4 environment in which to live and grow. In addition, the Nooksack Tribe and Lummi
5 Nation have treaty rights that include taking fish, and hunting and gathering, at usual
6 and accustomed grounds. With these rights comes a responsibility to contribute to the
7 protection, conservation, and enhancement of our natural environment."

8 **Commissioner Browne seconded.**

9 Commissioner Hansen expressed his support of the grammar improvements but
10 disagrees with the phrasing of the change because of the original intent of the treaty
11 rights.

12 Commissioner Dunne clarified that the grammar changed is not in contradiction of the
13 treaty language.

14 **Roll Call Vote: Ayes- Greif, Hansen, Moceri, Van Dalen, Browne, Dunne, Barton**
15 **(Ayes- 7; Nays- 0; Abstain- 0). The motion carried.**

16 **Timestamp: 6:46p**

17 **6Commissioner Dunne moved** to remove newly introduced language from
18 *Introduction* (diminish the functions... ecological gain.) and revert to old language.

19 *It should read: "Essential to this is the establishment of safe development practices*
20 *and patterns that do not significantly disrupt ecosystems and that ensure the*
21 *continuation of ample amounts of clean water, natural areas, farmlands, forest lands,*
22 *and fish and wildlife habitat."*

23 **Commissioner Moceri seconded.**

24 Commissioner Hansen stated the concept of net ecological gain was in the Council's
25 resolution for amending the Comp Plan. No net loss has resulted in guaranteed net loss
26 over time. The only way to reverse this is to require net gain to therefore actually end
27 up with no net loss.

28 Commissioner Browne agreed with Commissioner Hansen that people should be
29 seeking net ecological gain. State law indicates we only need to avoid net loss. There
30 are no incentives as the code is not written to support net gain.

31 **Roll Call Vote: Ayes- Moceri, Van Dalen, Browne, Dunne, Greif, Barton**

32 **Nays- Hansen**

33 **(Ayes- 6; Nays- 1; Abstain- 0). The motion carried.**

34 **Timestamp: 6:56p**

35 **7Commissioner Dunne moved** to remove "and restoring" from the *Purpose* section
36 on page 10-1.

37 **Commissioner Moceri seconded.**



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4

1 Commissioner Hansen stated that things cannot stay the way they are, we have to
2 work actively on restoration or else we will continue to lose the benefits of the
3 environment. Restoring is an important concept.

4 Commissioner Browne stated that the burden of restoration falls on those without
5 houses. The burden needs to be more fairly distributed.

6 **Roll Call Vote: Ayes-Moceri, Van Dalen, Browne, Dunne, Greif, Barton**

7 **Nays-Hansen**

8 **(Ayes- 6; Nays- 1; Abstain- 0). The motion carried.**

9 **Timestamp: 7:00p**

10 **8Commissioner Dunne moved to amend the first sentence in the GMA**
11 Requirements section on page 10-2 to read:

12 *"In designating and protecting critical areas under this chapter, RCW 36.70A.172*
13 *requires that counties and cities shall include the best available science in*
14 *developing policies and development regulations to protect the functions and*
15 *values of critical areas. In addition, counties and cities shall give special*
16 *consideration to conservation or protection measures necessary to preserve or*
17 *enhance anadromous fisheries."*

18 **Commissioner Moceri seconded.**

19 Commissioner Hansen commented that the GMA indicates protections for more
20 environmental aspects than just the language cited directly in the RCW so the
21 language should not be changed to be more restrictive.

22 Commission Chair Barton asked Commissioner Hansen if the section feels like it
23 introduces one subject and then changes midway to another subject.

24 Commissioner Dunne provided clarification on where he sited the RCW language and
25 how it ties to his motion.

26 **Roll Call Vote: Ayes- Van Dalen, Browne, Dunne, Greif, Hansen, Moceri, Barton**

27 **(Ayes- 7; Nays- 0; Abstain- 0). The motion carried.**

28 **Timestamp: 7:06p**

29 **9Commissioner Dunne moved to revert language in the last paragraph on page 10-**
30 **3, from "All" to "Many".**

31 **Commissioner Moceri seconded.**

32 Commissioner Dunne's rationale is that "All" indicates every stream, every lake, every
33 river has fish when that is not the case. Streams without water, do not have fish.

34 **Roll Call Vote: Ayes- Moceri, Van Dalen, Browne, Dunne, Greif, Barton**

35 **Nays- Hansen**

36 **(Ayes- 6; Nays- 1; Abstain- 0). The motion carried.**

37 **Timestamp: 7:12p**



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Public Hearing and Work Session

5

1 **10***Commissioner Dunne moved to revert to original language in Policy 10A-3.*

2 **There was no second. The Commission moved on.**

3 **Timestamp: 7:14p**

4 **11***Commissioner Dunne moved to have staff revise language; combining duplicated
5 subjects on page 10-12 through page 10-18.*

6 **Commissioner Moceri seconded.**

7 **Roll Call Vote: Ayes- Moceri, Van Dalen, Browne, Dunne, Greif, Hansen, Barton
8 (Ayes- 7; Nays- 0; Abstain- 0). The motion carried.**

9 **Timestamp: 7:24p**

10 **12***Commissioner Dunne moved to amend policy 10E-4 and change the last
11 sentence to say, "Incorporate future climate scenarios using best available science
12 into evaluation of hazard."*

13 **Commissioner Moceri seconded.**

14 **Roll Call Vote: Ayes- Dunne, Greif, Hansen, Moceri, Van Dalen, Browne, Barton
15 (Ayes- 7; Nays- 0; Abstain- 0). The motion carried.**

16 **Timestamp: 7:28p**

17 **13***Commissioner Dunne moved to amend 10E-9 to say "from natural hazards".*

18 **Commissioner Moceri seconded.**

19 Commissioner Hansen commented that development that does not impact natural
20 systems are important and different than impacts to natural hazards. It addresses both
21 concerns.

22 Commissioner Dunne stated the context of this policy is surrounded by other policies
23 regarding natural hazards and feels misplaced.

24 **Roll Call Vote: Ayes- Dunne, Moceri, Van Dalen, Browne, Barton**

25 **Nays- Greif, Hansen**

26 **(Ayes- 5; Nays- 2; Abstain- 0). The motion carried.**

27 **Timestamp: 7:32p**

28 **14***Commissioner Dunne moved to amend 10F-5 and add after "goals" at the end of
29 the policy: "while supporting the construction of new housing throughout the county."*

30 **Commissioner Greif seconded.**

31 Commissioner Hansen stated that instream and out-of-stream uses indicates housing
32 throughout the County so the addition is not necessary. We also do not want to imply
33 that we are encouraging growth throughout the County when we really want to focus
34 the growth in particular places.

35 **Roll Call Vote: Ayes- Greif, Van Dalen, Browne, Dunne, Barton**

36 **Nays- Hansen, Moceri**



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6

1 **(Ayes- 4; Nays- 2; Abstain- 0). The motion carried.**

2 **Timestamp: 7:41p**

3 **15Commissioner Dunne moved** to amend policy 10H-10 and add, "...and fish and
4 wildlife habitats, while supporting the construction of new housing throughout the
5 County."

6 **There was no second. The Commission moved on.**

7 **Timestamp: 7:43**

8 **16Commissioner Dunne moved** to remove Policy 10I-5.

9 **Commissioner Moceri seconded.**

10 Commissioner Browne stated that it could run into privacy issues encouraging
11 publishing of private data.

12 Commissioner Greif stated that the top 20 users in LA County were not only published
13 for public knowledge but also fined for a name-and-shame type campaign to
14 encourage conservation.

15 Commissioner Hansen stated the background to this policy is in Agriculture areas and
16 its use instead of water associations. Many properties withdrawing from rivers and
17 wells do not have any gauges to determine how much volume they are using;
18 metering high volume users is especially relevant right now during water adjudication.

19 Mr. Personius stated that the policy was recommended by the WRIA 1 Planning Unit
20 primarily as a push for metering in the future so we know how much water is being
21 used.

22 Commissioner Van Dalen commented on the water users and adjudication, being sued
23 by the Department of Ecology.

24 **Roll Call Vote: Ayes- Moceri, Van Dalen, Dunne, Barton**

25 **Nays- Hansen, Greif**

26 **Abstain- Browne (Ayes- 4; Nays- 2; Abstain- 1). The motion carried.**

27 **Timestamp: 7:51p**

28 **17Commissioner Dunne moved** to revert back to the original language in policy
29 10K-5 and add "Support and incentivize voluntary..."

30 **Commissioner Moceri seconded.**

31 **Roll Call Vote: Ayes- Moceri, Van Dalen, Browne, Dunne, Greif, Hansen, Barton**

32 **(Ayes- 7; Nays- 0; Abstain- 0). The motion carried.**

33 **Timestamp: 8:03p**

34 **18Commissioner Browne moved** to introduce a new policy 10A-7 (not to replace,
35 but to come before existing 10A-7).

36 Commissioner Browne stated that "Best Available Science (BAS)" is often cited as a
37 reason for something (a denial) but the "Best Available Science" cannot be produced.



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7

1 Mr. Personius stated there are WACs in place, but it is up to the jurisdictions to
2 determine the sources of BAS.

3 **There was no second. The Commission moved on.**

4 **Timestamp: 8:20p**

5 **19***Commissioner Browne moved to introduce a new policy 10B-9:*

6 *Avoid delays and uncertainty caused by the imposition of environmental policies,
7 conditions or requirements that are not specifically required by the WCC and state and
8 federal law.*

9 **Commissioner Barton seconded.**

10 Commissioner Browne's rationale is that if it is not in code, it does not apply.

11 Mr. Personius gave an example where that logic does not apply such as the State
12 Environmental Policy Act (SEPA). It is a state law that is not defined in WCC.

13 Commissioner Browne added to the policy to include "state and federal law."

14 **Roll Call Vote: Ayes- Browne, Dunne, Moceri, Van Dalen, Barton**

15 **Nays- Greif**

16 **Abstain- Hansen (Ayes- 5; Nays- 1; Abstain- 1). The motion carried.**

17 **Timestamp: 8:27p**

18 **20***Commissioner Browne moved to introduce policy 10B-10:*

19 *Encourage net ecological gain through non-taxpayer funded incentives such as
20 regulatory flexibility provided in proportion to the degree the project exceeds the
21 minimum protective or mitigation requirements of the WCC.*

22 **Commissioner Van Dalen seconded.**

23 **Roll Call Vote: Ayes- Dunne, Greif, Hansen, Moceri, Van Dalen, Browne, Barton**

24 **(Ayes- 7; Nays- 0; Abstain- 0). The motion carried.**

25 **Timestamp: 8:30p**

26 **21***Commissioner Browne moved to amend 10C-2 to read:*

27 *"When adopting new environmental protection programs, consider multiple economic
28 parameters including development objectives (particularly the critical need for
29 housing), impacts, and the economic benefits of the natural environment as a
30 resource, an amenity, and a Treaty protected resource."*

31 **Commissioner Dunne seconded.**

32 **Roll Call Vote: Ayes- Greif, Hansen, Van Dalen, Browne, Dunne, Barton**

33 **Abstain- Moceri**

34 **(Ayes- 6; Nays- 0; Abstain- 1). The motion carried.**

35 **Timestamp: 8:40p**



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8

1 **22Commissioner Browne moved to add a new policy 10C-6:**

2 *Ensure that environmental permitting and development decisions by the County are*
3 *not applied in a way that discourages, delay or prevents housing construction*
4 *consistent with RCW 36.70A.020(4). "To plan for and accommodate housing affordable*
5 *to all economic segments of the population of this state, promote a variety of*
6 *residential densities and housing types, and encourage preservation of existing*
7 *housing stock."*

8 **Commissioner Dunne seconded.**

9 **Roll Call Vote: Ayes- Hansen, Van Dalen, Browne, Dunne, Greif**

10 **Abstain- Moceri, Barton (Ayes- 5; Nays- 0; Abstain- 2). The motion carried.**

11 **Timestamp: 8:53p**

12 **23Commissioner Browne moved to restore and revise policy 10K-3 to read:**

13 *Develop incentives for protection of environmentally fragile areas or critical plant and*
14 *wildlife habitats as well as habitats that provide connectivity (corridors). Emphasize the*
15 *use of flexibility in the application of the WCC, as consideration for conservation*
16 *easements and habitat restoration that generate a net ecological gain over taxpayer*
17 *funded purchase of development rights.*

18 **Commissioner Dunne seconded.**

19 The Commission debated on "flexibility" being the opposite of consistency, certainty,
20 and predictability.

21 **Roll Call Vote: Ayes- Browne, Barton**

22 **Nays- Hansen, Greif, Moceri, Van Dalen**

23 **Abstain- Dunne**

24 **(Ayes- 2; Nays- 4; Abstain- 1). The motion failed.**

25 **Timestamp: 9:02p**

26 **24Commissioner Moceri moved to adjourn.**

27 **Commissioner Dunne seconded.**

28 **The Commission was in consensus. The motion carried.**

29 **Timestamp: 9:03p**

30 **Adjournment**

31 **Timestamp: 9:03p**

32 The meeting was adjourned at 9:03p.m.

33 Minutes prepared by Aileen Kogut-Aguon.

34 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

35 Kelvin Whiting Seism Barton
36 Kelvin Barton, Chair


Aileen Kogut-Aguon, Secretary