



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
October 24, 2024**

Public Hearing and Work Session

1

Call to Order

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

Roll Call

Present: Kelvin Barton, Suneeta Eisenberg, Jim Hansen, Frank James, Dominic Mocer, Scott Van Dalen, Julie Jefferson, Stephen Jackson

Absent: Atul Deshmane

Staff Present: Steve Roberge, Alex Harris, Lauren Templeton, Lucas Clark and Aileen Kogut-Aguon

Department Update

Steve Roberge, Assistant Director of Planning and Development Services (PDS), The permit timeline changes for 5290 and Capital Improvement Plan went to the Planning Committee with Council, and will have a public hearing in November. The resolution for the Heavy Impact Industrial went to Council as well and will be considered. The Commission will have Population and Employment Projections scheduled in November and Land Capacity in December.

Commissioner Hansen encouraged staff to send the draft of the Comp Plan update as soon as possible.

Mr. Roberge responded that all the chapters for the Comp Plan have been divided into different advisory committees throughout the county in regard to subject matter, in order to do revisions in a timely manner. Not all revisions will go to Commission at once, but will be given chapter by chapter.

Commissioner Mocer asked Mr. Roberge who will be taking his place.

Mr. Roberge stated that Mark Personius will take over Planning Commission until there is a replacement.

Open Session Public Comment

There was no public comment.

Commissioner Comments

Commissioner Van Dalen acknowledged Mr. Roberge for all of his hard work throughout his time with the Commission.

Approval of Meeting Minutes

Timestamp: 6:40

1 Commissioner Jefferson moved to approve the meeting minutes from October 10th

Commissioner Eisenberg seconded.

Roll Call Vote: Ayes- Eisenberg, Van Dalen, James, Mocer, Hansen, Barton

Abstain- Jackson, Jefferson (Ayes-6; Nays-0; Abstain-2). The motion carried.



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Open Space Applications

Timestamp: 6:42

Alex Harris, Conservation Easement Planner, provided a presentation on what Open Space is and the different programs for Open Space. Mr. Harris then spoke on the process for applying for Open Space Program. There are site visits, and the property is scored according to the Public Benefit Rating (PBR) System. Mr. Harris then presented the four properties that applied and showed the properties that are not recommended for approval and two properties that are recommended for approval.

Commissioner James asked what are the primary differences between the agricultural land and the open space farm and agricultural conservation land.

Mr. Harris responded that the difference between the two designation is dependent on the criteria of the PBR system.

Commissioner Hansen asked what are the current number of acres that are actually under cultivation or readily available for cultivation.

Mr. Harris answered that in 2017 there were 130,000 acres of farmland in Whatcom County, but he has not seen the updated census to verify the current number.

a) Public Hearing and Work Session Regarding Open Space Applications

Timestamp: 7:20

There was no public comment.

Commissioner Chair Barton suggested going through each property individually.

Commissioner Jackson stated that the Commission in the past have adopted staff's recommendation based on the scores of the property.

Timestamp: 7:22

2Commissioner Jackson moved to follow staff recommendation to not approve the Fisher Property OSP2024-00001.

Commissioner Jefferson seconded.

Roll Call Vote: Ayes- Mocerri, Jackson, Jefferson, Van Dalen, James, Eisenberg, Hansen, Barton

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

Timestamp: 7:30

3Commissioner Hansen moved to recommend approval to the RJ Group OSP2024-00003

Commissioner Jefferson seconded.

Commissioner Jefferson asked what would be the turn-around for the property owners to reapply for the program before needing to pay back taxes.

Lauren Templeton, Conservation Easement Planner responded that the applicant can apply for the program again, but would still have to pay the back taxes to enroll in the open space agricultural program.



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Commissioner Hansen stated that as a member of the Forest Resilience Task Force, the forested lands plays an important function in both in recharging our aquifers and regulating climate.

Commissioner Eisenberg echoed Commissioner Hansen's concerns about deforestation and what it would do to the climate and the land if excess trees get cut down.

Commissioner James asked if the application is rejected, would there be any reassurance that the trees won't get cut down.

Mr. Harris responded that the regardless if the application does not get approved, the land would still be subject to follow the building regulations administered by PDS and forest practices administered by the Department of Natural Resources.

Roll Call Vote: Ayes- Hansen

Nays- Jackson, Jefferson, James, Mocer, Van Dalen, Barton

Abstain- Eisenberg (Ayes- 1; Nays- 6; Abstain-1). The motion fails.

Timestamp: 7:37

4Commissioner Hansen moved to accept staff's recommendation to approve the Nachreiner application OSP2024-00004

Commissioner Jefferson seconded.

Roll Call Vote: Ayes- Van Dalen, Jackson, Jefferson, James, Mocer, Hansen, Eisenberg, Barton

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

Timestamp: 7:39

5Commissioner Jackson moved to adopt the recommendation from staff to approve the Greenbaum application OSP2024-00005

Commissioner Jefferson seconded.

Roll Call Vote: Ayes- Eisenberg, Hansen, Jackson, Jefferson, James, Mocer, Van Dalen, Barton

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

Timestamp: 7:41

6Commissioner Mocer moved to accept staff's recommendation to not approve the RJ Group application OSP2024-00003.

Commissioner Van Dalen seconded.

Roll Call Vote: Ayes- Van Dalen, Jackson, Jefferson, James, Mocer, Eisenberg, Barton

Nays- Hansen

(Ayes- 7; Nays- 1; Abstain- 0). The motion carried.

Timestamp: 7:43



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Lummi Height

Timestamp: 7:43

Lucas Clark, PDS Long Range Planner I, provided a presentation about the proposed code change for PLN2024-00004: Lummi Height review. Lummi Island has its own zoning designation which is Rural Residential Island or RRI. The proposed code changes would be to add an extra foot of building height when within 100ft of the shoreline or up to 25ft maximum. Outside of the 100 ft shoreline area, it would allow buildings up to 30ft and then rural maximum building height would also be moved up to 30ft, which is similar to Eliza Island and some other areas of the county. In addition, the proposed code would add one foot of setback per foot of height in excess of 25ft. This would add a fire flow requirement to respond to the language in the Subarea plan about fire insurance ratings.

Commissioner Jefferson asked if this code change would matter if the property was within the flood zone.

Mr. Clark stated that the flood zone would not make a difference to the total height except in very tiny specific circumstances.

b) Public Hearing and Work Session Regarding Lummi Height

Timestamp: 7:50

There was no public comment.

Commissioner Chair Barton asked about the firefighting capabilities on the island and if there would be limitations to it with the proposed height change.

Mr. Clark responded the fire district was notified about the potential height change and it has not been changed since 1979.

Timestamp: 8:00

7Commissioner Mocerri moved to approve the proposed code changes with the findings of fact

Commissioner Jackson seconded.

Commissioner Jefferson asked if there was any information from the fire districts regarding these proposed code changes and if the fire department has the capacity to take this new change on or if they are volunteers.

Mr. Clark responded that they are volunteers.

Commissioner Mocerri reiterated that because of the proposed 25ft height, the building would have to have fire flow or sprinkler system due to the fire districts limitations.

Roll Call Vote: Ayes- Hansen, Jackson, Jefferson, James, Mocerri, Van Dalen, Eisenberg, Barton

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

Unfinished Business

Timestamp: 8:02



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1 Commissioner Chair Barton spoke on the attendance issue that was brought up at the
2 last meeting. He requested that staff ~~spoke on~~ creating an informal document that
3 reiterates the importance of the Commission, along with guidelines of the Commission
4 that can be beneficial for incoming Commissioners. Commissioner Chair Barton then
5 suggested there be a section in the document stating how business is conducted for
6 the Commission, using Robert's Rules of Law, differing from a round table style of
7 business other committees follow.

8 Commissioner Chair Barton requests that staff create a document that refers to the
9 importance of the Commission and how to conduct a meeting, make motions, and
10 have discussions.

11 Commissioner James stated that he agrees with having the document about the
12 Robert's Rules of Order.

13 **Adjournment**

14 **Timestamp: 8:07**

15 The meeting was adjourned at 8:10 p.m.

16 Minutes prepared by Aileen Kogut-Aguon.

17 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

18 _____
19 Kelvin Barton, Chair

Aileen Kogut-Aguon, Secretary