



## WHATCOM COUNTY PLANNING COMMISSION

5280 Northwest Drive  
Bellingham WA 98226

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### AGENDA February 10, 2022

The Whatcom County Planning Commission will hold a **virtual\*** meeting at 6:30 p.m., with staff located at the Northwest Annex Conference Room, 5280 Northwest Drive, Bellingham.

- Call to Order
- Roll Call
- Flag Salute
- Department Update
- Open Session for Public Comment
- Commissioner Comments
- Approval of Minutes of January 13, 2022
- Annual Business Meeting
  - Election of Officers
  - Review of Business Rules
  - Other Comments or Concerns
- PDS and Planning Commission Roles and Responsibilities
- Unfinished Business
- Adjournment

**\* This is a virtual meeting only.**

**Physical attendance is not permitted due to COVID-19 restrictions.**

**NOTE:** For information on how to watch and participate in the meeting in real time, please visit the following web page: [Participate in Virtual Planning Commission Meeting](#)

*Individuals who require special assistance to participate in the meetings are asked to contact "PDS\_Planning\_Commission@co.whatcom.wa.us" at least 96 hours in advance.*

#### Upcoming Meeting Topics

- Transfer of Development Rights - Receiving Area LA Robertson
- County Wide Planning Policies
- Forest Practices Transfer of Jurisdiction
- Cottage Industry

#### Pending Items Commissioners would like to address

*Code related implications of climate modeling*

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**For more information please contact Tammy Axlund at (360)778-5935 or  
PDS\_Planning\_Commission@co.whatcom.wa.us  
5280 Northwest Drive, Bellingham WA 98226**



**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 13, 2022**

Public Hearing 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 6:34 p.m.

4 **Roll Call**

5 **Present:** Robert Bartel, Kelvin Barton, Atul Deshmane, Stephen Jackson, Dominic  
6 Mocerri, Jon Maberry

7 **Absent:** Jim Hansen, Kimberley Lund

8 **Staff Present:** Cliff Strong, Mark Personius, Steve Roberge, Amy Keenan, and  
9 Tammy Axlund

10 **Department Update**

11 Mark Personius, Director of Planning and Development Services (PDS), introduced PDS  
12 Assistant Director, Steve Roberge, and provided information regarding Mr. Roberge's  
13 experience. He then provided updates on the legislative items before Council, briefly  
14 outlined the Planning Commission schedule, noting that the January 27<sup>th</sup> meeting will  
15 likely be cancelled because additional time is required for the Wireless Code  
16 Amendments which were scheduled for that date. In the near future, Steve will be  
17 taking over for Mark at the Planning Commission meetings.

18 Terms on the Planning Commission are ending for Natalie McClendon and Jon Maberry.  
19 Director Personius thanked the departing commissioners for their time, efforts, and  
20 diligence. A certificate of appreciation has been mailed to each of them.

21 **Commissioner Comments**

22 Commissioners communicated their appreciation for the service of Commissioner  
23 McClendon and Commissioner Maberry. They, in turn, expressed their thanks.

24 **Timestamp: 31:25**

25 **Commissioner Deshmane moved** to propose the following resolution of appreciation  
26 for Commissioner McClendon: *The Whatcom County Planning Commission would like to*  
27 *express its appreciation for Natalie McClendon and her many years of service to the*  
28 *community and in particular to the Planning Commission. Natalie exemplifies informed*  
29 *public participation and respect for her colleagues in the community. We appreciate*  
30 *you, Natalie.*

31 **Commissioner Jackson seconded.**

32 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Jackson, Maberry, Mocerri;**  
33 **(Ayes-6; Nays-0; Abstain-0). The motion carried.**

34 **Open Session Public Comment**

35 Natalie McClendon provided public comment.

36 **Approval of Meeting Minutes**

37 **Timestamp: 41:41**



**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 13, 2022**

Public Hearing and Work Session

2

1 **Commissioner Bartel moved** to approve the meeting minutes from November 18,  
2 2021.

3 **Commissioner Deshmane seconded.**

4 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Jackson; Abstain- Maberry,**  
5 **Moceri; (Ayes-4; Nays-0; Abstain-2). The motion carried.**

6 **Proposed Amendments to Whatcom County Code**

7 **Timestamp: 52:47**

8 Cliff Strong, Planning and Development Services (PDS) Senior Planner, announced that  
9 the County Council approved the Planning Commission's Shoreline Management Plan  
10 (SMP) update recommendations. The SMP update has been forwarded on to the  
11 Department of Ecology for their final review.

12 He announced that PDS and Public Works have jointly applied for a grant for a  
13 compound flooding / sea level rise risk and vulnerability study. Meetings on this have  
14 begun.

15 Mr. Strong introduced and discussed the proposed miscellaneous Code amendments to  
16 Whatcom County Code titles 20 and 22. Mr. Strong and Amy Keenan, PDS Senior  
17 Planner, answered commissioners' questions.

18 **a) Public Hearing and Regarding Proposed Amendments to Whatcom County**  
19 **Code**

20 **Timestamp: 1:09:38**

21 There were no attendees at the public hearing.

22 **b) Work Session: Proposed Amendments to Whatcom County Code**

23 **Timestamp: 1:10:15**

24 **Commissioner Deshmane moved** to adopt the proposed changes along with the  
25 associated findings of fact.

26 **Commissioner Jackson seconded.**

27 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Jackson, Maberry, Moceri;**  
28 **(Ayes-6; Nays-0; Abstain-0). The motion carried.**

29 **Adjournment**

30 The meeting was adjourned at 7:45 p.m.

31 Minutes prepared by Tammy Axlund.

32 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

33 \_\_\_\_\_  
34 Kelvin Barton, Chair

\_\_\_\_\_   
Tammy Axlund, Secretary

**BUSINESS RULES  
PLANNING COMMISSION OF WHATCOM COUNTY, WASHINGTON**

The Planning Commission of Whatcom County, Washington, being constituted by resolution of the Board of County Commissioners, adopted February 21, 1961, pursuant to Chapter 36.70, *Revised Code of Washington*, does hereby adopt the following rules for the transaction of its business:

**1. NAME**

The official name is "Whatcom County Planning Commission," hereinafter referred to as the "Commission" or the "Planning Commission"

**2. OFFICERS - ELECTION**

The elective officers of the Commission consist of a Chair and Vice-Chair. The Planning and Development Services Coordinator will act as Secretary to the Commission.

The officers are elected at the annual meeting in February and immediately take office for a term of one year, or until their successors are elected. Nominations are from the floor. Officers shall be selected by a majority of the commissioners present.

In the event of a vacancy in the office of Chair, the Vice-Chair automatically succeeds to the chair. A vacancy occurring in the office of Vice-Chair, for any reason including succession, is filled by election of a replacement to serve for the un-expired portion of the term. A vacancy in the officers automatically occurs upon the third consecutive absence of an officer from the regular monthly meetings without leave from the Commission, or upon a motion for removal being carried by a majority of the total membership.

An acting Chair may be elected by the members present, to serve during the absence of the officers from any meeting.

**3. OFFICERS - DUTIES**

The Chair is the chief executive of the Commission and has all the powers and duties usually incidental to such office and is responsible to appoint committees and to conduct the business of the Commission between regular meetings. The Chair shall retain the full right and responsibility of participating in all deliberations and voting thereon, maintaining the right to abstain from voting for good and sufficient reason; however, the Chair does not have the right of casting an additional deciding vote.

The Vice-Chair assumes the responsibilities of the Chair in his/her absence or disability.

The Secretary is responsible for keeping a public record of all transactions, findings, and determinations of the Commission. It is his/her duty to prepare with the chair's concurrence, the agenda of each meeting; provide notice of meetings to the members; arrange proper and legal notice of hearings; attend to the correspondence of the Commission and to such other duties as are normally carried out by a Secretary.

**4. MEETINGS**

The established regular meeting times and places are affirmed location for regular meetings will stand unless reassigned by majority vote of all members at the annual meeting, with the exception of the following situations. A regular meeting which falls on

~~a legal holiday is ordinarily held on the next Thursday, which is not a holiday. If the business at a regular meeting cannot be completed, the Commission may designate a special meeting date for a continuation or may hold the business over to the next regular meeting.~~ Work sessions and public hearings are held at the Planning Offices or in the County Council Chambers. However, the Commission or Planning staff may substitute another day, time, or place for the meeting. ~~A regular meeting which falls on a legal holiday is ordinarily held on the next day which is not a holiday. If the business at a regular meeting cannot be completed, the Commission may designate a special meeting date for a continuation or may hold the business over to the next regular meeting.~~

Commented [TA1]: This is not to be deleted, but moved up in the paragraph

Special meetings may be called by formal action of the Commission by order of the Chair, or in his/her absence by the Vice-Chair; or by written request of three members of the Commission.

The annual meeting of the Commission is the first regular meeting in February.

All meetings and hearings shall be open to the public.

#### 5. ATTENDANCE

It is the duty of the Secretary to advise the Chair upon the fourth consecutive absence of any member from the scheduled meetings without leave from the Commission. Upon receipt of such advice, the Commission shall consider a recommendation to the County Council for replacement of that member.

#### 6. QUORUM - VOTING

A majority of the entire membership constitutes a quorum for the conducting of regular business (attendance of five members).

An affirmative vote of five members is required for transaction of business when nine members are present and a simple majority when attendance is fewer; provided that, statutory requirements for a larger majority on comprehensive plan and official controls shall be complied with, namely an affirmative five votes.

If allowed by law, roll call votes may be waived by consensus of the Commission. A roll call vote is required on matters which require a public hearing and on matters referred by the County Council. Also, a roll call vote shall be required upon request of any member.

At any meeting where there is less than a quorum, the members present shall have authority to establish a date for an adjourned meeting.

#### 7. CONFLICT OF INTEREST AND APPEARANCE OF FAIRNESS

In addition to complying with State law, the following guidelines shall be followed:

A member experiencing a conflict of interest shall abstain from voting on the matter, keep out of any deliberations on the matter, and leave any chamber in which such deliberations are to take place. He/she shall not discuss the matter privately with any fellow officials. The reasons for his/her abstention from voting, for good and sufficient reasons, shall be announced to the Commission upon call of any members.

In the interest of avoiding bias, or appearance of bias, an individual Commission member should use discretion in discussing with the applicant for a specific land use, or others interested in the application, any request before the Commission on which he/she will vote. In any discussion with the applicant, or other interested party, of a land use request to be heard by the Commission, an individual member should avoid committing

to any specific course of action regarding the outcome of the hearing. However, answering questions relating to time, place, and commission procedures and policies would be permissible.

If a Commission member personally receives written information from a citizen or group regarding an upcoming agenda item, they shall immediately mail, fax or in some other manner deliver that item, or a complete copy thereof, to the Planning and Development Services Department for inclusion into the record of public testimony.

## 8. ORDER OF BUSINESS

The regular order of business is as follows:

- |                                    |                          |
|------------------------------------|--------------------------|
| a) Call to Order                   | i) Public Hearings       |
| b) Roll Call                       | j) Petitions from Public |
| c) Determination of Quorum         | k) Unfinished Business   |
| d) Flag Salute                     | l) Committee Reports     |
| e) Department Update               | m) New Business          |
| f) Open Session for Public Comment | n) Staff Reports         |
| g) Commissioner Comments           | o) Adjournment           |
| h) Disposition of Minutes          |                          |

## 9. OPEN SESSION FOR PUBLIC COMMENT

The Open Session for Public Comment provides an opportunity for any member of the public to speak to the Planning Commission for three minutes on any topic, except:

- Items that are scheduled on the agenda for a public hearing that same day.
- Items that have had a public hearing and are still under deliberation by the Planning Commission.

The time limit of 3 minutes may be extended to 5 minutes at discretion of Chair.

During virtual meetings, a 3 minute timer will be displayed on screen. When the onscreen timer is not available, the person speaking will be notified when they have 30 seconds left to speak.

## 10. ORDER OF BUSINESS - HEARING AND WORK SESSION PROCEDURE

All hearings are to be open to the public and shall meet legal requirements as to publication, posting, timing, and number of public notices. Hearing procedures shall be generally as follows:

- a. Chair makes a statement about hearing before the Commission, opening the hearing; thus, all that occurs after this point will be part of the official public record.
- b. Chair polls Commissioners to determine conflict of interest.
- c. The Planning and Development Services Director or his/her designee shall present a summary introduction (staff report) of the factual background of the subject for the information of the members. This presentation shall be limited to 15 minutes, which includes rebuttal time.
- d. After the staff report, the Chair, at his/her discretion, may invite the proponent of a land use application, or their designee, to make a brief

presentation regarding their application. This presentation shall be limited to 15 minutes, which includes rebuttal time.

e. Chair ~~to~~outlines rules for the presentation of public testimony, including:

I. At the Chair's discretion, the following shall be requested of each testifier:

- i. Is testimony fact or opinion?
- ii. Is the testimony in written form which can be provided to the Commission? Can the speaker provide a concise overview of the written version in order to save hearing time?
- iii. If the testimony to be presented has been given by someone else and the speaker agrees with the previous speaker, please so state that agreement and yield the floor to the next speaker.

II. At the Chair's discretion, or when requested by a majority of the members present, speakers shall be allowed no more than 3 minutes to make their points. Exceptions shall be for the proponents to make a 15 minute initial presentation and the opponents an equal amount of time if there is an organized opposition. The Chair at his/her discretion, may poll the attending public to determine if there is a generally agreed upon "opposition spokesperson". If so, the spokesperson will be allowed 15 minutes to make their presentation. After the attending public who have preregistered or used the sign-~~u~~-up sheet have spoken, the Chair may also, at his/her discretion, poll the remaining public to estimate the number of persons who also wish to speak. This poll may result in a more restrictive time limit for the remaining speakers. Commissioners may pose questions, through the Chair, at the close of each presentation. The Commissioners shall limit their questions to clarification of factual testimony given, while refraining from arguing with the public, expressing Commissioner opinion before the close of the hearing, or asking questions of a personal nature with no explanation as to their relevance to the matters at hand. After all public testimony is received, the Chair will call upon staff, the proponent and finally the opponent to respond or rebut the testimony that was given (rebuttal only, no new testimony). Each of these responses will be limited to 3 minutes if time was reserved for rebuttal.

III. The Chair will recognize the approach, at any time, of the Commission's legal counsel to comment on legal or procedural issues, without the above limitations.

IV. The ideal Commission hearing will proceed as follows:

|                             |                                    |
|-----------------------------|------------------------------------|
| Staff Presentation          | 15 Minutes                         |
| Proponent Presentation      | 15 Minutes                         |
| Opposition Spokesperson     | 15 Minutes (optional)              |
| Public Testimony            | 3 Minutes <u>(each)</u>            |
| Staff Response/Rebuttal     | 3 Minutes (if previously reserved) |
| Proponent Response/Rebuttal | 3 Minutes (if previously reserved) |
| Opposition Spokesperson     | 3 Minutes (if previously reserved) |

The Chair will communicate with Planning Staff at the start of each hearing and announce the assignment of timekeeping duties to a staff

member.

- V. Members of the public (audience) shall not cat call or intimidate or show group support for any speaker or speaker's position as it could tend to limit valuable input by others. Time limitation is intended to allow all persons an opportunity to be heard and make their points and for the hearing to be completed in a timely manner.
  - VI. The Chair shall ask speakers to keep to the current subject.
  - VII. The person speaking will be notified when they have 30 seconds left to speak.
- f. The Hearing will then be closed by the Chair who will indicate to the public the procedure to be followed by the Planning Commission. In no case shall a decision be reached by the Commission before a hearing is closed. If for any reason, a hearing cannot be completed at a single session, the adoption of a motion to continue the ~~H~~hearing to another time shall be deemed sufficient legal notice to all parties who may be affected.
  - g. Following the close of the ~~H~~hearing, the Commission may seek to discuss the testimony of the ~~H~~hearing through work sessions. Such work sessions that do not follow immediately at the close of the Hearing shall have public notice as required by law.
  - h. During work sessions, input from the public shall only be allowed in response to direct questions from Commission members. New testimony is not to be received. The Chair should ensure that each member has the opportunity to state his/her opinions at least once before the discussion is closed.
  - i. A work session is completed with either a vote on a particular motion regarding the matter at hand, or a majority vote for the continuation of the subject to another meeting. A motion for continuation should include a time and date ~~certain~~ for discussion of the subject.
  - j. At the discretion of the Commission, if ~~they it is~~ determined that there is high interest in an issue and therefore a hearing is expected to have high attendance, ~~they may decide to use the following is~~ alternative may be used instead of to using a sign up sheet for speakers:
    - I. No more than one-half hour before the announced start of the meeting in which the hearing will be held, the Commission shall make available random numbers that may be drawn by members of the public who wish to speak at the hearing.
    - II. The method of random numbers shall be slips of paper numbered 1-100, or similar method.
    - III. Individuals may only draw one number, but may freely trade or give away their number to someone else.
    - IV. The public will be called in number order to speak at the hearing.
    - V. Speakers will also print their name on a speaker list when they approach the podium to speak, for a record of speakers' names for the minutes.
    - VI. Once all speakers with numbers who wish to speak have spoken, the chair may allow additional people to speak-

## **11. REPORTING TO THE WHATCOM COUNTY COUNCIL**

- a. The Planning and Development Services Director, or his/her designee, shall report the majority-voted recommendations of the Planning Commission to the County Council or appropriate Council Committee.
- b. It is assumed that the Planning Commission meeting minutes, as well as the recorded findings of fact, will sufficiently speak for the Commission's recommendations to the County Council. A Planning Commission member may volunteer to represent the Commission in front of the County Council or a Council Committee regarding a particular matter for clarification of the Commission's deliberations; however, the Commission member must first inform the Commission Chair as to his/her intention to be a Commission representative, and the reason they wish to fulfill that role. The Commission Chair may then approve such representation.
- c. Any Commission member voting in the minority on an issue may write a "Minority Opinion", labeled as such, to be included in the documentation going to the County Council for their deliberations on the Planning Commission recommendation. The correspondence should be in the form of a letter to the Council, and may be signed by those voting in the minority. This effort may only be expended by individual members without the assistance of the Planning and Development Services staff.
- d. Any Commission member may address the County Council on any issue. The Commission member must state clearly whether he/she is speaking as a citizen or speaking to reflect the majority or minority opinion of the ~~Whatcom County~~ Planning Commission on the issue before Council.

## **12. MINUTES AND RECORDS**

- a. Actions of the Commission requiring written execution, such as formal resolutions, may be drawn up by the Secretary after the action has been taken; and the signatures of the Chairman and Secretary shall be sufficient to validate such resolutions or document.
- b. Minutes shall contain a complete record of motions, resolutions, findings of fact, and other determinations of the Commission; and shall also contain the usual details of time, place, type of meeting, members and officers present, speakers and their addresses, records or roll call votes and other information deemed appropriate. Minutes shall be signed by the Secretary when prepared and validated by the signature of the Chair after approval by the Commission.
- c. Maps, reports and other documents constituting an integral part of the minutes may be identified by reference, provided such exhibits are properly numbered and filed for the public record.
- d. The Secretary is responsible for sending each member a copy of the minutes in a timely manner with ensuing agenda.

## **13. NOTICE - AGENDA**

It is the duty of the Secretary to mail or deliver a copy of the agenda to each member on or before the Thursday preceding the regular meeting day. Notice of the time, place, and agenda for continued or special meetings shall be given as far as possible in advance, provided that notice by telephone shall suffice in the event

of an emergency.

Matters which require a public hearing, or which in the opinion of the Secretary require design study or referral to other agencies or departments shall not be placed on the agenda after the first Tuesday of the month in which the matter is to be considered.

**14. STAFF**

Where provided for by the budget, the County Executive, with approval from the County Council, shall appoint a Director of Planning and Development Services to serve in a professional capacity as its technical advisor and administrative officer. The Director of Planning and Development Services shall have authority to appoint and remove such employees as are necessary to perform the duties assigned to him/her and to incur necessary expenses within the limitations of the budget. The Planning and Development Services Coordinator will act as Secretary to the Commission.

**15. PARLIAMENTARY PROCEDURE**

Matters of procedure shall be governed by applicable County and State statutes and these rules, or *Roberts Rules of Order*. The Commission has an obligation to be as clear and simple in its procedure as possible, and therefore, may avoid the finer points of parliamentary rules.

The Commission may, at its discretion, elect a parliamentarian by majority vote on a yearly basis. The parliamentarian would advise the Commission about correct procedure at appropriate times.

**16. AMENDMENT**

These rules may be amended by majority vote during the Business Meeting. They may also be amended at any regular meeting with four days written notice.

**RE-ADOPTED WITH ALL AMENDMENTS CONSOLIDATED TO DATE**

Adopted this ~~14th-10th~~ day of February ~~2021~~2022

|                            |  |
|----------------------------|--|
| 1 _____<br>Robert Bartel   | 6 _____<br><del>Julie Jefferson</del> <u>Kimberley Lund</u>  |
| 2 _____<br>Kelvin Barton   | 7 _____<br><u>Kimberley Lund</u> <del>Jon Maberry</del>      |
| 3 _____<br>Atul Deshmane   | 8 _____<br><u>Dominic Mocer</u> <del>Natalie McClendon</del> |
| 4 _____<br>Jim Hansen      | 9 _____<br><u>Scott VanDalen</u> <del>Dominic Mocer</del>    |
| 5 _____<br>Stephen Jackson |  |

**MEMBERS OF THE WHATCOM COUNTY PLANNING COMMISSION**