



WHATCOM COUNTY PLANNING COMMISSION

5280 Northwest Drive
Bellingham WA 98226

AGENDA August 22nd, 2024

The Whatcom County Planning Commission will hold a **hybrid** meeting at 6:30 p.m., with the option to attend remotely or in person at 5280 Northwest Drive, Bellingham.

- Call to Order
- Roll Call
- Flag Salute
- Department Update
- Open Session for Public Comment
- Commissioner Comments
- Approval of Minutes of: August 8th, 2024
- Meeting Topic
 - *Heavy Impact Industrial (HII) in an Urban Growth Area PLN2024-00007- Resolution (recommendation)& Work Session*
- Unfinished Business
- Adjournment

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.

There are nine members on the Whatcom County Planning Commission. If you will be giving written information to the Commissioners, please give a copy to the Coordinator for our office files.

*For more information please contact Aileen Kogut-Aguon 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
August 8th, 2024**

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 6:31pm.

4 **Roll Call**

5 **Present:** Kelvin Barton, Suneeta Eisenberg, Atul Deshmane, Jim Hansen, Scott Van
6 Dalen, Dominic Mocerì

7 Frank James arrived at 6:47p

8 **Absent:** Julie Jefferson, Stephen Jackson

9 **Staff Present:** Steve Roberge, Cliff Strong, Lucas Clark and Aileen Kogut-Aguon

10 **Department Update**

11 Steve Roberge, Assistant Director of Planning and Development Services (PDS),
12 provided information about the meeting minutes for July 25th. He reiterated the
13 importance of responding to RSVP for the Planning Commission meetings.

14 Commissioner Deshmane requested that staff resend the business rules to the
15 Commissioners via email in regards to attendance and the rules on absences.

16 Mr. Roberge continued the update with listing upcoming meetings such as 5290 and
17 the land capacity analysis methodology for the Comp Plan update.

18 **Open Session Public Comment**

19 Don Chapman, Lisa Adam, Brian Sarni, Dan Tucker from the Working Waterfront
20 Coalition, and Rob Fix, executive director of Port of Bellingham, provided public
21 comment.

22 **Commissioner Comments**

23 Commissioner Deshmane asked Executive Director for the Port of Bellingham, Rob Fix,
24 what these amendments being proposed for the HII will do in terms of attracting new
25 businesses as economic development falls under the port's responsibility.

26 **Approval of Meeting Minutes**

27 **Timestamp: 37:12**

28 **1 Commissioner Eisenberg moved** to approve the meeting minutes from June 13th,
29 2024

30 **Commissioner Hansen seconded.**

31 **Roll Call Vote: Ayes-** Mocerì, Van Dalen, Eisenberg, Deshmane, Hansen, Barton
32 **Abstain-** James (Ayes-6; Nays-0; Abstain-1). The motion carried.

33 **2 Commissioner Eisenberg moved** to approve the meeting minutes from July 25th,
34 2024.

35 **Commissioner Hansen seconded.**

36 **Roll Call Vote: Ayes-** Mocerì, Eisenberg, Deshmane, Hansen



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
August 8th, 2024**

Public Hearing and Work Session

2

1 **Abstain- James, Van Dalen, Barton (Ayes-4; Nays-0; Abstain-3). The motion**
2 **carried.**

3 **Code Scrub Public Hearing**

4 **Timestamp: 44:53**

5 Lucas Clark, PDS Planner, provided a recap on the code scrub in the LII zone from the
6 previous work session, and explaining changes to Issue 4 from his last presentation.
7 These were adding "Single-Family Attached" as a permitted use in the Urban -
8 Residential Medium Density district and adding a note to the setback table in
9 20.80.210 acknowledging a 0-foot setback in the UR, URM, and UR-MX districts.

10 Commissioner Mocerri asked what the change was from last presentation to now and
11 Mr. Clark reiterated them.

12 **Code Scrub Work Session**

13 **Timestamp: 44:55**

14 There was no public comment.

15 **Timestamp: 45:59**

16 **3Commissioner Mocerri moved** to approve the changes in Exhibit A and Finding of
17 *facts, including the new changes presented tonight.*

18 **Commissioner Deshmane seconded.**

19 **Roll Call Vote: Ayes- Deshmane, Hansen, James, Mocerri, Van Dalen,**
20 **Eisenberg, Barton**

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

22 **Heavy Impact Industrial Work Session**

23 **Timestamp: 47:21**

24 Cliff Strong, PDS Senior Planner, provided a recap of what Council has asked the
25 Planning Commission to review for the Heavy Impact Industrial (HII) in the Bellingham
26 UGA. Mr. Strong mentioned the previous work sessions with the Planning Commission,
27 along with their request to Council for addition direction and/or a moratorium. Mr.
28 Strong informed them that Council has considered a moratorium, but has rejected it so
29 far, but has left it open as an option. In regards to additional direction from Council,
30 Mr. Strong provided a list of uses that Council would like the Commission to consider
31 prohibiting, and a list of uses to continue to be allowed within the Bellingham UGA. The
32 goal for the work session is to review and discuss what Council has provided, and to
33 set a public hearing date for the proposed amendments.

34 Commissioner Deshmane reiterated his previous question during open public session to
35 Rob Fix, about the impact these code amendments would have on attracting and
36 supporting new business and innovative ideas to address issues around energy
37 security and sustainability.

38 Rob Fix responded to Commissioner Deshmane by stating that the code changes would
39 make it hard to recruit businesses if these changes were to be in place. Mr. Fix agrees



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
August 8th, 2024**

1 there should be restrictions on certain uses within the UGA that do not conform to the
2 zoning in that area. He stated that the Port of Bellingham wants to create certainty in
3 zoning to attract businesses long-term and not have changes to the zone be created
4 on the fly.

5 Commissioner Hansen stated that in amending the code as proposed, the zone will no
6 longer really be a heavy industrial zone. Mr. Hansen continued that these code
7 amendments should be done within the context of the comprehensive plan, and not
8 something the Commission comes up within a few meetings. It sends the wrong
9 message to businesses and constituents when we just change things willy-nilly. Mr.
10 Hansen is inclined to support a moratorium on new permit applications in the HII until
11 the zoning updates are changed within the Comprehensive Plan.

12 Commissioner Eisenberg stated that she agrees with Commissioner Hansen. This area
13 is historically a black/brown neighborhood and is on the University of Washington's
14 Health Disparities Map. We need to look at it through an environmental justice/climate
15 action/racial equity lens through the Comp Plan update process.

16 Commissioner Mocerri asked Brian Sarni, area resident, to speak. Mr. Sarni stated that
17 residents are only asking that there be "no more bad stuff" when it comes to industry
18 coming into the HII. Residents want businesses that are safe for the environment and
19 not have carcinogenic toxins in that area. Mr. Sarni continued by stating that
20 "environmental justice" is what residents want in regards to any new business that
21 applies within the Bellingham UGA zone.

22 Commissioner Deshmane stated this is a golden opportunity to develop a vision for the
23 UGA and HII area, to be a collaboration between the community, those responsible for
24 economic development, and PDS as part of the comprehensive plan process.

25 Commissioner Mocerri agreed with Commissioner Hansen's proposal to pass a
26 resolution asking Council for a moratorium in lieu of this current proposal.

27 Commissioner Eisenberg asked when the next Council meeting is, in order to have the
28 resolution brought to their attention. Steve Roberge responded, September.
29 Recommended not creating a resolution here tonight, but that staff could draft one and
30 bring it back to the Commission. Mr. Strong said that he would use the recording of
31 the Commission's discussion to help create the resolution.

32 Commissioner Hansen asked if it would make sense to have a moratorium, but have it
33 only applied to the upland portions of the Bellingham UGA, excluding the Mount Baker
34 Plywood area from it.

35 Commissioner Mocerri stated that the commission has the option to decline council's
36 recommendation and move forward with a hearing to deny the amendments.

37 Mr. Roberge reiterated Council's 2-phase strategy, and their direction to the
38 Commission.

39 There was much discussion on how this parallels the Council's request to the Planning
40 Commission regarding the petroleum industries in Cherry Point, and how difficult and
41 long of a process that was to get it right.



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
August 8th, 2024**

Public Hearing and Work Session

4

1 **Timestamp: 35:48p**

2 **4Commissioner Hansen moved** to request staff prepare a resolution for the
3 *Planning Commission to Council on enacting a moratorium for all new use permits in*
4 *the Bellingham UGA HII area, with an option of excluding the waterfront HII from the*
5 *moratorium.*

6 **Commissioner James seconded.**

7 Commissioner Deshmane asked if this resolution would be for staff to draft and bring
8 back to the Commission since Council has already rejected the idea of a moratorium.
9 The resolution would be to have a subsequent meeting where staff takes all of the
10 considerations from and the commission, and have the opportunity to explain to
11 Council why they should reconsider the moratorium.

12 Commissioner Mocerri stated this issue should be resolved during the Comprehensive
13 Plan update.

14 **Timestamp: 43:08p**

15 **Roll Call Vote: Ayes - Deshmane, James, Eisenberg, Mocerri, Hansen, Van**
16 **Dalen, Barton**

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

18 **Timestamp: 8:14p**

19 **Adjournment**

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

21 Minutes prepared by Aileen Kogut-Aguon.

22 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

23 _____
24 Kelvin Barton, Chair

_____ Aileen Kogut-Aguon, Secretary

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

Memorandum

DATE: August 13, 2024
TO: Planning Commission
FROM: Cliff Strong, Senior Planner
THROUGH: Steve Roberge, Assistant Director
RE: Review of uses allowed in the Heavy Impact Industrial District within Urban Growth Areas (PLN2024-00007)

At your last meeting the Commission made a motion:

to request staff prepare a resolution for the Planning Commission to Council on enacting a moratorium for all new use permits in the Bellingham UGA HII area, with an option of excluding the waterfront HII from the moratorium.

After discussion, the motion maker clarified that, "The specific intent is to not change the zoning code outside of the CompPlan process."

Attached for your consideration is that draft resolution, based on the conversation you held and the motion you made.

RESOLUTION NO. 2024-01

**RESOLUTION OF THE WHATCOM COUNTY PLANNING COMMISSION REGARDING DOCKET
ITEM PLN2024-00007: REVIEW OF USES ALLOWED IN THE HEAVY IMPACT INDUSTRIAL
DISTRICT WITHIN MUNICIPAL URBAN GROWTH AREAS**

WHEREAS, the County Council placed on its annual docket item PLN2024-00007; and,

WHEREAS, the Planning Commission has fully considered the Council’s directive, guidance, and clarifications, including possible uses to preclude in a Heavy Impact Industrial District in a municipal Urban Growth Area; and,

WHEREAS, the Planning Commission is concerned that such significant changes to the allowed uses would essentially change the zoning designation; and,

WHEREAS, the Planning Commission seeks to provide a stable business environment; and

WHEREAS, the Planning Commission is unable to provide a recommendation on an interim measure without a more comprehensive analysis and review in collaboration with the appropriate stakeholders as part of the comprehensive plan process; and

WHEREAS, the Planning Commission hereby adopts the following findings of fact:

FINDINGS OF FACT

1. Docket item PLN2024-00007 instructs Planning and Development Services (PDS) and the Planning Commission to “Amend Whatcom County Code Chapter 20.68 and other relevant sections of Title 20 to define appropriate industrial uses and conditions for industrial uses in Heavy Impact Industrial (HII) Districts within a city's designated urban growth area.”
2. Planning and Development Services prepared several options for the Planning Commission to consider and reviewed them with the Commission in work sessions on May 23, June 13, July 25, and August 8, 2024.
3. At their July 25th meeting, the Planning Commission asked for more guidance and clarification from the Council.
4. In responding, Council provided two lists, one of potential uses to exclude, and one a list of uses that would remain permissible were the excluded list be adopted. They then moved “that Planning and Development Services Department use this included and excluded list as a starting point for working with the Planning Commission on advancing a Phase 1 code changes discussion.” This response was provided to the Commission at their August 8th work session.
5. The Planning Commission received numerous public comments from citizens and businesses of the Alderwood neighborhood, the Port of Bellingham, and interest groups (both pro and con) in each of their work sessions, and deliberated on several proposed amendments provided by PDS; and,
6. On August 22, 2024, the Planning Commission voted - - to approve this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Planning Commission that:

Section 1. The Planning Commission is not able to offer a recommendation on amendments to WCC Chapter 20.68 that affect allowed uses in the Heavy Impact Industrial district in a municipal Urban

Growth Area at this time. Rather, changes to zoning in this area are recommended to be made through the 2025 Comprehensive Plan Periodic Update in a more comprehensive manner, engaging all stakeholders, including the citizens and businesses of the Alderwood neighborhood, the City of Bellingham, the Port of Bellingham, interest groups, and any other interested parties.

Section 2. In the interim, a targeted moratorium, potentially excluding the waterfront HII properties, could be considered. The moratorium should be carefully crafted so as not to affect existing businesses in the area.

ADOPTED this 22nd day of August, 2024.

WHATCOM COUNTY PLANNING COMMISSION
WHATCOM COUNTY, WASHINGTON

ATTEST:

Aileen Kogut-Aguon, Planning Commission Clerk

Kelvin Barton, Planning Commission Chair