

**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
October 24, 2019**

Work Session

1

1 **Call to Order**

2 The virtual meeting was called to order by Whatcom County Planning Commission
3 Chair Kelvin Barton, in the Whatcom County Council Chambers at 6:31 p.m.

4 **Roll Call**

5 **Present:** Kelvin Barton, Robert Bartel, Atul Deshmane, Gary Honcoop, Stephen
6 Jackson, Kimberley Lund, Dominic Mocerri, Jon Maberry, Natalie McClendon

7 **Staff Present:** Matt Aamot, Mark Personius, Royce Buckingham, Ashley Ubil

8 **Commissioner Comments**

9 Commissioner Mocerri visited the PetroGas facility for a facility visit. He stated that the
10 SEPA for the Green Apple project has been noticed and was sent to the
11 Commissioners. There is a section in the documents that specifically outlines the
12 permits that they are required to get, and shows a good example of the process.

13 Commissioner Honcoop reported that PetroGas reached out to him regarding the
14 facility tour.

15 Commissioner Barton disclosed that he attended the PetroGas facility tour and donated
16 materials to RE Sources. Multiple Commissioners also attended the industry meeting
17 with Planning and Development Services (PDS) earlier in the week. At the last Planning
18 Commission meeting, Commissioners indicated they wanted to discuss rules for the
19 next public hearing and a better way to run larger hearings.

20 Commissioner McClendon stated that at the initial Town Hall meeting, a large number
21 of people showed up extremely early to sign up, which caused people that showed up
22 closer to the start of the meeting to not sign up because would not have a chance to
23 speak until very late in the night. She proposed having two signup sheets, a pro and a
24 con, so speakers can self-select where they fit or select either one if neutral. By
25 alternating between the lists, public comment would no longer be subject to which side
26 gets their supporters signed up the earliest.

27 Commissioner discussed suggestions to resolve this issue.

28 **Timestamp: 24:50**

29 **Commissioner Honcoop moved** to address the topic of public hearing rules at the
30 next organizational business meeting.

31 **Commissioner Jackson seconded.**

32 **The motion carried. (Ayes-9; Nays-0; Abstain-0)**

33 **Timestamp: 26:25**

34 **Department Update**

35 PDS Director, Mark Personius provided an update about the meeting with industry
36 representatives, which was primarily about existing greenhouse gas (GHG) rules and
37 regulations. He said industry representatives suggested that PDS staff and the

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1 Planning Commission invite the Department of Ecology (DOE) to speak to the
2 Commission about oil spill contingency planning, which is a component of the proposed
3 regulations in terms of the proposed SEPA worksheet, risk analysis, and the insurance
4 provisions in the code. The DOE has been invited to attend the meeting on November
5 14th, but has not yet confirmed.

6 The County Council's proposed amendments can be placed into four different
7 categories:

- 8 • Zoning and permitting
- 9 • GHG rules and regulations addressed in the SEPA section and in the proposed
10 zoning code changes
- 11 • Insurance provisions
- 12 • SEPA policies

13 Once the Commission provides guidance on these four issues, staff can develop a
14 recommendation that the Commission is comfortable with and we can schedule a
15 public hearing. The Commission could recommend that Council seek additional legal
16 counsel for amendments with legal implications.

17 Personius then discussed the schedule for upcoming meeting dates.

18 **Public Comment**

19 The Commission does not take public comment during a work session.

20 **Timestamp: 34:12**

21 **Work Session**

22 **File #PLN2018-00009: Whatcom County Comprehensive Plan and County**
23 **Code proposed amendments primarily relating to fossil fuel and renewable**
24 **fuel refineries, storage, transshipment facilities, piers, and other related**
25 **facilities in industrial zones, including but not limited to industrial zones**
26 **within the Cherry Point Urban Growth Area.**

27 Jim Verberg, from British Petroleum (BP) presented a slideshow, which was compiled
28 by various people and meant to be informative rather than editorial. (Records of the
29 slideshow are available on the Planning Commission materials website and hard copies
30 can be requested through PDS.) The agenda is to discuss the current regulatory
31 framework for GHGs to build a common understanding of the process in regards to
32 petroleum refineries.

33 The Commission held a question and answer session with the presenter.

34 **Timestamp: 1:26:38**

35 Matt Aamot asked the commission to look at some broad issues before dealing with the
36 detailed issues in the memo because answers to some of the broad questions could
37 render the details moot. He ask the Commission if expansions of existing refineries and
38 transshipment facilities should require a conditional use permit or be kept as a
39 permitted use, and he described the public process for both.

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1 **Timestamp: 1:30:56**

2 Commissioner Deshmane read a proposal in answer to the five questions in the staff
3 memo in the agenda packet.

4 **Commissioner Deshmane made a motion to adopt the proposal.**

5 Several Commissioners expressed a desire to review the memorandum questions and
6 policy questions individually rather than approve a motion at this time.

7 **Timestamp: 1:38:26**

8 **Commissioner Deshmane withdrew the motion.**

9 Commissioners continued discussion.

10 Staff expressed the need for clear guidance on what constitutes expansion vs. a new
11 facility.

12 **Timestamp: 2:10:40**

13 **Commissioner Deshmane moved to keep the Conditional Use Permit convention**
14 **with the understanding that later in the meeting the Commission would discuss what**
15 **constitutes change of use.**

16 **Commissioner Jackson seconded.**

17 Commissioners entered into debate.

18 **Timestamp: 2:19:42**

19 Commissioners voted to end debate.

20 **Timestamp: 2:20:17**

21 **Secretary Ubil restated the motion:** *To keep the Conditional Use Permit convention,*
22 *and once that is determined, determine what constitutes a change of use and what is*
23 *under the exemption list.*

24 **The motion carried. (Aye-5; Nay-4; Abstain-0)**

25 **Timestamp: 2:23:37**

26 **Commissioner Mocerri made a motion to remove the GHG from the zoning code and**
27 **leave it in SEPA and have further discussion on the changes to SEPA that have been**
28 **outlined.**

29 **Commissioner Lund seconded the motion.**

30 **Timestamp: 2:29:08**

31 Commissioners discussed a possible amendment to include a cap for the facility.

32 **Timestamp: 2:30:25**

33 **Commissioner Mocerri restated the motion:** *To remove the greenhouse gas*
34 *mitigation requirements from the zoning code, leave it in SEPA, and at a later date*
35 *review the changes that are proposed in this to SEPA.*

36 **The motion carried. (Aye-9; Nay-0; Abstain-0)**

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1 The Commissioners raised questions about insurance and indemnification. They will
2 submit indemnification questions to Royce Buckingham in writing and he will follow up
3 with a tort attorney.

4 Personius stated that there are also legal issues regarding insurance of the product,
5 who owns it, and who insures it in processing and during the different parts of the
6 transport process. Staff discussed this in the industry meeting and requested more
7 information on the industry perspective. We hope to have this by the November
8 meeting.

9 Commissioners discussed the possibility of adding special meetings in November and
10 December, but individual schedules were too busy.

11 **Timestamp: 2:56:41**

12 **Commissioner McClendon** *proposed Commissioners stay beyond 9:30 to give it*
13 *another hour and try to get through the questions that weren't in the package before*
14 *adjourning tonight.*

15 **Commissioner Deshmane seconded.**

16 **The motion failed. (Aye-3; Nay-6; Abtain-0)**

17 Commissioners agreed to start the 11/14 meeting at 6 p.m.

18 **Adjournment**

19 The meeting was adjourned at 9:34 p.m.

20 Minutes prepared by Tammy Axlund.

21 WHATCOM COUNTY PLANNING COMMISSION ATTEST:
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23
24
25

26 _____
Kelvin Barton, Chair

Tammy Axlund, Secretary