

**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
December 12, 2019**

Work Session

1

1 **Call to Order**

2 The meeting was called to order by Whatcom County Planning Commission Chair,
3 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, Jon Maberry, Natalie McClendon, Dominic Mocerì

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

8 **Timestamp: 03:42**

9 **Department Update**

10 PDS Director, Mark Personius commended the Planning Commission (PC) for all the
11 work they put into the Cherry Point amendments thus far. He announced that due to
12 staff scheduling conflicts, the January 2020 PC meetings would be held on the 16th
13 and 30th. He then proposed that after dealing with the last of the larger issues at this
14 meeting, staff would craft a "hearing ready" version for the January 16th meeting, so
15 the hearing could be held on January 30th.

16 Mr. Personius then discussed other business the Planning Department would be
17 bringing to the PC in 2020, including: a code update, Shoreline Management Plan
18 (SMP) update and shoreline code regulations, and open space amendment
19 applications.

20 **Timestamp: 07:05**

21 **Commissioner Comments**

22 Commissioner Barton did a tour of Phillips 66, talked with Andrew Gamble of Petrogas
23 about questions brought up at the November meeting, and spoke with Pam Brady from
24 BP about the meeting agenda. He related information regarding a misunderstanding
25 and encouraged commissioners follow the Open Public Meeting Act rules and to be kind
26 to one another.

27 Commissioner Deshmane had a conversation with Rud Browne, the Chair of the County
28 Council regarding speaking to the PC about insurance provisions.

29 Commissioner McClendon had meetings with Alex Ramel with Stand.earth, Eddy Ury
30 with RE Sources, and Tim Johnson with Phillips 66.

31 Commissioner Lund had a conversation with Eddy Ury with RE Sources. In the work
32 she does outside of this role she has occasion to liaison with Pam Brady. She stated
33 there is no conflict of interest. They have had several email conversations about the
34 work they do completely separate from the issues relating to the Cherry Point code
35 amendments.

36 **Timestamp: 12:50**

37 **Approval of Minutes of September 12, 2019**

38 Commissioner McClendon expressed concern that staff would characterize the position
39 of the commenters.

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1 Planning Coordinator, Ashley Ubil explained that the position of each person was
2 actually stated in the audio, and that full comments are available in the audio file
3 posted on the Planning Commission web page.

4 Commissioner Deshmane suggested adding a footnote to explain this characterization.
5 Commissioner McClendon agreed that it would address her concern.

6 **Timestamp: 16:21**

7 **Commissioner Deshmane moved** to approve the minutes from the September 12,
8 2019, Planning Commission meeting with the above changes.

9 **Commissioner Honcoop seconded the motion.**

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

11 **Unfinished Business**

12 Commissioners agreed by consensus to set a meeting end time of 9:30 p.m. and to
13 start the January 16, 2020, Planning Commission meeting at 6:30 p.m.

14 **Timestamp: 18:39**

15 Andrew Gamble, of Petrogas, presented information to correct misconceptions about
16 their business operations, which were provided at the end of the November 14, 2020,
17 meeting in a letter from Re Sources to the PC and presented by Eddy Ury of RE
18 Sources.

19 **Public Comment**

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

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 **Timestamp: 30:29**

28 Senior Planner, Matt Aamot provided an overview of the meeting materials and
29 decision points for the meeting.

30 **Timestamp: 58:46**

31 **Commissioner Lund moved** to accept staff recommendation of alternative B for the
32 list of outright permitted uses.

33 **Commissioner McClendon seconded the motion** adding a request to add a number
34 to replace the question marks on item 18.

35 **Commissioner Lund amended her motion** so that number 18 of outright permitted
36 uses is for storage tanks less than 60,000 gallons.

37 **Commissioner McClendon seconded the amendment to the motion.**

38 Commissioners entered into discussion.

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- 1 **The amended motion failed. (Aye-3; Nay-6; Abstain-0)**
- 2 **Timestamp: 1:31:36**
- 3 **Commissioner Deshmane moved** to amend the base resolution to accept the
4 *changes that staff made and read.*
- 5 **Commissioner Lund seconded the motion.**
- 6 **The motion carried. (Aye-9; Nay-0; Abstain-0)**
- 7 **Timestamp: 2:39:22**
- 8 Mr. Personius offered to send commissioners the Energy Facility Site Evaluation Council
9 (EFSEC) information, then work on defining expansion with a specific number.
- 10 Working off the chart provided by staff for the meeting, and page 16 of the agenda
11 packet, the following motions and amended motions were made.
- 12 **Timestamp: 2:42:39**
- 13 **Commissioner Deshmane made a motion** to prohibit new fossil fuel facilities, allow
14 *new renewable fuel facilities, and allow accessory building, maintenance and safety*
15 *upgrades, etc. as noted in the chart staff handed out.*
- 16 **Commissioner Mocerri seconded.**
- 17 **Commissioner Deshmane withdrew his motion in order to deal with the items**
18 **one at a time.**
- 19 **Commissioner Deshmane moved** that new fossil fuel facilities will be prohibited.
- 20 **Commissioner Mocerri seconded.**
- 21 **Timestamp: 2:50:32**
- 22 **The motion carried. (Aye-5; Nay-4; Abstain-0)**
- 23 Commissioners entered into debate.
- 24 **Timestamp: 2:50:55**
- 25 **Commissioner Deshmane moved** that all new renewable fuel facilities will be
26 *permitted.*
- 27 **Commissioner Mocerri seconded.**
- 28 **Commissioner Deshmane revised his motion** to keep the conditional use
29 *requirements for new and existing facilities as laid out in 600, 601, 606, and 607.*
- 30 **Commissioner McClendon seconded.**
- 31 **Timestamp: 3:03:42**
- 32 **Commissioner Honcoop moved to amend the motion** so that new renewable fuel
33 *refineries or renewable fuel transshipment facilities would be a permitted use.*
- 34 **Commissioner Mocerri seconded.**
- 35 **The motion to amend carried. (Aye-9; Nay-0; Abstain-0)**

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1 **Ms. Ubil read the motion with the amendment** that new renewable fuel facilities
2 and transshipment facilities be permitted uses.

3 **The new motion with amendment carried. (Aye-9; Nay-0; Abstain-0)**

4 **Timestamp: 3:07:37**

5 **Commissioner Lund moved** that Council request Cascadia Law Group to propose
6 alternative change of use language that's both practical for County staff to implement
7 and consistently interpret and meets Council's intent.

8 **Commissioner Deshmane seconded the motion.**

9 Commissioners discussed the issue.

10 **The motion was withdrawn by consensus.**

11 **Adjournment**

12 The meeting was adjourned at 9:39 p.m.

13 Minutes prepared by Tammy Axlund.

14 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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Kelvin Barton, Chair

Tammy Axlund, Secretary