

**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
February 27, 2020**

Annual Business Meeting and 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 6:30 p.m.

4 **Roll Call**

5 **Present:** Robert Bartel, Kelvin Barton, Atul Deshmane, Jim Hansen, Stephen Jackson,
6 Kimberley Lund, Jon Maberry, Natalie McClendon, Dominic Mocerì

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

8 **Department Update**

9 Mark Personius, Director of Planning and Development Services (PDS), reported that
10 he would meet Friday with the Green Apple Project proponents and the County
11 Executive, to discuss where that project can go. He then reviewed the evening agenda
12 and welcomed the new Planning Commissioner, Jim Hansen.

13 Mr. Personius advised that the meeting agendas for the year are scheduled out with
14 items that need Planning Commission review.

15 **Commissioner Comments**

16 Commissioner Barton introduced Jim Hansen, the newest Planning Commissioner.

17 Commissioner Hansen thanked the other members for their service on the Commission
18 and stated that he feels it is his civic duty to pitch in and help out.

19 Commissioner Lund expressed a desire for the Planning Commission to continue to
20 consider input and counsel from Eddy Ury of RE Sources, despite negative references
21 to his organization, which were made in a recent County Council meeting.

22 Commissioner Jackson agreed with Commissioner Lund and expressed his gratitude for
23 mutual toleration amongst members of the Planning Commission.

24 Commissioner Maberry disclosed that he met with Jeff Chalfant over the last four
25 weeks.

26 **Open Session Public Comment**

27 There was no public comment.

28 **Annual Business Meeting**

29 **Election of Chairperson and Vice-Chairperson**

30 **Timestamp: 7:51**

31 **Commissioner Jackson nominated** Commissioner Barton for Chair.

32 **Commissioner Maberry seconded.**

33 **Commissioner Barton nominated** Commissioner Lund for Vice Chair.

34 **Commissioner Jackson seconded.**

35 There were no other nominees. Commissioner Barton will continue as Chair, and
36 Commissioner Lund will continue as Vice-Chair.

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1 **Review of Business Rules**

2 **Timestamp: 13.44**

3 **Commissioner McClendon moved** to accept the addition of section 10.j. to the
4 **Business Rules**

5 **Commissioner Deshmane seconded.**

6 Commissioners discussed this motion and by consensus, agreed to add the word
7 "freely" before "trade" in 10.j.III, and "also" before "print in 10.j.V.

8 **The motion carried. (Ayes-9; Nays-0; Abstain-0)¹**

9 Commissioners concurred that, once the Business Rules are approved, the adopted
10 date needs to be updated on the signature page.

11 **Timestamp: 31.43**

12 **Commissioners voted** to approve the Business Rules for 2020.

13 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
14 **Maberry, McClendon, Mocer; (Ayes-9; Nays-0; Abstain-0). The motion carried.**

15 **Work Session**

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

21 **Timestamp: 33:04**

22 Matt Aamot, Senior Planner in PDS, provided an overview of recommendations in the
23 staff memorandum.

24 Commissioners agreed to a meeting end time, and then put forth questions to staff
25 regarding the process for developing a SEPA Worksheet for Fossil and Renewable Fuel
26 Facilities.

27 **Timestamp: 53:57**

28 **Commissioner Deshmane moved** to add "Planning Commission review" to the
29 **amended SEPA checklist.**

30 **Commissioner Mocer seconded.**

31 Commissioners discussed and recommended clarifications to the motion.

32 **Timestamp: 57:45**

33 **Commissioner Deshmane withdrew his motion. Commissioner Mocer agreed.**

34 **Timestamp: 58:08**

35 **Commissioner Deshmane moved** to modify 16.08.090 line 12 add "in consultation
36 **with the Planning Commission" after "by the SEPA Responsible Official."**

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1 **The motion carried. Ayes-Bartel, Barton, Deshmane, Jackson, Lund,**
2 **McClendon, Mocer; Nays-Maberry; Abstain- Hansen; (Ayes 7; Nays-1;**
3 **Abstain-1)**

4 Commissioners discussed the SEPA worksheet and option of using an expert evaluator
5 until the SEPA worksheet is finalized.

6 **Timestamp: 1:19:22**

7 **Commissioner Hansen moved** to add "in accordance with 70.235.020 RCW" after
8 "by the SEPA Responsible Official" on line 12 of 16.08.090.

9 **Commissioner Deshmane seconded.**

10 Commissioners discussed the motion and where to add the verbiage.

11 **Timestamp: 1:27:50**

12 The Secretary reread the motion and indicated, line 12 would read: "The form of the
13 worksheet shall be prepared and updated as needed by the SEPA Responsible Official
14 in accordance with 70.235.020 RCW, and in consultation with the Planning
15 Commission".

16 **The motion failed. Ayes-Hansen, McClendon; Nays-Bartel, Barton, Jackson,**
17 **Maberry, Mocer; Abstain-Deshmane, Lund; (Ayes 2; Nays-5; Abstain-2)**

18 **Timestamp: 1:30:13**

19 **Commissioner Maberry moved** to revise 16.08.090 and strike out "treaty tribe" on
20 line 19.

21 **Commissioner Mocer seconded.**

22 Commissioners discussed the motion.

23 **Timestamp: 1:37:11**

24 **Commissioner Maberry moved to amend the motion** to also strike out
25 "commercial and treaty tribe"

26 **Commissioner Jackson seconded.**

27 **The amendment to the motion carried. (Ayes 6; Nays-2; Abstain-1)¹**

28 **The amended motion failed. (Ayes 4; Nays-4; Abstain-1)¹**

29 **Timestamp: 1:48:43**

30 **Commissioner Barton moved** to accept staff changes (in yellow) for Exhibit A.

31 **Commissioner Hansen seconded.**

32 **The motion carried. (Ayes-9; Nays-0; Abstain-0)¹**

33 **Timestamp: 1:54:16**

34 **Commissioner Mocer moved** to remove "Prosecuting Attorney and/or the" from
35 lines 49-52 of Policy 2CC-16, page 2, Exhibit A.

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1 **Commissioner Deshmane seconded.**

2 **The motion carried. (Ayes-9; Nays-0; Abstain-0)¹**

3 **Timestamp: 2:01:23**

4 **Commissioner Maberry moved** to amend Policy 2CC-17, remove "at levels" and add
5 *the following new policy paragraph:*

6 *Nothing in this chapter is intended to unnecessarily interfere with the ongoing*
7 *operation, maintenance, and repair of existing facilities, modifications designed to*
8 *comply with adoption and implementation of new product and fuel standards,*
9 *operational and site safety improvements, environmental improvements, and*
10 *regulatory compliance projects.*

11 **Commissioner Barton seconded.**

12 **Timestamp: 2:06:42**

13 **Commissioners expressed consensus to divide the motion into two parts.**

14 **After the split, the first motion reads** to Amend Policy 2CC-17, remove "at levels."

15 **The motion carried. (Ayes-9; Nays-0; Abstain-0)¹**

16 **Timestamp: 2:08:01**

17 **After the split, the second motion reads** to adopt new Policy 2CC-18: *Nothing in*
18 *this chapter is intended to unnecessarily interfere with the ongoing operation,*
19 *maintenance, and repair of existing facilities, modifications designed to comply with*
20 *adoption and implementation of new product and fuel standards, operational and site*
21 *safety improvements, environmental improvements, and regulatory compliance*
22 *projects.*

23 Commissioners invited representatives from the industry to speak to the issue, and
24 discussed rewording the paragraph

25 **Timestamp: 2:24:25**

26 **The motion failed. (Ayes 4; Nays-5; Abstain-0)¹**

27 **Timestamp: 2:24:43**

28 **Commissioner Jackson moved** to adopt new Policy 2CC-18: *This chapter is intended*
29 *to allow the ongoing operation, maintenance, and repair of existing facilities,*
30 *modifications designed to comply with adoption and implementation of new product*
31 *and fuel standards, operational and site safety improvements, environmental*
32 *improvements, and regulatory compliance projects.*

33 **Commissioner Lund seconded.**

34 **Commissioner McClendon moved to amend the motion** and take out "and fuel"
35 before "standards" to read "implementation of new product standards."

36 **Commissioner Deshmane seconded.**

37 Commissioners discussed the motion and invited legal input.

38 **Commissioner McClendon withdrew the motion to amend.**

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1 **Commissioners arrived at consensus to amend the motion** and add "standards"
2 after the word "product."

3 **The amended motion reads:** This chapter is intended to allow the ongoing
4 operation, maintenance, and repair of existing facilities, modifications designed to
5 comply with adoption and implementation of new product and fuel standards,
6 operational and site safety improvements, environmental improvements, and
7 regulatory compliance projects.

8 **The motion carried. (Ayes-9; Nays-0; Abstain-0)¹**

9 **Timestamp: 2:33:25**

10 **Commissioner Mocerri moved** to adopt Exhibit A.

11 Other Commissioners noted that they had more recommended changes to Exhibit A.

12 **Commissioner Mocerri withdrew the motion.**

13 Commissioners discussed which items they would like to discuss at the next meeting.
14 To expedite the process, the Planning Director requested that items be sent to the
15 Planning Commission Coordinator in time to go in the packet for the next meeting.

16 **Adjournment**

17 **Timestamp: 2:40:47**

18 The meeting was adjourned at 9:10 p.m.

19 Minutes prepared by Tammy Axlund.

20 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

21

22

23

24

25 _____
Kelvin Barton, Chair

_____ Tammy Axlund, Secretary

26

27 ¹A roll call vote was not taken unless indicated by roll call results.