

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 30, 2020**

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

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

8 **Department Update**

9 Planning and Development Services (PDS) Director, Mark Personius reported that the  
10 applicants for the Green Apple Renewable Fuels Facility project withdrew their  
11 application. Though it is a difficult regulatory environment for the industry, we have  
12 advised the industry that we are open to working with them.

13 Mr. Personius announced that this would be Commissioner Honcoop's last meeting and  
14 acknowledged his 8 years of contributions to the Planning Commission. He expressed  
15 appreciation for his insight and advice over the years on a wide range of planning  
16 issues. He then presented Commissioner Honcoop with a plaque.

17 **Commissioner Comments**

18 Commissioners communicated their appreciation for Commissioner Honcoop's service.  
19 Commissioner Honcoop expressed his thanks and urged commissioners to show  
20 restraint and consider how their decisions will impact the opportunities of their children  
21 and grandchildren.

22 Commissioner Bartel disclosed that he met with Eddy Ury of RE Sources.

23 Commissioner Maberry stated that he met with some representatives from BP including  
24 Jeff Chalfant.

25 **Open Session Public Comment**

26 There was no public comment.

27 **Work Session**

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

33 **Timestamp: 21:17**

34 Matt Aamot, Senior Planner, Planning and Development Services (PDS), provided a  
35 staff report, and presented the most recent version of the chart of recommended  
36 Cherry Point Amendments to date. He then provided a summary of the information  
37 from the staff memo and exhibits contained in the meeting agenda packet.

**RECORD OF PROCEEDINGS OF THE  
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January 30, 2020**

Work Session

2

1 **Timestamp: 34:47**

2 Royce Buckingham, from the Whatcom County Prosecutor's Office, addressed  
3 commissioners' questions regarding non-disclosure provisions.

4 **Timestamp: 38:37**

5 **Commissioner Honcoop moved** to accept the atmospheric distillation definition  
6 provided in the packet, excluding the last sentence, which is not a definition, but a  
7 statement about nondisclosure.

8 **Commissioner Deshmane seconded the motion.**

9 **The motion carried. (Aye-9, Nay-0, Abstain-0)<sup>1</sup>**

10 **Timestamp: 43:07**

11 The next two motions, plus the motion to amend, are in regards to 20.68.153:

12 **Commissioner Maberry moved** to remove the third bullet point "Cumulatively  
13 increases fossil fuel storage tank capacity of the facility by more than 200,000 barrels  
14 (or 8,400,000 gallons)."

15 **Commissioner Deshmane seconded the motion.**

16 **The motion failed. (Aye-3, Nay-6, Abstain-0)<sup>1</sup>**

17 **Timestamp: 1:01:23**

18 **Commissioner Maberry moved** to include language "for the transshipment of non-  
19 value-added fossil fuels" at the end of the third bullet point.

20 **Commissioner Honcoop seconded the motion.**

21 Commissioners discussed the need for a definition from industry for "non-value-added  
22 fossil fuels."

23 **Timestamp: 1:11:33**

24 **Commissioner Maberry moved to amend the motion** to "Cumulatively increases  
25 fossil fuel storage tank capacity of the facility by more than 200,000 barrels (or  
26 8,400,000 gallons) for the transshipment of fossil fuels outside of Whatcom County  
27 without value-added processing."

28 **Commissioner Honcoop seconded the amendment to the motion.**

29 **The motion carried. (Aye-8, Nay-1, Abstain-0)<sup>1</sup>**

30 **Timestamp: 1:17:37**

31 **Commissioner Mocerri moved** to remove line 592, (11) on page 16 of the packet,  
32 "Demonstration that the proposal will retain or add living-wage jobs or contribute to  
33 the Whatcom County economy."

34 **Commissioner Lund seconded the motion.**

35 **The motion carried. (Aye-8, Nay-1, Abstain-0)<sup>1</sup>**

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 30, 2020**

Work Session

3

1 **Timestamp: 1:23:27**

2 **Commissioner Deshmane moved** to keep the word "sources" in line 566.

3 **The motion failed for lack of a second.**

4 **Timestamp: 1:53:34**

5 The next motion, plus the motion to amend, is in regards to 20.68.153:

6 **Commissioner Maberry moved** to adopt a new bullet point "Cumulatively increases  
7 the maximum transshipment capacity of the facility by more than 10,000 barrels (or  
8 420,000 gallons) per day for the transshipment of fossil fuels outside of Whatcom  
9 County without value added processing."

10 **Commissioner Jackson seconded the motion.**

11 **The motion carried. (Aye-6, Nay-3, Abstain-0)<sup>1</sup>**

12 **Timestamp: 2:01:45**

13 **Commissioner Mocerri moved to amend the motion** to read "Cumulatively  
14 increases the maximum transshipment capacity of unrefined fossil fuels from the  
15 facility by more than 10,000 barrels (or 420,000 gallons) per day."

16 **Commissioner Lund seconded the motion to amend.**

17 Commissioners discussed the motion and invited input from industry representatives  
18 and Eddy Ury.

19 **Timestamp: 2:20:21**

20 **The motion carried. (Aye-9, Nay-0, Abstain-0)<sup>1</sup>**

21 **Timestamp: 2:24:110**

22 **Commissioner Maberry moved** to remove 20.74.110 Change of Use.

23 **Commissioner Honcoop seconded the motion.**

24 Commissioners discussed the motion and invited input from Eddy Ury, Royce  
25 Buckingham, and PDS staff.

26 **Timestamp: 2:44:49**

27 **The motion carried. (Aye-9, Nay-0, Abstain-0)<sup>1</sup>**

28 **Timestamp: 3:03:39**

29 **Commissioner Honcoop moved** to revise the opening statement of 20.68.068 to  
30 "Existing fossil-fuel refineries, fossil-fuel transshipment facilities, renewable fuel  
31 refineries, renewable fuel transshipment facilities, including piers and docks, uses  
32 including repairs, improvements, maintenance, modifications, remodeling, or other  
33 changes legally established as of [XXX effective date of ordinance], including but not  
34 limited to the following, provided that a conditional use permit is not required by WCC  
35 20.68.153:"

36 **Commissioner Barton seconded the motion.**

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Work Session

4

- 1 **After discussion Commissioner Honcoop moved** to amend his motion to insert  
2 "legally established as an effective date" after the word docks to read: "Existing fossil-  
3 fuel refineries, fossil-fuel transshipment facilities, renewable fuel refineries, renewable  
4 fuel transshipment facilities, piers and docks legally established as of [XXX effective  
5 date of ordinance], uses including: repairs, improvements, maintenance, modifications,  
6 remodeling, or other changes including but not limited to the following, provided that a  
7 conditional use permit is not required by WCC 20.68.153:"
- 8 **By consensus, the Commission accepted the amendment to the motion.**
- 9 Commissioners continued discussion.
- 10 **Timestamp: 3:22:10**
- 11 **The motion carried. (Aye-9, Nay-0, Abstain-0)<sup>1</sup>**
- 12 **Timestamp: 3:22:23**
- 13 **Commissioner McClendon moved to** remove "less than ??? gallons" from line 495,  
14 item 18, to read "(18) Storage tanks."
- 15 **Commissioner Barton seconded the motion.**
- 16 **The motion carried. (Aye-9, Nay-0, Abstain-0)<sup>1</sup>**
- 17 **Timestamp: 3:24.30**
- 18 **Commissioner Mocerri moved** to remove "piping, and booster pumps" from item 1  
19 on line 477 and have it read: "(1) Accessory buildings, structures, and processing  
20 equipment."
- 21 **Commissioner Barton seconded the motion.**
- 22 Commissioners invited legal counsel as to whether "accessory" is inclusive of  
23 appurtenant structures. The attorney advised it would be safest to include both words.  
24 The Commission reached consensus on adding "appurtenant".
- 25 **Commissioner Barton restated the motion for vote:** To remove "piping, and  
26 booster pumps" from item 1 on line 477 and have it read: "(1) Accessory and  
27 appurtenant buildings, structures, and processing equipment."
- 28 **The motion carried. (Aye-9, Nay-0, Abstain-0)<sup>1</sup>**
- 29 **Timestamp: 3:40:39**
- 30 **Commissioner Honcoop moved** to delete "in consultation with and taking into  
31 account the comments of the Whatcom County Climate Impact Advisory Committee  
32 and its members" from Exhibit B, lines 12-13 to read "The form of the worksheet shall  
33 be prepared and updated as needed by the SEPA Responsible Official."
- 34 **Commissioner Mocerri seconded the motion.**
- 35 Commissioners discussed the item and sought legal counsel. They requested staff  
36 come up with a process to update the County's SEPA "Worksheet for Fossil and  
37 Renewable Fuel Facilities."

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Work Session

5

1 **Timestamp: 4:08:03**

2 **The motion passed. (Aye-5, Nay-4, Abstain-0)<sup>1</sup>**

3 **Adjournment**

4 The meeting was adjourned at 10:40 p.m.

5 Minutes prepared by Tammy Axlund.

6 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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11 \_\_\_\_\_  
Kelvin Barton, Chair

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

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13 <sup>1</sup>A roll call vote was not taken unless indicated by roll call results.

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