

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

Town Hall Meeting

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 at 6:30 p.m.

4 **Roll Call**

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

7 **Staff Present**

8 Matt Aamot, Mark Personius, Ashley Ubil, Becky Boxx

9 Commissioner Barton briefed the audience to try to keep volume levels down to keep
10 all doors open.

11 **Commissioner Comments**

12 Commissioner Deshmane stated that he would like the public to think about carbon
13 related policy, rural safety, and marine habitat. He stated he is curious about how the
14 public feels about the topic.

15 **Public Hearing**

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

20 Mr. Personius stated that Matt Aamot will provide a brief summary of the proposed
21 regulations after his briefing. Tonight is a town hall style meeting that is intended to be
22 a listening session for the Planning Commission. These regulations that are before the
23 Commissioners were developed by the County Council with consultation from Cascadia
24 Law Group. These are called Council Initiated Amendments. The Commissioners have
25 not seen these amendments before; they have not been party to the meetings that led
26 up to this point, so they do not have the background that the County Council has in
27 terms of the development of the regulations. The purpose of tonight is for the
28 Commissioners to listen to how the public feels about the issue. In 2016, the County
29 Council adopted an interim moratorium on the export of unrefined fossil fuels or crude
30 oil. They were concerned about accidents during the transport of unrefined crude oil
31 and environmental protections based on some train accidents and oil spills. That led to
32 the moratorium, which evolved into Comprehensive Plan amendments to regulate
33 some of the adverse impacts of some of the fossil fuel process activities. Staff did not
34 develop these amendments, so they may not be able to answer some of the questions
35 regarding the amendments. Again, tonight is a listening session to allow the public to
36 let the Commissioners know how they feel. The County Council has asked for review
37 and recommendation from the Planning Commission on these issues. The County
38 Council hopes to have them back by this fall so they can take action on the issue.

39 Mr. Aamot, representing the Planning and Development Services department, stated
40 that in 1997, Whatcom County designated Cherry Point as an Urban Growth Area

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

Town Hall Meeting

2

1 (UGA) under the Growth Management Act (GMA). The Cherry Point boundaries have
2 not changed since 1997. This is the configuration today (referencing an image on the
3 projector). The Cherry Point UGA is roughly 7,000 acres in size. There are about 6,500
4 acres of heavy impact industrial (HII) zone and about 500 acres of light impact
5 industrial (LII) zone. The major industries, BP refinery, Intalco, Petrogas, and Phillips
6 66 are located in this area. On August 7, 2019, the County Council approved
7 Resolution 2019-037 forwarding the comprehensive plan and code amendments for
8 Planning Commission review. These amendments primarily relate to Cherry Point, but
9 also include provisions that are applicable County-wide, or in other industrial zones.
10 The Council's proposed fuel amendments cover a number of issues, including fossil fuel
11 refineries and transshipment facilities, renewable fuel refineries and transshipment
12 facilities, non-capacity maintenance, safety, and environmental improvements,
13 industrial piers, coal fired power plants, insurance, environmental/SEPA review, and
14 greenhouse gas emissions. We are going to touch briefly on each one of those topics:

15 **Fossil Fuel Facilities:** Under the County Council's proposal, existing refineries and
16 transshipment facilities would be a permitted use in the HII zone. However, expansion
17 of existing refineries or transshipment facilities would require a conditional use permit
18 (CUP). CUP's include notice in the newspaper and to surrounding property owners,
19 SEPA review, a public hearing, and a decision by the Hearing Examiner. New fossil fuel
20 refineries and transshipment facilities would be prohibited in the HII zone. These are
21 both changes from the existing code.

22 **Renewable Fuel Refineries:** Under the County Council's proposal, existing renewable
23 refineries and transshipment facilities will be permitted in the HII zone. Expansion of
24 such facilities will require a CUP. The main difference between the fossil fuel and
25 renewable fuel facilities is that new fossil fuel facilities would be prohibited, but new
26 renewable facilities would be a CUP.

27 The proposal has two categories of fossil fuel and renewable fuel facilities that are
28 permitted uses that do not require a CUP. The first category includes accessory
29 buildings, office space, parking lots, communication facilities, security buildings,
30 storage buildings, etc. It appears from the proposal that these would not be subject to
31 the greenhouse gas (GHG) requirements of the zoning codes.

32 The second category includes regular equipment maintenance, replacement, safety
33 upgrades, and environmental improvements. The Council's proposal states that these
34 would be subject to the GHG requirements.

35 **Industrial Piers:** The existing Cherry Point Moratorium temporarily prohibits new piers,
36 or pier expansions for the shipment of unrefined fossil fuels that are not processed at
37 Cherry Point. However, the existing Title 20 zoning code would, if not for the
38 moratorium, allow industrial piers. The Council's proposal would amend the zoning
39 code to require a CUP for the expansion of existing piers and would also prohibit new
40 piers.

41 **Coal-fired Power Plants:** The existing HII zone allows power plants, including coal fired
42 power plants as a permitted use. The Council's proposal would specifically prohibit
43 these in the HII zone.

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

Town Hall Meeting

3

1 Insurance: The current county code does not include insurance requirements for fossil
2 fuel facilities. The Council's proposal would require proof of insurance, or other
3 financial security acceptable to the Whatcom County Prosecutor's Office for production
4 capacity or storage tank increases at fossil fuel and renewable fuel facilities. The
5 purpose of the insurance is to address loss or damage from fire, explosion, spills, or
6 other incidents. The proposal as written would require a minimum of a \$100 million
7 insurance policy for these facilities.

8 SEPA Review: The Council's proposal includes changes to the Whatcom County Code
9 provisions that implement the State Environmental Policy Act (SEPA). The proposed
10 amendments would require a new worksheet for fossil fuel or renewable fuel projects
11 in association with the SEPA review. On this worksheet, the applicant would need to
12 provide information on GHG emissions, impacts from tankers and barges, stormwater,
13 wastewater, and impacts from refiners transporting fuels and the feedstocks.

14 GHG Emissions: The proposal includes new provisions related to air quality and
15 climate, including provisions relating to GHGs and policies to minimize and prevent loss
16 of fish and wildlife habitat. The proposal includes a definition for greenhouse gas
17 emissions in the zoning code. The definition is summarized on the screen, and basically
18 says, "Greenhouse gases are gases that trap heat in the atmosphere".

19 The proposal also includes new GHG requirements in both the SEPA code and the HII
20 zoning district. Fossil fuel and renewable fuel facilities would be required to fill out that
21 new worksheet, provide information about existing baseline conditions, and quantify
22 projected new emissions from the project. If the GHG emissions will exceed the
23 baseline emissions, averaged over a three year period, then mitigation would be
24 required. The proposal allows the applicants to either complete a mitigation project or
25 pay in-lien fees, which would be used towards a County approved mitigation project.

26 To summarize, a simplified chart has been put together to show some of the main
27 components of the Council's proposed amendments compared to the existing HII zone.
28 In the first column, new fossil fuel facilities are permitted in the existing code, but they
29 would be prohibited in the new proposal. The expansion of fossil fuel facilities is
30 permitted but would require a CUP in the new proposal. In the middle column, new
31 renewable facilities are permitted in the existing code, but would require a CUP in the
32 new proposal. In the fourth column, expansion of existing renewable facilities is
33 permitted in the existing code, but would require a CUP in the new proposal. The last
34 column shows improvements such as accessory buildings, parking lots, equipment
35 maintenance, safety upgrades, are permitted outright both in the existing code and in
36 the new proposal. The existing code does not specifically address GHG analysis and
37 mitigation, although it is within the County's purview to address this issue under the
38 SEPA provisions; it is discretionary now. The proposed amendments would require
39 analysis, and under certain conditions, mitigation for GHG emissions for refineries and
40 transshipment facilities would be required. The existing code does not address
41 insurance for refineries and transshipment facilities. The proposal would require
42 insurance for capacity or storage tank increases.

43 The following is the tentative schedule for Planning Commission consideration for
44 proposed amendments:

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

Town Hall Meeting

4

- 1 Tonight is the town hall meeting for the Commissioners to hear from the public.
2 In two weeks, on September 26th, 2019, the Commission will hold a work session to
3 discuss the proposed amendments.
4 On October 10th, 2019, the Commission will conduct a formal public hearing.
5 If needed, the Commission will then hold another work session on October 24th, 2019
6 to consider the proposal and make recommendations to the County Council.
7 If additional meetings are needed, they will be added to the schedule.
8 It is anticipated that the County Council will hold a public meeting in the fall, and the
9 date will be scheduled after the Planning Commission issues its recommendations. The
10 County does have information available on the website. Additionally, anyone can sign
11 up to receive notice for these meetings on the "Notify Me" page of the County website.
12 Tonight brings the opportunity for the public to comment on this issue. The public can
13 also comment by email or mail. That concludes the overview and summary.

14 **Public Comments**

15 Antonio Machado: **Opposed**

16 Imelda Navejas: **Opposed**

17 Tim Johnson: **Opposed**

18 Commissioner Barton reminded the audience that heckling and applauding is not
19 allowed during the meeting.

20 Julie Rhinehart: **Opposed**

21 Sandy Lawrence: **Support**

22 Brian Harris: **Opposed**

23 Jean Carmean: **Support**

24 Chris Pease: **Opposed**

25 Commissioner Barton asked the audience to please hold their applause.

26 Rumin Cardona: **Opposed**

27 Dave Abbott: **Opposed**

28 Archie Jorgenson: **Opposed**

29 Erin Strang: **Opposed**

30 Andrew Gamble: **Opposed**

31 Joe Murphy: **Opposed**

32 Andrew Sona: **Opposed**

33 Gary McSpadden: **Opposed**

34 Todd Morris: **Opposed**

35 Brad Paris: **Opposed**

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

Town Hall Meeting

5

- 1 Heather Milligan: **Opposed**
- 2 Emily Elkins: **Opposed**
- 3 Sandy Paris: **Opposed**
- 4 Ian Strang: **Opposed**
- 5 Karen Russell: **Support**
- 6 John Anderson: **Opposed**
- 7 Michael Wolf: **Opposed**
- 8 Jacquelyn Styrna: **Opposed**
- 9 Dave Bren: **Opposed**
- 10 Max Perry: **Opposed**
- 11 Carole Perry: **Opposed**
- 12 Dana Briggs: **Support**
- 13 Todd Barnreiter: **Opposed**
- 14 Gary Hodgins: **Opposed**
- 15 Commissioner Barton asked the audience to please hold their applause.
- 16 Gary Pavone: **Opposed**
- 17 Chuck Reynolds: **Opposed**
- 18 Jackson Pennell: **Opposed**
- 19 Todd Taylor: **Opposed**
- 20 Ken Morrill: **Opposed**
- 21 Steve Robinson: **Opposed**
- 22 Eddy Ury: **Support**
- 23 Ryan Kildall: **Opposed**
- 24 Jeff Tenpas: **Opposed**
- 25 Francisco Doyadillo: **Opposed**
- 26 Ian Johnsen: **Opposed**
- 27 Tim Cramer: **Opposed**
- 28 Jim Verburg: **Opposed**
- 29 Pam Brady: **Opposed**
- 30 James Steel: **Opposed**
- 31 Kent Murray: **Opposed**
- 32 Greg Erickson: **Opposed**
- 33 Lane McAvoy: **Opposed**

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

Town Hall Meeting

6

- 1 Jill Langley: **Opposed**
- 2 Aaron Aquiningou: **Opposed**
- 3 Trevor Smith: **Opposed**
- 4 Tamara Nelson: **Opposed**
- 5 John Risser: **Opposed**
- 6 Commissioner Barton asked the audience to please hold their applause.
- 7 Anne Cody: **Opposed**
- 8 Stacey Martin: **Opposed**
- 9 Anup Pudasaini: **Opposed**
- 10 Sean Horton: **Opposed**
- 11 Jerry Petrie: **Opposed**
- 12 Terry Montonye: **Opposed**
- 13 Jamison Anderson: **Opposed**
- 14 Bob Stiles: **Opposed**
- 15 Joseph Neff: **Opposed**
- 16 Monte Staley: **Opposed**
- 17 Christian Schocke: **Opposed**
- 18 Lucy Oliver: **Opposed**
- 19 Griffin Hall: **Opposed**
- 20 Sharon Cook: **Opposed**
- 21 Crystal McCaslin: **Opposed**
- 22 Mike Green: **Opposed**
- 23 Auston Mathis: **Opposed**
- 24 Kenny Brudeseth: **Opposed**
- 25 James Trueman: **Opposed**
- 26 Travis Jones: **Opposed**
- 27 Justin Wise: **Opposed**
- 28 Anthony Hernandez: **Opposed**
- 29 John Glenn: **Opposed**
- 30 Kieran Snow: **Opposed**
- 31 Jen Czak: **Opposed**
- 32 Tony Hipp: **Opposed**
- 33 Lance Visser: **Opposed**

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

Town Hall Meeting

7

- 1 Jose Pactilla: **Opposed**
- 2 Mike Balson: **Opposed**
- 3 John Thompson: **Opposed**
- 4 Ashley Burlingame: **Opposed**
- 5 Craig Bertucci: **Opposed**
- 6 Laura McKinney: **Opposed**
- 7 Randy Zwick: **Opposed**
- 8 Pierre Cauty: **Opposed**
- 9 Ryan Likkel: **Opposed**
- 10 Mike Preston: **Opposed**
- 11 Ray Palmer: **Opposed**
- 12 TJ Lee: **Opposed**
- 13 Brad Brown: **Opposed**
- 14 Kevin Allen: **Opposed**
- 15 Lori Brown: **Opposed**
- 16 Michael Evans: **Opposed**
- 17 Nathan Libolt: **Opposed**
- 18 Kristie Centurion: **Opposed**
- 19 Brandi Civico: **Opposed**
- 20 Steve Pogeline: **Opposed**
- 21 Stephanie Peterson: **Opposed**
- 22 William Jensen: **Opposed**
- 23 Phil Garcia: **Opposed**
- 24 Mark Falcone: **Opposed**
- 25 Carlos Centuria: **Opposed**
- 26 Doug Oien: **Opposed**
- 27 Judith Akins: **Support**
- 28 Holli Johnson: **Opposed**
- 29 John Mahone: **Opposed**
- 30 Kim Schnackenberg: **Opposed**
- 31 Zach Saylez: **Opposed**
- 32 Tom Wolf: **Opposed**
- 33 Chris Valdez: **Opposed**

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

Town Hall Meeting

8

- 1 Dirk Vermeeren: **Support**
- 2 Alex Ramel: **Support**
- 3 Travis Mills: **Opposed**
- 4 Ethan Klos: **Opposed**
- 5 Thomas Frey: **Opposed**
- 6 Keith Hoekema: **Opposed**
- 7 Jake Moren: **Opposed**
- 8 Rich Bartel: **Opposed**
- 9 Jeff Evans: **Opposed**
- 10 Rich Boynton: **Opposed**
- 11 Ben Ellenbaus: **Opposed**
- 12 Kent Hartwick: **Opposed**
- 13 Kathy Kershner: **Opposed**
- 14 Curtis DeVries: **Opposed**
- 15 Matthew Hefman: **Opposed**
- 16 Tim Thomas: **Opposed**
- 17 Josh Weins: **Opposed**
- 18 Steve Hawk: **Opposed**
- 19 Stewart Pennington: **Opposed**
- 20 Terry Tolan: **Opposed**
- 21 Kendra Moore: **Opposed**

22 The meeting was adjourned at 11:55 p.m.

23 Minutes prepared by Ashley Ubil.

24 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

25

26

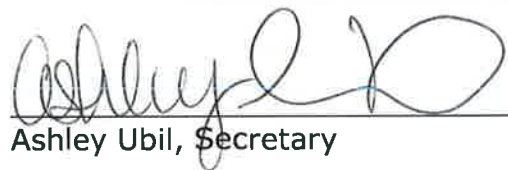
27

28

29



Kelvin Barton, Chair



Ashley Ubil, Secretary