

**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
July 9, 2020**

Work Session

1

1 **Call to Order**

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

4 **Roll Call**

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

7 **Staff Present:** Matt Aamot, Mark Personius, Ashley Ubil, and Jeremy Rische and Rick
8 Anderson (Information Technology)

9 **Department Update**

10 Mark Personius, Director of Planning and Development Services (PDS), announced that
11 the public hearing on the Cherry Point amendments has been scheduled for August 13,
12 2020. He laid out what needs to happen in order to meet that deadline. Mr. Personius
13 then outlined items that PDS would like to get on the Planning Commission agenda
14 over the next few months.

15 **Open Session Public Comment**

16 There was no public comment.

17 **Commissioner Comments**

18 Commissioner Deshmane noted concern about receiving last minute items that he
19 considered significant changes in intent.

20 Commissioner Bartel reported that he spoke about tonight's agenda items with Eddy
21 Ury from Resources, Jeff Chalfant and Pam Brady from BP, and Trevor Smith from the
22 Laborers' Union.

23 Commissioner Hansen reported that he spoke with Eddy Ury and Jeff Chalfant about
24 these issues, and stated that he concurs with Commissioner Deshmane with regard to
25 suggested changes coming in at the last minute.

26 Commissioner Maberry stated that he talked to Pam Brady, Jeff Chalfant, and Jim
27 Verburg.

28 Commissioner Barton disclosed that he had conversations with Eddy Ury, Phillips 66,
29 BP, and Petrogas.

30 **Work Session**

31 **Timestamp: 10:43**

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

37 Matt Aamot, Senior Planner in PDS, provided a summary of the recommendations
38 contained in the staff memorandum.

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1 **Timestamp: 15:15**

2 **Commissioner McClendon moved** to accept the first staff suggestion to remove
3 "renewable fuel" from the definition of Facility Emissions.

4 **Commissioner Jackson seconded.**

5 Commissioners discussed the motion.

6 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
7 **Maberry, McClendon; Nays-Mocerri; (Ayes-8; Nays-1; Abstain-0). The motion**
8 **carried.**

9 **Timestamp: 19:31**

10 **Commissioner Maberry moved** to adopt the new definition for Value Added
11 Processing.

12 **Commissioner Bartel seconded.**

13 Mr. Aamot reported that in accordance with a conversation had with legal counsel
14 today, staff recommend taking out "export of" at the bottom of the definition.

15 Commissioners discussed the motion and received input from industry representatives
16 and Eddy Ury.

17 **Timestamp: 37:12**

18 **Roll Call Vote: Ayes-Bartel, Barton, Maberry; Nays-Deshmane, Hansen,**
19 **Jackson, Lund, McClendon, Mocerri; (Ayes-3; Nays-6; Abstain-0). The motion**
20 **failed.**

21 **Timestamp: 38:13**

22 **Commissioner McClendon moved** to strike the words "without value added
23 processing" from 20.68.153 on page 15, line 573.

24 **Commissioner Lund seconded.**

25 Commissioners discussed the motion and requested input from industry.

26 **Timestamp: 1:03:15**

27 Commissioner Hansen called the question.

28 **Roll Call Vote to end discussion and take the motion to an immediate vote:**
29 **Ayes-Bartel, Hansen, Mocerri; Nays-Barton, Deshmane Jackson, Lund,**
30 **Maberry; Abstain-McClendon;(Ayes-3; Nays-5; Abstain-1). Failed.**

31 Discussion continued.

32 **Timestamp: 1:11:07**

33 **Roll Call Vote on the motion: Ayes-Deshmane, Hansen, Lund, McClendon;**
34 **Nays-Bartel, Barton, Jackson, Maberry, Mocerri; (Ayes-4; Nays-5; Abstain-0).**
35 **The motion failed.**

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1 **Timestamp: 1:13:27**

2 **Commissioner McClendon moved** to adopt staff amendments in the memorandum
3 on page 4 for the definition of Major Project Permit Criteria.

4 **Commissioner Jackson seconded.**

5 **Timestamp: 1:16:46**

6 **Commissioner Mocerri moved to amend** by changing "issuance" to
7 "commencement," replacing "construction permits" with "construction activities," and
8 striking the words in red.

9 **Commissioner Deshmane seconded.**

10 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
11 **Maberry, McClendon, Mocerri; (Ayes 9; Nays-0; Abstain-0). The motion to**
12 **amend carried.**

13 Commissioners continued discussion and invited input from industry, then voted on the
14 main motion.

15 **Timestamp: 1:44:01**

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

18 **Timestamp: 1:45:15**

19 The Commission took a brief recess.

20 **Timestamp: 1:52:36**

21 **Commissioner Maberry moved** to add the following language to the bottom of
22 20.88.130: "The County decision maker may approve a major project permit with a
23 condition to obtain relevant leases and complete any necessary federal and state
24 permitting requirements, and may restrict the major project permittee from
25 undertaking site preparation or construction activities until it has fulfilled that
26 condition."

27 **Commissioner Bartel seconded.**

28 Commissioners invited input from staff, industry, and RE Sources representatives.

29 There was consensus to move this to a stand-alone paragraph as 20.88.140 and to
30 add it to 20.68.153 (9).

31 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Hansen, Jackson, Lund,**
32 **Maberry; Nays-McClendon, Mocerri; (Ayes 7; Nays-2; Abstain-0). The motion**
33 **carried.**

34 **Timestamp: 2:44:49**

35 **Commissioner Maberry moved** to adopt changes proposed by industry for
36 20.68.153(9) without the last paragraph.

37 **Commissioner Bartel seconded.**

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1 **Timestamp: 2:55:09**

2 **Commissioner Maberry moved to amend the motion** so the language in the upper
3 *portion of sections 20.88.130(3) and 20.68.153(9) is the same.*

4 **Commissioner Maberry withdrew his motion to amend.**

5 *Commissioners* voted on the main motion.

6 **Roll Call Vote: Ayes-Maberry; Nays-Bartel, Barton, Deshmane, Jackson, Lund,**
7 **McClendon, Mocer; Abstain- Hansen;(Ayes 1; Nays-7; Abstain-1). The motion**
8 **failed.**

9 **Timestamp: 3:00:16**

10 **Commissioner McClendon moved** to affirm Exhibits A through D are ready for SEPA
11 *review and a public hearing.*

12 **Commissioner Jackson seconded.**

13 **Timestamp: 3:02:22**

14 **Commissioner Mocer moved to amend the motion** to include staff recommended
15 *additions .086 and .087, as .087 and .088 in section 20.68. (.086 is already utilized.*
16 *.087 is the next available number.)*

17 **Commissioner Mayberry seconded.**

18 *Commissioners invited input from staff, industry, and RE Sources representatives.*

19 **Timestamp: 3:19:13**

20 **Commissioner Mocer moved to amend his motion** to add staff recommendations
21 *for .086 and .087 to the list under .068, instead of as 20.68.087 and 20.68.088.*

22 *Commissioner Maberry agreed.*

23 **Roll Call Vote: Ayes-Bartel, Barton, Deshmane, Jackson, Lund, Maberry,**
24 **McClendon, Mocer; Nays-Hansen; (Ayes 8; Nays-1; Abstain-0). The motion to**
25 **amend carried.**

26 **Timestamp: 3:24:31**

27 **Commissioner Maberry moved to amend the motion** to change the definition of a
28 *Renewable Fuel Refinery on page 33, line 1238, to read: A "Renewable Fuel Refinery"*
29 *means a facility that processes, co-processes, or produces renewable fuels provided,*
30 *however, that the components of the co- processing projects that are one hundred*
31 *percent dedicated to the production of renewable fuels shall be covered under this*
32 *definition.*

33 **Commissioner Barton seconded.**

34 *Commissioners invited input from industry and RE Sources representatives.*

35 **Roll Call Vote: Ayes- Barton, Maberry; Nays-Deshmane, Hansen, Jackson,**
36 **Lund, McClendon, Mocer; Abstain-Bartel;(Ayes 2; Nays-6; Abstain-1). The**
37 **motion failed.**

38 **Timestamp: 3:44:26**

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1 Commissioners voted on the main motion to affirm Exhibits A through D are ready for
2 SEPA review and a public hearing.

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

5 **Adjournment**

6 **Timestamp: 3:45:21**

7 The meeting was adjourned at 10:15 p.m.

8 Minutes prepared by Tammy Axlund.

9 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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Kelvin Barton, Chair



Tammy Axlund, Secretary

