



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
January 25, 2024**

Public Hearing and Work Session

1

1 **Call to Order**

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

4 **Roll Call**

5 **Present:** Kelvin Barton, Daniel Dahlquist, Atul Deshmane, Jim Hansen, Frank James,
6 Dominic Mocerri, Scott Van Dalen

7 **Absent:** Julie Jefferson, Stephen Jackson

8 **Staff Present:** Lucas Clark, Aileen Kogut-Aguon, Kelly Chamberlain, Becky Boxx, Steve
9 Roberge

10 **Department Update**

11 Steve Roberge, Assistant Director of Planning and Development Services (PDS) explains
12 that the annual business meeting will include electing a chair, vice chair and reviewing
13 the business rules and dockets. Roberge adds that the first half of the year will have
14 discussions about the comprehensive plan which will include the public participation plan
15 component, land capacity methodology and population employment projections.
16 Roberge then speaks on other items such as bringing Capital Improvement Plan (CIP)
17 back into conversation with some additions and modifications. Big projects occurring are
18 ABC recycling and Ranch Quarry Mine. Roberge concluded the updates with the mention
19 of a new Natural Resource manager starting in mid-February.

20 **Open Session Public Comment**

21 **Timestamp 6:36p**

22 Dave Widner spoke on the SCJ Alliance contract review for the comprehensive plan. He
23 quotes task 18 on page 28 of the contract, "Their job is to avoid unintended incentives
24 to build outside of UGA's (Urban Growth Areas)". He states his concerns regarding the
25 Comp Plan that will be going for the next 20 years that will rely on research performed
26 in 2012. He then moves on to Task 3 on page 15 section 3.1 of the SCJ contract states
27 "They will review the draft block and count the land to pass the analysis," Mr. Widner
28 asked where is the analysis? He states his concern about the property that has a UGA
29 out North of Sunset.

30 **Commissioner Comments**

31 Commissioner Deshmane: Happy New Year. Welcome Frank to the commissioners

32 **Approval of Meeting Minutes**

33 **Timestamp: 6:43p**

34 **1 Commissioner Van Dalen moved** to approve the meeting minutes from December
35 14th, 2023.

36 **Commissioner Deshmane seconded.**

37 **Roll Call Vote: Ayes-Barton, Dahlquist, Deshmane, Hansen, Mocerri, Van Dalen;**
38 **Abstain-James; (Ayes-6; Nays-0; Abstain-1). The motion carried.**



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- 1 **Topic Title:** Proposed Amendment to WCC 20.40.150 (Agriculture
2 District) to allow Propane Distribution in Agriculture as a conditional use
3 **Timestamp:** 6:44p
- 4 Lucas Clark from Whatcom County Planning and Development Services provided a
5 presentation on the details on the proposed amendment to allow propane distribution in
6 agriculture as a conditional use. Mr. Clark mentions that on October 10th, 2023, Council
7 amended the comp plan and zoning code docket to include a review of allowing propane
8 sales, reload, storage and distribution facilities as a conditional use in the AG
9 (agriculture) zone. He states that council tasked Planning Development Services to
10 preview the suggested code and provide recommendations. He continues to state that
11 on December 13th 2023, the proposed amendment was presented to the Agricultural
12 Advisory Committee which voted to move the proposal forward to the Planning
13 Commission.
- 14 The key takeaway is that the intention is to protect lands and active agricultural use,
15 and only allow propane distribution on sites that have a compatible preexisting
16 infrastructure through the conditional use permitting (CUP). Mr. Clark continues to
17 explain that CUPs are a rigorous process for any applicant and that any permit for
18 propane distribution will have to fit the nine conditional use criteria and the eight criteria
19 in the proposed code. The application process will then go through a process that
20 includes public notices and public hearings with the hearing examiner before it ultimately
21 gets approved or denied.
- 22 Mr. Clark adds that the proposed amendment is consistent with all of Whatcom County's
23 comprehensive plans, goals and policies. It discourages the conversion of productive
24 agricultural land. The intention, through the permitting process, is to confine propane
25 sales and distribution to the preexisting infrastructure in pervious surfaces.
- 26 He concludes the presentation by explaining the letter that was sent to the
27 commissioners 2 hours prior to the meeting and mentions that PDS is not asking for the
28 Planning Commission to act on this right now and would like time to review the letter.
- 29 Commissioner Deshmane asked, "When did the County Council first act on pursuing this
30 code change and adding it to the docket?"
- 31 Lucas Clark answered, "The council added it to the docket on October 10th, 2023.
- 32 Commissioner Deshmane stated that it seems pretty fast for this to come to Planning
33 Commission. He then asked what the urgency is around this particular project and if
34 there is anything relevant to talk about from the history of propane distribution terminals
35 and where are they located currently in Whatcom County.
- 36 Commissioner Barton welcomed a public attendee, Denver Vanderyacht to answer the
37 question. He states that the proposal is to focus on residential AG community.
- 38 Commissioner Hansen reiterates the question as to why this proposal is being brought
39 forward if staff needs to review it further first. Commissioner Hansen then comments on
40 Vanderyacht using the term residential, stating his concerns that this proposal's intended
41 use may displace agriculture.
- 42 Commissioner Barton redirects the conversation back to the public hearing.



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1 Commissioner Van Dalen comments on the letter that was mentioned, stating it does
2 not have effect on the proposal as it speaks on what staff has already presented.

3 **Public Hearing and Work Session Regarding Proposed Amendment to WCC**
4 **20.40.150 (Agriculture District) to allow Propane Distribution in**
5 **Agriculture as a conditional use**

6 **Timestamp: 7:01p**

7 Eddie Ury, the Climate and Energy Policy Manager at Resources, a local Bellingham based
8 nonprofit, provided public comment stating that the proposal raises some concerns in
9 the AG zone and where the propane distribution may be located.

10 Dannon Traxler provided public comment speaking on the letter that was submitted to
11 the Commission before the meeting and speaks on the fact that the AG committee moved
12 to pass this proposal. She recommended the Commissioners approve it and move it
13 forward to County Council.

14 Denver Vanderyacht provided public comment on the specific property their Vanderyacht
15 Propane hopes utilize, which is the old EPO Grain Mill. He states the company is not
16 trying to take over any preexisting AG land. Vanderyacht then states that the AG land
17 that is part of the proposed property will not be touched and can be owned by a farm.
18 He then goes on to mention that the use of the property is to use it as a focal point to
19 reserve gallons to best support the AG community, allowing for less trucks in the county
20 and having the propane be more localized.

21 Elli Harron provided public comment. She explains she is a member of AG committee
22 and she voted "no" on this proposal because there was no information given as to where
23 the propane distribution sites are. She then states that there should not be a code
24 change in the AG community to allow this proposal to pass.

25 **Timestamp: 7:13p**

26 **Propane Distribution Work Session**

27 **Timestamp: 7:13p**

28 Commissioner Deshmane asked, what is the quorum of the AG Committee?

29 Steve Roberge responded that the AG committee requires a majority vote

30 Commissioner Deshmane clarified the quorum for the AG committee. He also spoke on
31 the hearing and components of the proposed amendments. He asked why are the code
32 amendments being proposed so broad as it does not pertain to a particular site?

33 Steve Roberge responded to Commissioner Deshmane that staff are attempting to keep
34 the qualifications narrow.

35 Commissioner Deshmane commented that the proposal is not so narrow and could use
36 revisions.

37 Commissioner James clarified that the AG Committee had a quorum at their meeting

38 Commissioner Mocerri asked about the letter that was sent out late and why staff is
39 wanting to hold off on moving this forward.

40 Steve Roberge responded that the letter had information included that staff has not had
41 adequate time to review and they recommend allowing additional time for analysis.



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- 1 Commissioner Van Dalen added that the property being proposed on is industrial and it
2 needs to be used as it has been run down for years with graffiti on the walls.
- 3 Commissioner James speaks on fully evaluating the proposal and the letters. He said
4 there is no rush in moving this forward. He states that he is in favor of delaying it
- 5 Commissioner Hansen agrees there is no rush to push this through. Sounds like there is
6 room for good arguments in regards to the location of the propane distribution proposal
- 7 Commissioner James asks, "Can we leave the AG land alone and just use the industrial
8 land of the property?"
- 9 Steve Roberge responds to Commissioner James that it is part of the intended code seen
10 in item 1 of the proposal under the uses stating, "The use shall not result in the
11 conversion of Agricultural Lands of Long-Term Commercial Significance or land in active
12 agricultural use."
- 13 Commissioner James asks if the land is agricultural land
- 14 Steve Roberge responds to Commissioner James that propane under this code would not
15 be allowed to infer fairly used agricultural land
- 16 Commissioner James reiterates the question, "Is there a way to not use the AG land, as
17 it seems to directly violate it."
- 18 Steve Roberge responds that the only part that would be allowed for use, is the non-
19 agricultural land of the property. He states that this provision would not allow the
20 company to further convert any part of the land that is within the AG zone
- 21 Commissioner Barton asks How can a proposal come to commission so fast, how does
22 this process work?
- 23 Steve Roberge responds that the Council is who put this on the docket. Usually there is
24 an application process, but Council sent this one to the docket.
- 25 Commissioner Deshmane reiterates that rezones from the proposal can be more specific.
26 He states that he wants staff to look at this with the current code changes and how can
27 it be specific to this project.
- 28 Commissioner Mocerri states that the commissioners are not changing code, so why is
29 this being proposed tonight.
- 30 Steve Roberge responds that this proposal is intended to avoid spot zoning.
- 31 Commissioner Hansen reiterates the ordinance zones covers three other zones.
- 32 Chairman Barton states, if your hand is not raised and not called on, do not speak.
- 33 Commissioner Deshmane stated that spot zoning is not good, but if there are exceptions
34 made for specific locations like Cherry Point, does that violate the original intent of the
35 code.
- 36 Commissioner Van Dalen asked staff about the packet given about section 2. Why are
37 we doing this if it has already been approved by County Council.
- 38 Steve Roberge responded that Council approved inclusion of this proposal on the docket
- 39 Commissioner Barton speaks on the proposed action to delay this to the next meeting.
- 40 **Timestamp: 7:45p**
- 41 **2Commissioner James moved** to delay the decision to the future meeting by staff



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1 **Commissioner *Deshmane* seconded.**

2 **Roll Call Vote: Ayes-Deshmane, Hansen, James**

3 **Nays- Mocerri, Barton, Dahlquist, Van Dalen; (Ayes-3; Nays-4; Abstain-0). The**
4 **motion fails.**

5 **Timestamp: 7:46p**

6 **3Commissioner Mocerri moved** to move proposal forward to County Council

7 **Commissioner *Van Dalen* seconded.**

8 Commissioner Hansen: calls on Eddie Ury to speak on this proposal more

9 Public attendee Eddie Ury stated that what is being presented here is vague, undefined
10 terms with no boundaries. There are opportunities here to take a closer look on this
11 project and how it can further benefit appropriate conditions.

12 **Roll Call Vote: Ayes- Barton, Dahlquist, Mocerri, Van Dalen**

13 **Nays- Hansen, Deshmane**

14 **Abstain- James (Ayes-4; Nays-2; Abstain-1). The motion fails.**

15 **Timestamp: 7:51p**

16 **4Commissioner Deshmane moved** for staff to do some additional work and come
17 back at a later meeting in February

18 **Commissioner *Dalquist* seconded.**

19 **Roll Call Vote: Ayes-Barton, Dahlquist, Deshmane, Mocerri**

20 **Nays- Van Dalen**

21 **Abstain- James, Hansen (Ayes-4; Nays-1; Abstain-2). The motion carried.**

22 **Timestamp: 7:54p**

23 Commissioner Hansen mentions that he had contact with executive board twice about
24 the schools, advising them of school impact fees as per the 2007 ordinance.

25 **Adjournment**

26 **Timestamp: 7:57p**

27 The meeting was adjourned at **7:57 p.m.**

28 Minutes prepared by Aileen Kogut-Aguon.

29 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

30 Approved, but not yet signed

31 Kelvin Barton, Chair

Aileen Kogut-Aguon, Coordinator