

**Whatcom County
Council Planning and Development Committee**

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Committee Minutes - Final

Tuesday, October 22, 2024

12:50 PM

Hybrid Meeting - Council Chambers

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010)

COUNCILMEMBERS

Todd Donovan
Ben Elenbaas
Jon Scanlon

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Committee member Todd Donovan called the meeting to order at 12:54 p.m. in a hybrid meeting.

Roll Call

Present: 2 - Todd Donovan, and Jon Scanlon

Absent: 1 - Ben Elenbaas

Also Present: Barry Buchanan, Tyler Byrd, Kaylee Galloway, and Mark Stremmler

Announcements

Committee Discussion

1. [AB2024-689](#) Discussion of a draft ordinance amending Whatcom County Code Title 20 (Zoning) to define appropriate industrial uses and conditions for industrial uses in Heavy Impact Industrial (HII) districts within a city's designated Urban Growth Area

Cliff Strong, Planning and Development Services Department, updated the Councilmembers on the proposed code amendments. He stated the Planning Commission had a difficult time with its review and were not able to make a recommendation on the draft amendments. Instead, they passed a resolution recommending that the Council consider a targeted moratorium potentially excluding the waterfront HII properties until this matter can be better addressed through the Comprehensive Plan process. So, what Council has in their packet is draft code based on Council's excluded list, testimony from the public and interest groups, and suggestions from the Planning and Development Services Department and the Planning Commission.

Donovan stated he has been hearing a lot about 20.68.216 (I) in the Staff Report regarding the potential prohibited use of Battery Energy Storage Systems, and stated they only included that in the list because it was a recommendation from Planning Director Personius. The other thing is in regards to how they define bulk storage (20.68.216 (H) in the Staff Report) so that Heidelberg Materials will be able to exist and evolve. He would like if Council gave staff direction on what might be *included* in that instead of eliminating all potential bulk storage.

Councilmembers and staff discussed using the rail structure in that Urban Growth Area (UGA) rather than putting things on trucks, that it would make sense to allow some uses for battery energy storage as the market is moving toward electrification while making sure the megawatt level is reasonable,

whether they should give direction to staff to eliminate subsections H and L as prohibited uses, what the original concerns were that prompted the consideration of having bulk commodity storage on the prohibited list, fire dangers in battery energy storage systems and checking with the industry partners to make sure 20 megawatts is reasonable, whether existing businesses that have some kind of commodity storage or transshipment facility would be able to continue under this draft code and expand under nonconforming rules, the history behind why these code changes are being considered and why they are being considered outside of the Comprehensive Plan process, addressing air quality in the UGA and whether it is safe for people who live in that community, whether land use policy is the appropriate tool to regulate air quality, whether they can start planning now for other residential areas that might get butted up to industrial zones to shift and create buffers before that ends up happening, and continuing this discussion with other suggestions.

Donovan moved that staff give Council some different options on (proposed Whatcom County Code 20.68.216) item H in terms of the bulk commodity storage, in particular, with reference to the letter they got from Heidelberg, and that they get some more information on item L in terms of what 20 megawatts means for battery storage.

Scanlon stated he would like to hear from the Fire Marshall on best practice for battery energy storage, especially given the lack of buffers in this neighborhood, and whether the County's existing policy on battery energy storage is sufficient for that neighborhood.

Byrd stated he would like more information on options for buffers that they may be able to utilize.

Strong stated these code changes are just for within the Bellingham UGA.

The motion carried by the following vote:

Aye: 3 - Elenbaas, Scanlon, and Donovan

Nay: 0

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

Motion approved that staff give Council some different options on (proposed Whatcom County Code 20.68.216) item H in terms of the bulk commodity storage, in particular, with reference to the letter they got from Heidelberg, and that they get some more information on item L in terms of what 20 megawatts means for battery storage.

2. [AB2024-694](#) Discussion of proposed amendments to WCC Titles 20 and 22 to enact SSB 5290 regarding local project review

Amy Keenan, Planning and Development Services Department, read from a presentation (on file). She spoke about concerns that have been raised to Councilmembers and Planning staff regarding doing a critical area review prior to the land use/permitting review process as it pertains to onsite sewage inspections. She stated they are happy to work with the onsite sewage community and ultimately want the process to go as smoothly as possible.

Elenbaas stated his concern is that the permit process will get to a certain amount of days and the Planning Department will deny the permit because they did not get to a “yes.” He stated it would be better to say that Planning has 100 days to deny and after that, the answer is yes. He asked if an applicant can waive the time frame if it would help them get to a “yes.”

Cliff Strong, Planning and Development Services Department, stated there is a way to suspend the application process.

Elenbaas spoke about inequity in the process and stated the people with the most money get the best results.

Strong answered whether there will be additional updates to Exhibit A of the ordinance since the Shoreline Management Program (SMP) has been approved and whether the SMP update made changes to the wetland setbacks when Council was told that it would not.

Scanlon stated he would be happy to work on code language for the issue of equity.

Elenbaas stated he would like the onus taken off of Planning staff for determining what would need expensive measures to prove that they are wrong.

This agenda item was PRESENTED AND DISCUSSED.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 1:54 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Ben Elenbaas-via email 11/2/2024

Cathy Halka, Council Clerk

Ben Elenbaas, Committee Chair

Kristi Felbinger, Minutes Transcription

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