

**From:** [Dana Brown-Davis](#)  
**To:** "[Barry Buchanan \(BBuchana@co.whatcom.wa.us\)](#)" ([BBuchana@co.whatcom.wa.us](#)); [Ben Elenbaas](#); [Carol Frazey](#); [Kathy Kershner](#); [Rud Browne](#); [Todd Donovan](#); [Tyler Byrd](#)  
**Subject:** Cherry Point Amendments - PDS Issues for Industry/Environmental Work Group  
**Date:** Monday, October 05, 2020 3:44:00 PM

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I just saw that Matt's email did not go to you all, so forwarding to you.

I will send a separate email with proposed dates for a work session.

Dana

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**From:** Matt Aamot  
**Sent:** Wednesday, September 30, 2020 2:27 PM  
**To:** Dana Brown-Davis <[DBrown@co.whatcom.wa.us](mailto:DBrown@co.whatcom.wa.us)>  
**Cc:** Mark Personius <[MPersoni@co.whatcom.wa.us](mailto:MPersoni@co.whatcom.wa.us)>; Nick Smith <[NSmith@co.whatcom.wa.us](mailto:NSmith@co.whatcom.wa.us)>  
**Subject:** Cherry Point Amendments - PDS Issues for Industry/Environmental Work Group

Hi Dana:

PDS raised three issues @ Council Committee of the Whole yesterday. Below, we set forth in more detail the issues we would like the Industry/Environmental Work Group to consider:

- Clarify Definition of Fossil Fuel Transshipment Facilities - Are the existing rail and pier facilities associated with the refineries considered "Fossil Fuel Transshipment Facilities" under proposed WCC 20.97.160.3? If a refinery takes in crude oil, refines it on-site, and ships out refined product, are the related shipping facilities "Transshipment Facilities" under the proposed code? Or are transshipment facilities limited to facilities that take in fossil fuels (e.g. crude oil, propane, butane, etc.) and ship them out in essentially the same form?
- Definition of Facility Emissions – The Planning Commission moved the originally proposed definition of "Facility Emissions" to SEPA code and modified it (proposed WCC 16.08.175(C)). If Council restores the original definition of "Facility Emissions" in the Zoning Code (WCC 20.97.124.1), as proposed by a councilmember, there will be two different definitions.
- Change of Use – A councilmember is proposing to restore the "Change of Use" provisions (proposed WCC 20.74.110). We would ask the Work Group to consider:
  - To what extent will the County regulate different liquids or

substances that are shipped in, stored in tanks, processed on site, and/or shipped out under the change of use provisions? What constitutes a change of use? If 5%, 10%, 25%, 50%, or some other percentage of the liquids or substances is changed?

- How these provisions fit with the regular zoning scheme of permitted uses, conditional uses, and prohibited uses. For example, proposed WCC 20.74.110 requires a Type I change of use permit application. If a use is listed as a conditional use (Type III application), would the applicant have to obtain both permits? What if a Type I permit application, such as a building permit, is already required? Does the proponent also need to submit a Type I change of use application?

Matt