



Variance Application

Intake Checklist

Applicant Checklist		PDS Checklist
<input checked="" type="checkbox"/>	Completed and signed Variance Application	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Completed and signed Supplemental Application (if applicable)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Completed, signed and notarized Fee Responsibility form	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Completed, signed and notarized Agent Responsibility form (if applicable)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Copy of the recorded deed for the property (available from Auditor's office or title company)	<input type="checkbox"/>
<input type="checkbox"/>	Copy of any easement agreement(s) (if applicable) (see endnote i)	<input type="checkbox"/>
<input type="checkbox"/>	Written verification of water and sewage disposal from the Whatcom County Health Department (see endnote ii)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Eight (8) copies of the site plan, drawn to a scale of one inch equals 20 feet for sites that are less than 5 acres and one inch equals 40 feet for sites of 5 acres or more, which depicts at a minimum all of the following: <ul style="list-style-type: none"> ◆ Name and address of property owner ◆ Site address and parcel number ◆ Property lines, easements, and site dimensions ◆ Location, width and length of driveways (show 35 foot turning radius for emergency vehicles) ◆ Dimensions of the property drawn to scale ◆ Location of any wetlands and critical habitat areas if known ◆ Location, setbacks and dimension of all structures on the site ◆ Location of septic tank/drain field, and well or utility lines ◆ Location and dimensions of all parking areas ◆ Names and locations of all public or private roads ◆ North Arrow and scale ◆ Distance from any structures to the Ordinary High Water Mark (OHWM) of any creeks, streams, rivers or lakes – if applicable 	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Five (5) copies of a detailed floor plan for any new buildings, including dimensions, uses, ingress and egress, storage areas etc.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Eight (5) copies of preliminary topographic drawings depicting the basic elevation features of your property OR a United States Geological Survey (USGS) quadrangle map	<input type="checkbox"/>
<input type="checkbox"/>	Certification from Labor and Industries that the mobile home is HUD approved (if applicable)	<input type="checkbox"/>

<input checked="" type="checkbox"/>	<i>If applicable</i> , a list of names, mailing addresses, and parcel numbers of all persons owning property located within 300 feet of the property boundaries if within an Urban Growth Area OR 1,000 feet if outside an Urban Growth Area of the subject parcel. (Addresses may be obtained from County Assessor's records or a local Title company) Self-adhesive, typed mailing labels for each of the above property owners	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Completed and signed Preliminary Traffic & Concurrency Information form (available on Engineering webpage)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Completed and signed Preliminary Stormwater Proposal form (available on Engineering webpage)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Completed and signed Land Disturbance Permit Application (LDP) form (available on PDS webpage)	<input type="checkbox"/>
<input type="checkbox"/>	Completed and signed SEPA Checklist (if applicable). A SEPA checklist is required if completed LDP indicates 500 cubic yards or more of land disturbance activity (see endnote iii)	<input type="checkbox"/>
<input type="checkbox"/>	Completed and signed Revocable Encroachment Permit form (available on Engineering webpage) (see endnote iv)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Completed and signed Endangered Species Act (ESA) checklist for all development within the ESA Potential Impact Area, which consists of the following: <input type="checkbox"/> The FEMA designated floodplain and/or floodway, <input type="checkbox"/> The Riparian Buffer Zone (RBZ) as described by the Dept of Natural Resources 2007 stream typing system and WDFW's 1997 stream buffer guidelines, and/or <input type="checkbox"/> Channel Migration Zone (CMZ) plus 50' as identified according to Dept of Ecology 2003).	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Applicable Fees: There may be additional fees associated with this permit application dependent upon the extent of the reviews required.	<input type="checkbox"/>

FOR PDS USE ONLY:		
Receipt #:	Date Paid:	Total Fees:
Routing		
<input type="checkbox"/> Wetlands	<input type="checkbox"/> Geohazards	<input type="checkbox"/> Watersheds <input type="checkbox"/> Shoreline
<input type="checkbox"/> Engineering	<input type="checkbox"/> Fire	<input type="checkbox"/> Health <input type="checkbox"/> City of _____
<input type="checkbox"/> SEPA	<input type="checkbox"/> Other Comments: _____	

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

Variance Application

Master

Case #(s): Major Project Permit (MPP2011-00001), Shoreline Substantial Development Permit (SHR2011-00009)

Project Name: Gateway Pacific Terminal

Applicant

Name Pacific International Terminals, Inc. Phone (206) 654-3525
Address attn: Skip Sahlin, 1131 SW Klickitat Way City Seattle
State WA Zip 98134 Email Skip.Sahlin@SSAMarine.com

Legal Property Owner

Name Pacific International Terminals, Inc. Phone (206) 654-3525
Address attn: Skip Sahlin, 1131 SW Klickitat Way City Seattle
State WA Zip 98134 Email Skip.Sahlin@SSAMarine.com

Authorized Agent

Name Cliff Strong, AMEC Environment & Infrastructure, Inc. Phone (425) 368-0952
Address 11810 North Creek Parkway N City Bothell
State WA Zip 98011 Email cliff.strong@amec.com

Surveyor

Name Gill Lass, David Evans and Associates Phone (425) 259-4099
Address 119 Grand Ave Ste D City Bellingham
State WA Zip 98225 Email GJLA@DEAINC.com

Property interest of the applicant: Purchaser Lessee Other: Owner (see endnote v)

Parcel Information

Tax Parcel Number(s) (APN):

Upland Parcels	Tax parcels contiguous to DNR open water:	
039011-7473110	039512-4546546	039011-9327425
039011-7067334	039011-9092500	039011-9349425
039011-7205467	039011-9172456	039011-9388424
030911-7067334	039011-9199451	039011-9438360
030911-7065466	039011-9214451	039011-9454299
039011-8117050	039011-9252449	039011-9469346
039011-9424335	039011-9298423	
039011-9198377		
039011-7278062		
039011-7278062		

Site address: 4750 Gulf Road – In the vicinity of Henry Road, Lonseth Road, Aldergrove Road, Powder Plant Road, and Gulf Roads.

Parcel size 1,200 acres

Legal Description

Lot N/A Block N/A Division N/A Plat Name N/A

Section 17, 18, 19 Township 39 North Range 01 East W.M.

Deed attached Yes No Recorded Easements Attached Yes No

Comp Plan Designation: Major/Port Industrial UGA Zoning Designation: Heavy Impact Industrial

Subarea: Major/Port Industrial UGA Fire District: Fire District No. 7 School District: Ferndale School Dist 502

Urban Growth Area Yes No Flood Zone Yes No

Shorelines Yes No

Water source: Well District/Association Whatcom County PUD

Sewage Disposal: Septic Sewer _____

Building Footprint Area (Square feet):

Existing 0 Proposed (see below) Total sq. ft. 995,948.0

Building	Width	Length	Height	SF
Receiving Buildings	55	135	54	7,425.0
Dust Collectors	75	150	62	11,250.0
Pump Station	25	35	12	875.0
Administration Building	60	120	15	7,200.0
Maintenance Building	125	120	27	15,000.0
Water Treatment Plant	12	36	12	432.0
Sewage Treatment Plant	40	8	12	320.0
Fuel Station	8	40	8	320.0

Building	Width	Length	Height	SF
Spontaneous Combustion Inhibitor Pump Room and Storage Tanks	30	51	19	1,530.0
Dust Suppression Pump House	12	12	10	144.0
Stacker/Reclaimers	50.5	366	110	18,483.0
Stacker/Reclaimer Maintenance Platform	26	56	20	1,456.0
Guard House	12	18	10	216.0
Transfer Tower	40	81	78	3,240.0
Transfer Tower	38	66	70	2,508.0
Transfer Tower	38	50	70	1,900.0
Transfer Tower	38	35	50	1,330.0
Transfer Tower	26	35	60	910.0
Transfer Tower	26	35	60	910.0
Transfer Tower	26	35	60	910.0
Surge Bin	58	68	145	3,944.0
Surge Bin	58	68	145	3,944.0
Longshore Office	60	60	12	3,600.0
Water Treatment Plant	16	40	10	640.0
Sewage Treatment Plant	16	40	10	640.0
Receiving Building	50	200	24	10,000.0
Dust Control	45	55	50	2,475.0
Storage Silos	112	642	245	71,904.0
Storage Building	215	3250	90	698,750.0
Transfer Tower	82	60	106	4,920.0
Shiploader	255	147	214	37,485.0
Substation	120	293	30	35,160.0
Substation	23	55	25	1,265.0
Substation	36	117	30	4,212.0
Substation	177	75	30	13,275.0
Substation	120	140	30	16,800.0
Substation	90	90	30	8,100.0
Substation	45	55	30	2,475.0
Total				995,948.0

Neighboring Uses:

North BP refinery to the northwest

South The semi-developed Cherry Point Industrial Park to the south (and Intalco further southeast)

East Rural farms

West The Strait of Georgia to the south/southwest

Describe Existing Development on Proposed Site:

The project area is currently undeveloped and vegetated with red alder forest, pastures, hayfields, mowed utility corridors, and abandoned fields. Recent land uses have included pasture, hay farming, and firewood and pulpwood harvest. Pastures and hayfields are occasionally tilled and reseeded. County roads and ditches cross the property, and BNSF Railroad tracks cross the eastern portion.

Proposal Description (Be specific):

The Gateway Pacific Terminal is a proposed multimodal, deep-water Terminal to provide storage and handling for the export and import of up to 54 million metric tons per year of dry bulk commodities. The Terminal initially would manage the export of calcined petroleum coke, potash, low-sulfur, low-ash coal, and other coal products. The type and quantity of dry bulk commodities would likely change over time depending upon customer and market demands. Commodities would be transferred to and from the Terminal by rail on the BNSF Railway's Custer Spur and by ship via a wharf.

Terminal facilities would include:

- Two independently operational, industrial service rail loops (the "East Loop" and "West Loop") with sufficient trackage to handle projected bulk volumes by rail; both loops would be connected to BNSF Railway's Custer Spur, and each loop would house associated commodity storage capacity, material handling equipment, and other required bulk handling infrastructure;
- A Shared Services Area providing access from the East and West Loops to the access trestle and wharf;
- A three-berth, deep-draft wharf with ship-loading equipment and an access trestle extending from the shoreline to the wharf;
- Stormwater management systems and other utilities;
- Specific design features to avoid, minimize, or compensate for the environmental effects of the Terminal; and,
- Under separate application from BNSF Railway Co., improvements to the existing BNSF Railway's Custer Spur, including rail receiving/departing infrastructure and, eventually, a double track from the Custer Wye to the proposed Terminal.

The Terminal would be developed on approximately 334 acres within a total project area of approximately 1,200 acres. The project area is zoned for Heavy Impact Industrial use and is located in Whatcom County's Cherry Point Industrial Urban Growth Area. The Terminal would be designed to minimize impacts to associated resources while meeting the purpose and need for the project.

To demonstrate that your proposal complies with the applicable criteria [WCC 20.84.120 (1) (2) (3)], please answer the following questions as completely as possible:

1. A zoning variance is requested in order to:

A variance is requested from the standards of WCC 20.80.210 (Minimum Setbacks) in order to construct Transfer Towers 21 and 22 of the proposed Gateway Pacific Terminal. Subsection 5(b), Industrial Setback table, identifies that there is a 100' setback from all roads other than Minor Access roads. Additionally, footnote 1 of the Industrial Setback table indicates, "All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures¹, which exceeds 50 feet." While the majority of the structures meet these requirements, these two pieces of equipment may not, including:

Structure	Height	Height above 50'	Setback (including increased due to height) from All Roads except Minor Access (100' standard)	Approx. Distance from Closest Item to Measure Setback from	Feature measured to
Transfer Tower 21	60	10	110	103	Aldergrove Road
Transfer Tower 22	60	10	110	95	Aldergrove Road

A) Reduce the minimum setback (s) as follows:

Transfer Tower 21:

Front from 110 feet to 103 feet
 Side from ___ feet to ___ feet
 Rear from ___ feet to ___ feet
 Flanking from ___ feet to ___ feet

Transfer Tower 22:

Front from 110 feet to 95 feet
 Side from ___ feet to ___ feet
 Rear from ___ feet to ___ feet
 Flanking from ___ feet to ___ feet

B) Increase the maximum building height from N/A feet to N/A feet

C) Increase the maximum lot coverage from N/A percent to N/A percent

D) Other: N/A

2. This variance is needed to accommodate the construction of:

¹ The Applicant believes the transfer tower is equipment, similar to a tank, and not subject to the additional setback. This variance application is submitted without waiving that interpretation.

The transfer towers listed above used for transferring commodities between the project's commodities storage facilities and the wharf.

3. Describe the circumstances that apply to your property, such as size, shape, topography, location or surroundings, which make it difficult or impossible to meet the standard requirements of the ordinance. Explain:

The 1,200-acre property is characterized by terrain that is flat to gently sloping toward the shoreline, with a steep slope along the shoreline. It is surrounded by other industrial uses to the north and south, and low-density rural development to the east.

The primary circumstances that make it difficult or impossible to meet the required setbacks are the critical areas on the site, most importantly, the wetlands, Stream 1, and the coastal bluffs. Efforts to avoid these areas to the extent practicable resulted in the previously approved location of the trestle and the proposed location of the rail loops, conveyors, transfer towers and other facilities. Other factors that apply include: the topography of the property, which affects the height and shape of fill required for the rail lines and other facilities; the location of the Custer Spur, which dictates the location of the property's rail connection; the shape of the property, which determines where rail loops and other elements of the proposal must be located; and the surrounding properties and their rail service, which must be preserved.

The project engineer has worked diligently on a proposed design that minimizes the variances necessary to implement the project. The project includes facilities for unloading bulk commodities from unit trains up to 8,500 feet long. Sufficient length of appropriately graded track to accommodate unit train staging and unloading consumes a significant portion of the project area and limits the alternative configurations for material handling conveyors. Because of these constraints, certain of the transfer points from one conveyor to another must be located near the property boundaries. The engineering requirements to operate the transfer points require structures of a certain height. Where the transfer points must be located adjacent to property boundaries because of site configuration constraints, they exceed the allowable building setbacks dictated by their height.

4. Are such circumstances common to other properties in your area? Yes No

While other properties are affected by critical areas, no other property has this combination of circumstances.

5. Describe how a strict application of the ordinance causes a hardship and deprives your property of rights and privileges enjoyed by other properties in the vicinity and within the same zoning classification. Explain:

This property is not typical of others in the vicinity. It is subject to the same zoning, HII Heavy Impact Industrial, which encourages the type of use proposed here. But, the Shoreline Master Program provisions for the Cherry Point management area give special recognition to this site and the unique qualities that make it appropriate for the proposed deep water terminal use. The previously approved permits, SHS 92-0020 and MDP 92-0003, also carry certain rights and obligations. Further, the site use is limited by the critical areas and other physical elements described above. Strictly enforcing the setback requirements here would deprive the Applicant of the rights and privileges to use this property in the manner provided for by these codes and approvals, or alternatively, would require redesign that would likely have adverse impacts on the critical areas described above.

6. Would granting of the requested variance be materially detrimental to the public welfare or injurious to the property improvements in the vicinity? Explain:

No, granting the requested variance would not be materially detrimental to the public welfare or injurious to the property improvements in the vicinity. The requested variances are for setbacks near the intersection of Henry & Gulf roads. The project encompasses all property on the northeast, northwest, and southwest quadrants of this intersection, and the applicant is currently under contract to purchase the property in the southeast quadrant (Cherry Point Industrial Park property). Since there will be no adjacent property owners in close proximity to the structures, no direct effect to others would occur.

7. Is the variance request based on arbitrary convenience, a self-imposed hardship, or financial consideration? Explain:

This variance request is not based on arbitrary convenience, a self-imposed hardship, or financial consideration, but is based on the physical circumstances and other factors set forth above and a desire and obligation to protect critical areas whenever possible and reasonable.

Pacific International Terminals Inc.

By Skip Sahlin



Signature of Applicant

3/16/12

Date

Signature of Applicant

Date

Endnotes:

ⁱ Not applicable

ⁱⁱ Not applicable at this time. The County Planning Manager has determined that, if necessary, Health Department verification can be submitted at a later, more appropriate date.

ⁱⁱⁱ Not applicable, as the County SEPA Responsible Official has determined that an EIS will be required.

^{iv} The County Planning Manager has determined that a Revocable Encroachment Permit form is not required at this time. Rather, it would be submitted if and when any construction or use of public roads is required.

^v Aquatic lands are proposed to be leased from DNR. Additionally, some County roads are proposed to be vacated (noted on site plan). Application will be made at the appropriate time.