

BEFORE THE CITY COUNCIL
CITY OF SUMAS, WASHINGTON

IN RE Conditional Use Application of:)	REPORT OF DECISION
)	
Dennis Wilson)	
Nation Clean Energy)	November 10, 2025 DRAFT
902-935 Marine Dr)	
West Vancouver, BC V7T 1A7)	

The matter having come before the City Council of the City of Sumas for public hearing on November 10, 2025, the Council having duly considered all matters in the record and all testimony given for and against the application, makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The Applicant is Nation Clean Energy.
2. The Applicant seeks to establish a transloading operation for transferring petroleum products and petroleum by-products from rail cars to transport trucks.
3. The project site is located on the Sumas Development and Pacific Rim Reload properties. The properties are located in the Industrial District within the NE ¼ of SW ¼ of Section 34, T 41 N, R 04 E of W.M. The Whatcom County Assessor's parcel numbers are 410434 110168 and 410434 355207.
4. The parcels are located within the Industrial zoning district and is, therefore, subject to the regulations set forth in Chapter 20.44 of the Sumas Municipal Code (SMC).
5. The properties comprise approximately 60 acres. The proposed project area only consists of a portion of the total property area, comprising approximately 13 acres of that area.

Procedural Requirements

6. Applications for approval of a conditional use permit were submitted on October 8, 2025 and October 22, 2025 by the Applicant. The applications were determined to be complete on October 23, 2025.
7. Pursuant to Chapter 20.08 SMC, the consolidated applications were processed as a Class III action. A *Notice of Application* was issued on October 22, 2025. The notice publicized the public hearing date. A public comment period was held from October 22, 2025 through November 7, 2025. No comments were received during the public comment period.
8. Pursuant to WAC 197-11-355 (the Optional DNS Process), the Notice of Application also notified the public that the City anticipated the issuance of a Determination of Nonsignificance (DNS) under the State Environmental Policy Act (SEPA). The SEPA

comment period ran concurrently with the comment period identified in the Notice of Application.

9. A public hearing regarding the consolidated applications was held before the Sumas City Council on November 10, 2025. Opportunity for public comment was provided and testimony was received.
10. Following receipt of additional public testimony, the public hearing was closed on November 10, 2025.

Zoning Requirements

11. The Project is identified as being permitted as a conditional use in the Industrial District under subsection 20.44.030(1) – an operation “using significant quantities of the following materials and/or the following processes SMC,” where the list of materials and processes includes in relevant part any of the following: “petroleum products, and petroleum by-products”, “[h]ighly flammable materials” or, “any combustible fuel”. Additionally, Sumas Ordinance No. 1822 (2025) established a moratorium against all permitted use involving hazardous, toxic, and/or flammable materials, except where such uses are allowed and permitted as a conditional use pursuant to section 20.44.030 SMC. Thus, Council approval of a Conditional Use Application is required.

Conditional Use Requirements

12. Section 20.32.150 SMC gives the City Council broad authority to approve, approve with conditions, or deny an attached single-family project based on unique circumstances such as neighborhood character, comprehensive plan consistency, proximity to other similar projects, proximity to public services, adequacy of parking facilities, etc.
13. The Project meets the applicable criteria for issuance of a conditional use permit established at Section 20.66.020 SMC as follows:
 - a. The Project is harmonious and in accordance with the general policies and specific objectives of the *Comprehensive Land-Use Plan* as it is allowed under the Industrial zoning district.
 - b. The Project has been designed to be compatible with the essential character of the area and is not hazardous or disturbing to persons, property, or existing neighboring uses.
 - c. The Project Site is already served by public facilities and utilities. Water, sewer, electric, and phone utilities are available at the Site.
 - d. The Project will not create excessive vehicular congestion on neighborhood, collector, or residential access streets. Access to an from the site will occur on industrial-grade roads and/or roads which meet Canadian weight standards.
 - e. The Project will not create conditions substantially detrimental to persons, property, or neighboring uses by reason of the production of excessive amounts of traffic, fumes, glare, electrical interference, mechanical vibration, or odor.
 - f. The Project will not result in destruction, loss, or damage to any natural, scenic, or historic feature of major consequence. There are no specific natural or scenic features of importance on the Site, and no adverse comments have been received by the City regarding natural, scenic, or historic features.

CONCLUSIONS OF LAW

1. The subject proposal is consistent with the application requirements set forth in Titles 20 SMC.
2. The Project complies with the requirements established for approval of a conditional use permit established at Chapter 20.66 SMC.
3. Any finding of fact that is also a conclusion of law is hereby adopted as such.

DECISION

Based upon the aforementioned findings of fact and conclusions of law, the application for approval of a conditional use permit is _____.

City of Sumas, Washington

Bruce Bosch, Mayor

Date

METHOD OF APPEAL

There is no administrative appeal of the Council's decision. Pursuant to Chapter 36.70C Revised Code of Washington, any land use petition challenging the decision must be filed with the Superior Court and served on the following parties within twenty-one days of the issuance of the decision:

City of Sumas
433 Cherry Street
PO Box 9
Sumas, WA 98295

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West Vancouver, BC V7T 1A7