

Whatcom County Council Committee of the Whole

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



Committee Minutes - Draft Minutes

Tuesday, February 10, 2026

1:05 PM

Hybrid Meeting - Council Chambers

HYBRID MEETING - ADJOURNS BY 4:30 P.M. (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010); AGENDA REVISION 2.9.2026

COUNCILMEMBERS

Elizabeth Boyle
Barry Buchanan
Ben Elenbaas
Kaylee Galloway
Jessica Rienstra
Jon Scanlon
Mark Stremler

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Council Chair Kaylee Galloway called the meeting to order at 1:11 p.m. in a hybrid meeting.

Roll Call

Present: 7 - Elizabeth Boyle, Barry Buchanan, Ben Elenbaas, Kaylee Galloway, Jessica Rienstra, Jon Scanlon, and Mark Stremler

Announcements

Items Added by Revision

1. [AB2026-037](#) Update on 2026 State Legislative Session

The following people spoke:

- Jed Holmes, Executive's Office
- Josh Weiss, Columbia Policy Advisors

They briefed the councilmembers on the progress of the 60-day legislative session and the status of Council's priorities (legislation to allow the existing authority to have a county ferry district and have the passenger-only limitation removed, and the county's request for \$15 million of flood funding), and other bills the Council has given Weiss the position to work on. Legislation that would allow a local option Real Estate Excise Tax for affordable housing did not move forward, but the idea is included in House Bill 2442. Consideration of legislation that would provide \$7.6 million a year for city and county indigent defense services is still ongoing.

Councilmembers and the speakers discussed why SSB 6346 establishing a tax on millionaires is a bill of interest and that it is only listed because it would provide resources toward the funding for indigent defense, if someone could go to Thursday's special WSAC Legislative Steering Committee in Galloway's stead, how WSAC will be involved in discussions around the indigent defense funding, how councilmembers can weigh in on and support the \$15 million capital request for flood mitigation work and that the Administration is working on a letter as well, and that the ecosystem services bill did not survive.

This agenda item was DISCUSSED.

Committee Discussion

1. [AB2026-078](#) Discussion of urban growth area proposals for the 2025 Comprehensive Plan
Matt Aamot, Planning and Development Services Department, stated they

have presentations today from the cities of Everson and Sumas.

EVERSON

The following people presented the proposal from the City of Everson:

- John Perry, Everson Mayor
- Alex Putnam, Everson City Planner

They and Aamot discussed with Councilmembers the southern part of area 1 (the 15.79 acres noted in green on the proposed UGA map), whether it would be a good area to potentially site ring dikes, and whether it could be kept as a UGA reserve until the City completes its feasibility study for that.

Rienstra moved and Boyle seconded that they give council's preliminary support for the City of Everson's proposed UGA boundaries.

Scanlon moved and Boyle seconded to amend the main motion to have the southern half of area 1 remain as a UGA reserve.

Perry stated he is comfortable with that, with the expectation that they revisit it in about a year when they know more information, and Councilmembers discussed the reason for the amendment and making sure that infrastructure is in place if they are ever going to build homes there.

The motion to amend carried by the following vote:

Aye: 5 - Boyle, Buchanan, Galloway, Rienstra, and Scanlon

Nay: 2 - Elenbaas and Stremler

The main motion as amended carried by the following vote:

Aye: 7 - Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, Stremler, and Boyle

Nay: 0

SUMAS (approximate timestamp 35:37)

The following people presented the proposal (Map B in the "Sumas UGA Proposal" on file) from the City of Sumas:

- Bruce Bosch, Sumas Mayor
- Carson Cortez, Planner for City of Sumas

They answered questions about areas 7, 8, and 9 and discussed that area 7 is in the existing floodplain but they are going to extinguish development

rights in that area. They answered if the land in those areas has irrigation surface or groundwater rights since the majority of it is agricultural land, and stated a lot of that area is not necessarily used for agriculture but they do not have the answer for who has rights.

Councilmembers, the speakers, and Matt Aamot (Planning) discussed what the plans are for area 1 (current UGA), concerns about that area being a UGA and having housing, that it would have to be annexed before any significant urban development could occur, making sure infrastructure was in place to protect that area and areas in the current city limits if housing were to go in, that adding areas 7, 8, and 9 to the UGA would give Sumas enough space to relocate homes to an area that is out of the floodplain, and whether area 1 (current UGA) should be downgraded to a reserve.

Aamot clarified that the proposed plan is that areas 7, 8, and 9 would go from agriculture to UGA, areas 2 and 6 would go from UGA reserve to UGA, and area five would go from UGA reserve to agriculture.

Rollin Harper, Sehome Planning, spoke about the extinguishment of development rights in area 7 and that it is a requirement under the Growth Management Act in order to bring an area that has a floodplain in as a UGA. He stated if they downgraded area 1 (which is currently UGA) and then brought it back, the ramifications would be that it would then be subject to the extinguishment of development rights.

Scanlon asked if they could just change the proposal to say that area 2 would remain as a UGA reserve and not move to UGA, and Cortez stated that works for them.

Elenbaas moved and Stremmler seconded to give preliminary support for City of Sumas' UGA proposal.

Elenbaas stated he understands the challenges that will probably present themselves with this plan but he feels the Council should be enabling the City to execute their plan in the best interest of their residents.

Scanlon moved to amend to request that area 2 remain as UGA reserve.

The motion was seconded by Elenbaas.

Scanlon spoke to his motion and stated he has concerns about making changes to designations in the current floodplain and wants to make sure that adding any new facility or housing there would be safe.

Bosch answered if the amendment would cause issues for the City and stated because of the nature of the property (it is farmed still), it is probably not going to get developed in his lifetime.

The motion to amend carried by the following vote:

Aye: 4 - Galloway, Rienstra, Scanlon, and Boyle

Nay: 3 - Elenbaas, Stremler, and Buchanan

Councilmembers discussed the main motion as amended and whether they should hold it to get more questions answered.

The main motion as amended carried by the following vote:

Aye: 4 - Scanlon, Stremler, Buchanan, and Elenbaas

Nay: 0

Abstain: 3 Galloway, Rienstra, and Boyle

Clerk's note: At this point in the meeting (approximate timestamp 1:10:14), Dan Dunne from the Planning Commission started discussing the next agenda item before it had been read into the record. See notes of this discussion under **AB2026-121**.

This agenda item (AB2026-078) was DISCUSSED AND MOTION(S) APPROVED.

MOTION 1

Motion approved to amend the motion (that they give council's preliminary support for the City of Everson's proposed UGA boundaries) to have the southern half of area 1 remain as a UGA reserve.

MOTION 2

Motion approved that they give council's preliminary support for the City of Everson's proposed UGA boundaries as amended.

MOTION 3

Motion approved to amend the motion (to give preliminary support for City of Sumas' UGA proposal) to request that area 2 remain as UGA reserve.

MOTION 4

Motion approved to give preliminary support for City of Sumas' UGA proposal as amended.

2. [AB2026-121](#) Discussion relating to the Planning Commission's final recommendations on the Whatcom County Comprehensive Plan update and several amendments to the Foothills Subarea Plan

Clerk's note: Commissioner Dunne started his briefing before the timestamp of this agenda item at the end of the discussion on **AB2026-078**

(at approximately at 1:10:14 in the meeting).

Dan Dunne, Planning Commission, briefed the councilmembers on the "Planning Commission Letter" (on file) regarding the City of Bellingham and City of Blaine adopting reasonable measures.

He stated in order to accomplish the goal of the Growth Management Act (GMA), the City of Bellingham needs to get a big chunk of money, but they do not really know how they are going to get that money. For Blaine, if they are going to have employment capacity in a certain area and are going to build there, it needs to be an area where they can actually build and not one that is encumbered by wetlands and critical areas. He stated the Planning Commission's request in the memo was for the cities to have a reasonable accommodation.

Scanlon stated it would be good to get some legal analysis from the County's lawyers on this.

The following people responded to the letter and briefing and answered questions:

- Chris Behee, City of Bellingham
- Blake Lyon, City of Bellingham Planning Director

Comprehensive Plan process

Matt Aamot, Planning and Development Services Department, briefed the councilmembers on the Comprehensive Plan update process to date and the transmittal of the Planning Commission's final recommendations to the Council.

Galloway spoke about the documents attached to this file.

Kiana Oos, Council Staff, read from the "Staff Memo - Proposed Council Review Process" (on file) regarding a possible review schedule going forward.

Councilmembers and Cathy Halka, Clerk of the Council, discussed the proposed schedule to review and propose amendments to the Comprehensive Plan, and that deadlines for councilmembers to turn in proposed amendments give time for those edits to be vetted by Planning and legal first.

This agenda item was DISCUSSED.

3. [AB2026-041](#) Discussion of an ordinance establishing Whatcom County Code Section 2.02.195 Performance Audits

Galloway stated the ordinance is up for potential introduction under AB2026-040 and has a substitute version as well as comments from the Executive's Office on possible amendments attached to the file.

Kirsten Smith, Council Staff, spoke about the substitute ordinance and stated there is only one change from the original. It is the phrase "as permitted by law" in WCC 2.02.195 subsection A in Exhibit A which was added on the advice of Council's legal counsel.

The following people spoke about the comments and potential amendments integrated into the substitute ordinance as shown in the document titled "Comments - Executive" (on file) and answered questions:

- Kayla Schott-Bresler, Executive's Office
- Satpal Sidhu, County Executive
- Randy Rydel, Administrative Services Department Finance Director

They discussed with the councilmembers specific amendment requests, that they do not think it would be appropriate for the executive to report back to the Council on audits undertaken in the separately elected branches, if the word "performance" should also include what it is being measured against and that that was not defined by the Charter Review Commission, and that annual Washington State Auditor's Office audits will very likely continue as they are required if the county is receiving \$750,000 or more from the Federal Government.

Boyle moved and Rienstra seconded to recommend introduction of the substitute ordinance.

Rienstra moved to amend the sixth whereas statement of the substitute ordinance as noted in the executive's suggested ordinance so that it reads:

WHEREAS, audits of Whatcom County's financial statements and adherence to state laws, regulations, and local procedures are currently conducted by the Washington State Auditor's Office annually in accordance with RCW 43.09.260 and, in connection with federal grants or other federal funding; and

The motion was seconded by Boyle.

The motion to amend carried by the following vote:

Aye: 6 - Boyle, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

Abstain: 1 - Buchanan

Boyle moved and Elenbaas seconded to amend the substitute ordinance to add a seventh whereas clause as suggested in the executive's suggested ordinance which reads:

WHEREAS, the State Auditor system allows for the county to select program areas for additional financial auditing and also provides additional advice and services at local government request; and

The motion to amend carried by the following vote:

Aye: 7 - Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, Stremler, and Boyle

Nay: 0

Boyle moved and Galloway seconded to strike the word "waste" in the (now) 8th whereas clause.

Councilmembers discussed the motion and that the word is actually a category of an audit finding.

The motion failed by the following vote:

Aye: 0

Nay: 7 - Elenbaas, Galloway, Rienstra, Scanlon, Stremler, Boyle, and Buchanan

Kimberly Thulin, Prosecuting Attorney's Office, spoke about the amendment proposed by legal in the substitute ordinance to add the phrase "as permitted by law" to WCC 2.02.195 subsection A, and stated she thinks it is appropriate and gives transparency to citizens that there are some limitations with respect to independent branches within county government, especially if the scope of an audit relates to audits of performance and policies.

She and Councilmembers discussed authority given to charter counties in the State Constitution, and that no motion is needed since the change is already included in the substitute ordinance.

Councilmembers discussed the executive's comments about the broadness of the scope as highlighted in yellow in WCC 2.02.195 subsection A, and

whether they feel there needs to be an amendment, with the following people:

- Satpal Sidhu
- Kimberly Thulin

They discussed a concern about limiting the scope versus having it be limited by law, looking at the intent of the Charter Review Commission, and that the language in yellow is directly from the Charter Review provision that was passed by the voters.

No motion to amend was made.

Councilmembers discussed the executive comments regarding subsection B in Exhibit A.

Kayla Schott-Bresler, Executive's Office, stated that her review of other jurisdictions with an office of the performance auditor have some of this more fleshed out to manage expectations for the departments they may be auditing.

Kimberly Thulin answered whether there is a legal preference in the use of the words “should” or “may” in regards to potentially adding language to the subsection that Council should or may consider providing advance notice or program implementation expectations that may help meet outcome goals.

Galloway moved to amend WCC 2.02.195 subsection B to add two additional sentences after the first which read:

The council may consider if a performance audit is needed, the realistic cost of such audit, and confirm whether existing audits or performance evaluations already exist for a similar scope. The Council may also consider advanced notice or program implementation expectations that may help meet outcome goals and aid a successful audit.

The motion was seconded by Boyle.

Councilmembers, and council and executive staff discussed the motion, whether the current language in subsection B is already sufficient, whether there is an example from another jurisdiction that they may want to follow, and not constraining future councils while still making this council's intention clear.

The motion failed by the following vote:

Aye: 2 - Galloway and Rienstra

Nay: 5 - Scanlon, Stremmer, Boyle, Buchanan, and Elenbaas

Councilmembers discussed the executive's suggested added language to subsection F of WCC 2.02.195, and whether it should also include the word "office" to account for offices of elected officials.

Kimberly Thulin stated the county executive reporting is in the Charter Review ballot measure that was passed.

She and councilmembers discussed if they would still need to contemplate the suggested amendment in subsection F if they retained the language in subsection G, whether the Charter Review Commission intended to narrow the scope of this to only offices directly in the chain of command of the county executive, that it seems problematic for the executive to be responsible for reporting to the council about something that the Sheriff or Treasurer is doing, holding the ordinance to find out the Commission's intention and make sure it is legally correct, whether they should not amend subsection F but just reinstate an amended version of subsection G which also includes reporting by other elected officials, and how an amendment should be worded to make sure they are not requiring it of the executive if it is not his issue.

Boyle moved and Scanlon seconded to retain subsection G of WCC 2.02.195 and add language so that it reads:

G. Beginning January 1, 2029, and biennially thereafter, the executive, AND/OR ELECTED OFFICIAL(S) OVERSEEING THE APPLICABLE COUNTY DEPARTMENT OR OFFICE, shall report to the council on the implementation of the approved recommendations resulting from each performance audit performed under this section, including achieved cost savings and expected return on investment.

The motion to amend carried by the following vote:

Aye: 7 - Stremmer, Boyle, Buchanan, Elenbaas, Galloway, Rienstra, and Scanlon

Nay: 0

Councilmembers discussed the main motion to recommend the (now amended) substitute for introduction and whether they should just leave it in

committee in order to hear from members of the Charter Review Commission on their intent.

The motion to recommend the substitute ordinance for introduction as amended carried by the following vote:

Aye: 7 - Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, Stremler, and Boyle

Nay: 0

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

MOTION 1

Motion approved to amend the sixth whereas statement of the substitute ordinance as noted in the executive's suggested ordinance so that it reads:

WHEREAS, audits of Whatcom County's financial statements and adherence to state laws, regulations, and local procedures are currently conducted by the Washington State Auditor's Office annually in accordance with RCW 43.09.260 and, in connection with federal grants or other federal funding; and

MOTION 2

Motion approved to amend the substitute ordinance to add a seventh whereas clause as suggested in the executive's suggested ordinance which reads:

WHEREAS, the State Auditor system allows for the county to select program areas for additional financial auditing and also provides additional advice and services at local government request; and

MOTION 3

Motion approved to retain subsection G of WCC 2.02.195 and add language so that it reads:

G. Beginning January 1, 2029, and biennially thereafter, the executive, AND/OR ELECTED OFFICIAL(S) OVERSEEING THE APPLICABLE COUNTY DEPARTMENT OR OFFICE, shall report to the council on the implementation of the approved recommendations resulting from each performance audit performed under this section including achieved cost savings and expected return on investment.

MOTION 4

Motion approved to recommend the substitute ordinance for introduction as amended.

4. [AB2026-118](#) Ordinance amending Whatcom County Code Section 5.40.010 to change the permit threshold for outdoor musical entertainment, amusements, and assemblies

Kirsten Smith, Council Staff, updated the councilmembers and stated the proposed code change would amend current county language to match State code so that the threshold is 2,000 attendees instead of 1,000 attendees for requiring a permit. There is also additional language added (which was in the State code) that adds a duration threshold of five hours or more. The goal of the two changes is to eliminate some barriers for smaller events and their

organizers. The Planning and Development Services Department has agreed to review the County's process for the large permit and to identify whether a medium permit needs to be established. They will do this through the docketing process, and it is already on the docket, but that leaves a year or so gap. There is one event permit proposal in the 1,000-attendee range for 2026, and if the proposed amendments are adopted, that event would be subject to an operational permit which is required under the State fire code for events 300 persons and up and until you hit the larger event number. The Council Office has agreed to maintain coordinated permit review for the upcoming event during the interim with the Fire Marshal, Health Department, Sheriff's Office and some emergency personnel, and those reviewing departments have requested that the Council be the final approver of the operational permit based on their recommendations.

Councilmembers discussed that there is value in aligning with State law and removing barriers for smaller events, comfort with council being the final decision maker on the operational permit, and that these types of things may already be happening in the agriculture zone with no problems so this would be solving a problem that does not exist.

This agenda item was DISCUSSED.

Committee Discussion and Recommendation to Council

1. [AB2026-132](#) Request for motion to designate one Council representative to participate on the Emergency Medical Services 2029-2034 Levy Committee

The following people briefed the councilmembers on the requested position appointment for the Levy Planning Committee as per Whatcom County Code 5.04.080 (C)(2).

- Debbie Arthur, Emergency Medical Services (EMS) Administrator
- Kayla Schott-Bresler, Executive's Office

Galloway and Elenbaas stated they would be interested in serving as the Council representative.

Councilmembers and the speakers discussed welcoming a diversity of opinions on the committee, which of the two Councilmembers interested would support getting an advanced life support (ALS) unit in Deming, and that the structure of the group and the work that needs to be done is evolving and does not need to be done as it has always been done.

Scanlon moved to appoint Councilmembers Galloway and Elenbaas with a vote of one.

The motion was seconded by Boyle.

Councilmembers and Arthur discussed the motion.

Scanlon amended his motion to state that the intention of the vote is that the higher vote getter would be the main representative and the second would be the alternate.

Elenbaas was recommended to the full Council as the lead designate and Galloway as the alternate as follows:

Elenbaas: 4 - Buchanan, Elenbaas, Scanlon, and Stremmer

Galloway: 3 - Boyle, Galloway, and Rienstra

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

Motion approved to appoint Elenbaas as the lead representative and Galloway as the alternate.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:30 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger