

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, June 23, 2026

2:40 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING - MAY BEGIN EARLY/LATE - ADJOURNS BY 4:30 P.M.
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010)**

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 2:26 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

Special Presentation

1. [AB2026-454](#) Presentation from Susan Marks regarding the Commission on Sexual and Domestic Violence

Susan Marks, Commission on Sexual and Domestic Violence, read from a presentation (on file) on the history of the Commission and its membership, how they are funded, what the commission does and the focus of their work, current projects (including a sexual assault protection order case review, a re-imagining-justice project to develop survivor-centered restorative justice options, and training and workshops for schools around prevention and response), and two upcoming events (a July 23 commission meeting and the 2026 Whatcom County Summit on Missing and Murdered Indigenous Women and People in November).

This agenda item was PRESENTED.

Committee Discussion

1. [AB2026-460](#) Discussion of an ordinance granting Forged Fiber 37, LLC a non-exclusive franchise of the provision of telecommunication services in Whatcom County

Andrew Hester, Public Works Department, briefed the councilmembers and stated these franchise agreements are essentially the framework for allowing utility to operate within the roads and that they still have to go through the regular permitting process. AT&T is buying out Lumen in this region, so in order to operate within the right of ways, they need this franchise agreement, and a public hearing will be scheduled for the 28th of July. He stated it is a ten-year term, there is a five percent fee built-in, and it includes the standard hold harmless, permitting, and relocation language which is very important for Public Works to make sure that if they have a road project, the utility will relocate.

He answered a question about the five percent fee and stated it is five percent of their gross revenues in the facilities in which they are operating the utilities in this area, and he spoke about the ability to perform audits.

This agenda item was DISCUSSED.

2. [AB2026-491](#) Discussion of an ordinance adopting Whatcom County Comprehensive Plan and Foothills Subarea Plan amendments relating to Periodic Update and Urban Growth Area review requirements under the Growth Management Act

Galloway stated this is the first time they are seeing the whole plan and this would be the final call for amendments.

Kiana Oos, Council Office Staff, answered if the item that will get introduced will be red line or clean, and stated it is customarily the redline version since that would (in this case) show all the amendments to the 2016 version.

Kimberly Thulin, Prosecuting Attorney's Office, spoke about her review of the ordinances and that she made some formatting changes. She will continue her review and let Council know if there are additional changes that need to be made.

Lauren Clemens, Public Works Department Climate Action Manager, gave an overview of potential amendments proposed by the Climate Impact Advisory Committee and sent to Council via an email on June 18th for Chapter 12, and Council staff displayed them on the screen.

Galloway moved that they include amendments 1-4 (as shown on the screen) from the Climate Impact Advisory Committee, making amendments to Chapter 12.

The motion failed for lack of a second.

Mark Personius, Planning and Development Services Department Director, answered what the process would be if Council would like to make amendments (from these and other proposals) in the future, and stated under the Growth Management Act (GMA) they can amend the Comprehensive Plan (with a few exceptions) once a year. He spoke about some exceptions, including responding to an appeal to the Growth Management Hearings Board and adopting a new sub-area plan, both of which can be done at any time.

Galloway stated they could compile a list of straggler amendments and think about going through the amendment process in 2027.

Personius stated amendments would go through the normal deliberative public review process and would generally be taken to the Planning

Commission first and then go to Council for recommendation.

Clerk's note: There were more questions asked on Chapter 12 under **AB2026-493**.

This agenda item was DISCUSSED.

3. [AB2026-493](#) Discussion of an ordinance adopting Whatcom County Code Title 20 development regulation amendments relating to Periodic Update requirements under the Growth Management Act

Maddie Schacht, Planning and Development Services Department, stated there is a substitute ordinance with legal notes and amendments.

Galloway stated when they introduce the ordinance (**AB2026-489**) this evening they will need to note that they are introducing a substitute version.

Scanlon acknowledged comments that have been sent to the Council but stated, at this point, he just does not know what the potential consequences are of proposed amendments so it would make sense to wait until their next annual process to make any additional changes.

Lauren Clemens, Public Works Department Climate Action Manager, and councilmembers discussed a June 8 letter from the BP Cherry Point refinery with their concerns about Chapter 12 (see **AB2026-491**) and particularly a concern about imposing new greenhouse gas emission limits.

This agenda item was DISCUSSED.

4. [AB2026-494](#) Discussion of an ordinance adopting Whatcom County Zoning Map amendments relating to Periodic Update requirements under the Growth Management Act

Galloway stated she worries they are making a decision in the Custer area that might limit their abilities to think more creatively in the future. By upzoning it, it feels they are limiting their ability to do something denser in the future.

This agenda item was DISCUSSED.

THE FOLLOWING TWO AGENDA ITEMS WERE DISCUSSED TOGETHER

5. [AB2026-431](#) Ordinance amending Whatcom County Code Chapter 5.20, Fireworks, to strengthen fireworks regulations by limiting the days fireworks are allowed and prohibiting fireworks during burn bans

See notes on AB2026-475.

This agenda item was DISCUSSED.

6. [AB2026-475](#) Ordinance amending Whatcom County Code Chapter 5.20, Fireworks, to strengthen fireworks regulations by limiting the days fireworks are allowed and prohibiting fireworks during burn bans

This item was discussed along with **AB2026-431**.

Galloway stated there are two versions of the ordinance; one (**AB2026-431**) was the original as proposed and the second (**AB2026-475**) was what they called the "Galloway language" which had included a 100-foot setback under the Period of use and limitation, amendments to the special circumstances section to specify a stage 2 ban on outdoor burning as a condition for the prohibition of consumer fireworks, and clarification that the executive, in consultation with the fire marshal and Sheriff's Office, would retain discretion under other special circumstances. Her preference would be that they consider this amended version (**AB2026-475**). The substitute for **AB2026-475** also includes some non-substantive changes to incorporate feedback from one of the county's fire chiefs. This version adds language to the Purpose section that gives the county some flexibility in the deference to the State RCW in the event that State RCW changes, it adds back a definition about display fireworks which comes directly from the RCW, and adds an RCW reference to the section on Illegal sale to make sure the county is in alignment with State law on that.

Galloway spoke about stakeholder outreach that has happened since their last meeting and referenced three fact sheets (on file): Fact Sheet - Air Quality, Fact Sheet - Fireworks policies among Washington Tribes, and Fact Sheet - Impacts of fireworks. She pointed out there are still questions around enforcement of the ordinance and funding for that, and that another Washington County does enforcement through their Planning Department rather than the Sheriff's Office.

Councilmembers discussed what engagement looked like with stakeholders in Birch Bay, the Tribes, and the Sheriff's Office and how this ordinance would affect them, what is working (or not) in other counties to reduce the risks of fireworks, how the 100 foot setback might affect the ability for consumer fireworks in Birch Bay, what could be done to address issues and support concerns in Birch Bay outside of this ordinance, an interest in being collaborative with stakeholders to figure out a solution that works for everyone and works toward overall harm reduction, that there may be other entities that sell fireworks as fundraisers that might be affected by the ordinance, that though frustrations with the ordinance have been referenced, there are also many people who support it, the idea of setting up a temporary task force to come together with people with different perspectives in order to get the policy right, data about response to

emergencies due to fireworks and that much of it is anecdotal, and interest in retaining the three-day window for allowing fireworks.

Curtis Metz, Planning and Development Services Department, answered if the mechanism of prohibiting the discharge of private fireworks because of a ban on outdoor burning has ever been utilized, and stated it has never been used to ban or limit fireworks.

Jed Holmes, Executive's Office, stated though there have been requests for the executive to take action, no action has been taken in the last seven years for the Fourth of July except messages put out about being careful.

Councilmembers discussed if Council might want to hold this in order to allow for more stakeholder engagement and if they might request that the executive consider regularly communicating some precautions to help address some of the concerns.

This agenda item was DISCUSSED.

7. [AB2026-467](#) Discussion of results of 2026 legislative session and preparations for 2027 session
Jed Holmes, Executive's Office, introduced the presentation.

Josh Weiss, Columbia Policy Advisors, read from a presentation (on file) on a summary of the legislative session and budget, the mostly-successful outcome of councilmember priorities which they established last fall, a summary of the next legislative session and budget outlook, and next steps to start thinking about priorities for 2027.

He and councilmembers discussed how they can address economic development, WSAC priorities and how we see our county strategies toggling between being part of the collective voice versus just being our own, two rural revenue priorities of WSAC centering around mitigation for the loss of local sales tax and the need for counties' revenue problems to be included if the State continues to discuss (and try to fix) its own revenue problem, other issues that will be on WSAC's priority list, addressing State requirements around having to have sewer services in order to have middle housing in LAMIRDS, addressing zoning issues that cause food deserts in some rural parts of the county, asking Legislators to champion for local government when it comes to discussions around progressive revenue tools, if they are likely to see anything in the upcoming session regarding rising healthcare costs, and tracking our delegation's bills to see where we can lend our ally-ship.

Holmes wrapped up the discussion and stated they welcome feedback from

the Council in planning for the next session.

Galloway stated in light the County’s fiscal challenges impacting their ability to travel, she would like to strategize around how they can make sure to remain present during the legislative session in the absence of being able to participate in person.

This agenda item was 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 4:21 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger