

# **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, August 9, 2022**

**3 PM**

**Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 5 P.M.; MAY BEGIN EARLY  
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010)**

### **COUNCILMEMBERS**

Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kaylee Galloway  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## **Call To Order**

Council Chair Todd Donovan called the meeting to order at 3:10 p.m. in a hybrid meeting.

## **Roll Call**

**Present:** 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

**Absent:** None

## **Announcements**

### **Special Presentation**

1. [AB2022-416](#) Presentation providing updates on re-stabilization of 22 North program  
Amanda Burnett, Health Department, introduced the item.

Adrienne Solenberger, Opportunity Council, presented.

The following other people spoke and answered questions:

- Jason McGill, Northwest Youth Services Executive Director
- Rebecca Mertzig, City of Bellingham Police Chief
- Erika Lautenbach, Health Department Director

Solenberger answered questions about their request to Commerce remove restrictions on 16 of their youth set-aside units and whether Northwest Youth Services looks over those units or whether the Opportunity Council looks over all the units, whether the Opportunity Council rules put in place for the building will also be in place for those units and those people, whether the program is working in light of frequent reports from community members in the vicinity of 22 North, what resources are needed if it is not working and when the problems are going to be resolved, what kind of supports 22 North is offering to people, and whether the vetting process is different for the 22 North units than for Opportunity Council's.

McGill spoke about the separate process for screening applicants for Northwest Youth Services and answered whether the criteria is higher barrier now that they are seeing so many issues, and whether putting young people in an apartment by themselves is helpful.

Solenberger answered questions about the five three-day waste or nuisance notices that have been issued for tenants who have engaged in criminal

activity and are in process in Superior Court. She answered what kind of court action that is, what kind of criminal activity would be considered worthy of this notice, whether they could indicate in their report what criminal offences are relevant instead of just saying “criminal activity” so Council has a more transparent view of what is going on, whether there are any nationwide models or examples where this service model is working, and what happened with this situation and where the model fell apart.

McGill answered whether we have examples of youth that have moved from surviving to thriving in our community.

Chief Mertzig answered a question about the perspective of law enforcement on the drug problem in the area and how this community is working to resolve that.

Solenberger answered how much of a change we can expect from what we have now compared to three or four months from now, where tenants go once they are evicted, and what a success will be if we still have the issues that are going on outside the building.

Erika Lautenbach, Health Department Director, stated staff is available if Councilmembers have questions about the Health Department’s role in testing for potential environmental health exposure of drugs.

Solenberger answered whether neighbors are OK with piping music outside the building.

Burnett answered what role Whatcom County plays in the 22 North and Northwest Youth Services area there and whether we provide some funding for support.

**This agenda item was PRESENTED AND DISCUSSED.**

### **Committee Discussion and Recommendation to Council**

1. [AB2022-422](#) Resolution establishing priorities for Whatcom County’s 2025 Comprehensive Plan update

Galloway updated the Councilmembers.

Elenbaas asked and Galloway answered whether she received the request (in light of concerns about some Revised Code of Washington (RCWs) and working outside of the Growth Management Act) to replace section seven of Exhibit A with a commitment to work with the County Forest Advisory Committee to develop specific strategies and actions.

Elenbaas asked Galloway to give an example of what the following statement (the fifth item under priority one in Exhibit A) means, what it looks like on the ground, and how equity is addressed in land use policy:

Prioritize actions in overburdened communities that equitably enhance climate resilience and avoid or substantially reduce the adverse impacts of climate change in people, property, and ecological systems using best available science and climate projections.

He also asked how staff will incorporate these broad statements into the Comprehensive Plan update and asked whether it would be more appropriate for us to pass the Resolution minus Exhibit A since not all the priorities are everyone's priorities.

***Elenbaas moved*** that they recommend approval of the Resolution minus Exhibit A. The motion was seconded by Kershner.

Councilmembers discussed the motion, and whether Exhibit A would be deleted or retained and just not part of the Resolution, whether the reference to the two State House Bills that are included in the Resolution but that did not pass at the State should be in the Resolution at all, removing the priority about the transition to all-electric new residential construction, and whether Exhibit A is too specific.

The motion failed by the following vote:

**Aye:** 3 - Kershner, Byrd, and Elenbaas

**Nay:** 4 - Frazey, Galloway, Buchanan, and Donovan

***Buchanan moved*** to recommend approval of the substitute Resolution. The motion was seconded by Frazey.

***Kershner moved*** to amend the substitute Resolution to remove from Exhibit A the following statement (from section five):

Support building and energy codes that transition to all-electric new residential construction.

The motion was seconded by Elenbaas and Councilmembers discussed the motion and whether this language is contradictory to the letter the Council sent to the State Building Code Council on residential energy code (see AB2022-335).

Galloway suggested keeping the line in the Exhibit and adding some language from the letter recognizing the challenges rural communities face if that would seem like a reasonable compromise.

Councilmembers discussed her suggestion.

***Kershner amended*** her motion to request that Councilmember Galloway bring forward the language from the letter that we sent to the State Building Code Council a couple months ago that includes acknowledgement that our rural communities cannot necessarily move to all electric.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

***Buchanan moved*** to delay the vote on the main motion until tonight until they have the language in front of them. The motion was seconded by Byrd.

***Buchanan withdrew*** his motion to recommend approval.

Kershner asked Galloway where in the rest of the Resolution or Exhibit A there is a reference to the two House Bills (“HB 1099 (2021- Page 2 22) and HB 1117 (2021-22)”) that were mentioned in the Whereas statements of the Resolution and why they need to remain in the Resolution if they did not pass in the Legislature.

Satpal Sidhu, County Executive, stated we have a very codified and formal process for the Comprehensive Plan updates that includes working line-by-line through concerns with various groups and bringing that back to the Council, that Exhibit A is to be informed as you meet with people that this will come under scrutiny and discussion, and that we must be informed about the costs and investments to which we are committing.

Councilmembers continued to discuss the Resolution.

***Buchanan restated his motion and moved*** to hold until this evening.

The motion carried by the following vote:

**Aye:** 4 - Buchanan, Byrd, Donovan, and Elenbaas

**Nay:** 1 - Frazey

**Out of the meeting:** 1 - Kershner

**Abstain:** 1 - Galloway

**This agenda item was FORWARDED TO COUNCIL WITHOUT A RECOMMENDATION WITH PROPOSED AMENDMENT(S).**

Motion approved to amend Exhibit A and request that Councilmember Galloway bring forward the language from the letter (see AB2022-335) that we sent to the State Building Code Council a couple months ago that includes acknowledgement that our rural communities cannot necessarily move to all electric.

Motion approved to hold (on the main motion) until tonight.

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 4:43 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Dana Brown-Davis, Council Clerk

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Todd Donovan, Council Chair

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Kristi Felbinger, Minutes Transcription