

# **Whatcom County Council**

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



## **Minutes - Final**

**Tuesday, March 7, 2023  
6 PM  
Hybrid Meeting**

**HYBRID MEETING (PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE  
101, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010), AGENDA  
REVISED 3.6.2023**

### **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.

## COUNTY COUNCIL

### CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6 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

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, reported on and answered questions about:

- The possibility of two new low carbon projects coming to BP Cherry Point
- An agreement reached by Whatcom County and Petrogas West LLC on the permitting compliance pathway for the Petrogas Ferndale Terminal located in Cherry Point

### MINUTES CONSENT

*Frazey moved* to accept the minutes consent items. The motion was seconded by Byrd (see votes on individual items below).

1. [MIN2023-017](#) Committee of the Whole Executive Session for February 21, 2023

**Frazey moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

2. [MIN2023-018](#) Committee of the Whole for February 21, 2023

**Frazey moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

3. [MIN2023-019](#) Regular County Council for February 21, 2023

**Frazezy moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

## **PUBLIC HEARINGS**

1. [AB2023-122](#) Ordinance updating Whatcom County Code (WCC) 12.36, Load Limits and repealing WCC 10.30, Permanent Weight Limitations

Roland Middleton, Public Works Department, briefed the Councilmembers and answered whether we have been doing this without code authority.

Buchanan opened the Public Hearing and, hearing no one on this item, closed the Public Hearing.

***Donovan moved*** and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Elenbaas stated he is leery about approving this without input from the community.

Byrd asked and Kershner agreed that public hearing items should be in committee first.

**Donovan's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 0

Enactment No: ORD 2023-008

2. [AB2023-127](#) Resolution adopting the Healthy Children's Fund Implementation Plan

Buchanan opened the Public Hearing and the following people spoke:

- Joni Hensley
- John Marshall
- Meredith Hayes
- Cindy Johansen
- Name not stated
- Ken Gas
- Natalie Chavez
- Name not stated

- Toni Petch
- David Webster
- Misty Flowers
- Brian Estes
- Lindy (last name not given)
- Kim Doyle
- Deeann Kruse

Hearing no one else, Buchanan closed the Public Hearing.

Councilmembers did not vote on this tonight and Buchanan stated they would keep the record open for written comments.

*Elenbaas moved* that they keep the public hearing open until the issue comes before the Council on March 21st. The motion was seconded by Buchanan.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 0

Galloway listed public comments that she is interested in exploring more.

Elenbaas stated he would like to see some portion of the plan committed to helping alleviate barriers to in-home childcare.

**A PUBLIC HEARING WAS HELD (file not final). See motion below.**

Enactment No: RES 2023-007

Motion approved 7-0 that they keep the public hearing open until the issue comes before the Council on March 21st.

## **OPEN SESSION**

The following people spoke:

- Matt Berry
- Dave Berry
- Anne Freeman
- Edie Berry
- Randy Ambuehl

- Judith Osman
- Mathue Totten
- Al Hawkes
- Andy MacArthur
- Michael Bride
- Barbara Herrick
- Gary Mitchell
- James Rhoades
- Ciaran Roe
- Carl Garlow
- Anne Kannapell
- Mark Stremmer
- David Toll
- Charlene Jordan
- Dam Pham
- Chuck Kinser
- Timothy Connolly
- Randall (last name not audible)
- Markis Dee
- Melissa Wisener
- Natalie Chavez
- Name not stated
- Name not stated
- Name not stated
- Lyle Sorenson
- Doralee Booth
- Brady Green
- Linda Cain
- Susan Scheirman
- Lorraine Day
- Fred Gustafson
- Patrick Alesse
- Bob Aiken
- Misty Flowers
- Leanne Keel
- Ray Dillon
- Cliff (last name not given)
- Maureen Server
- Lindy (last name not given)

- Timothy Murphy
- Laurie Kritz
- Deeann Kruse
- Carol Donovan
- Valery Anderson
- Jack V.

Hearing no one else, Buchanan closed the Open Session.

*Clerk's note:* Council took a short break. Many public comments were regarding an Ordinance (**Ordinance 2023-004 adopted on February 21, 2023**) to install stop signs at the intersection of Birch Point Road and Birch Bay Drive.

Elenbaas moved that they reopen the public hearing on the stop signs in order to reconsider other options but Dana Brown-Davis, Clerk of the Council, stated they would need to introduce an Ordinance to repeal the adopted Ordinance because it is already in place.

Councilmembers discussed how to proceed and the following people spoke and answered questions:

- Elizabeth Kosa, Public Works Department Acting Director
- Roland Middleton, Public Works Department
- Jim Karcher, Public Works Department
- Karen Frakes, Prosecuting Attorney's Office
- Satpal Sidhu, County Executive

Councilmembers and the speakers discussed whether a Councilmember would like to bring an Ordinance to introduce at the next meeting to repeal the previous Ordinance, having Public Works be involved in drafting a new Ordinance, an upcoming tour by the Public Works Department of the area in question, reviewing what they heard in the comments tonight and working with Public Works and the Public Works and Health Committee on alternative measures to stop signs, whether putting in the stop signs can be stopped for now, whether Public Works is required to put in these stop signs in a certain period of time or whether they have already been installed, whether they could put the stop signs in but not take down the "Road Closed" sign, the fact that a new Ordinance could not be addressed for two weeks, that the vote to adopt Ordinance 2023-004 cannot be reconsidered since the Ordinance is already in effect, and following the law that is in place now and preparing a new Ordinance but taking the two weeks to dig

into this and hear from both sides.

Elenbaas stated he wants to stop the stop signs from going up right now and then reopen the public hearing and come up with a solution that is amicable to everyone.

Kosa requested they continue with the site visit and have a conversation with the Public Works and Health Committee Chair and then move forward from there.

## **CONSENT AGENDA**

**(From Council Finance and Administrative Services Committee)**

***Kershner*** reported for the Finance and Administrative Services Committee and ***moved*** to approve Consent Agenda items one through ten.

Satpal Sidhu, County Executive, answered (on Consent Agenda item number two - **AB2023-151**) whether there is there a reason the County is not buying from a local dealership.

Byrd stated he would like to remove items four (**AB2023-154**) and eight (**AB2023-175**) from the Consent Agenda and vote on them separately (see those items below after the Consent Agenda).

Councilmembers voted on Consent Agenda item numbers 1-3, 5-7, and 9 and 10 (see votes on individual items below).

1. [AB2023-147](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to provide disaster case management and housing assistance to households impacted by the December 2022 storms, in the amount of \$396,000

**Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

2. [AB2023-151](#) Request approval for the County Executive to authorize the purchase of two (2) passenger vans, using the Washington State Contract #05916, from Bud Clary Ford/Hyundai, located in Longview, Washington, in an amount not to exceed \$73,707.66

**Kershner reported for the Finance and Administrative Services Committee**

**and moved that the Bid Award be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

3. [AB2023-153](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the City of Bellingham to support staffing and implementation of the Alternative Response Team Pilot Program in the amount of \$62,969 for a total amended contract amount of \$322,179

**Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

4. [AB2023-154](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to support the Housing and Essential Needs Program in the amount of \$157,120 for a total amended contract amount of \$2,811,264

This item was considered separately (see below).

5. [AB2023-161](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Long Term Recovery Group to provide disaster case management and housing assistance to households impacted by the December 2022 storms, in the amount of \$360,000

**Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

6. [AB2023-163](#) Request authorization for County Executive to enter into a contract between Whatcom County and Bellingham Technical College for oversight of the instructional process of the Paramedic Training program in the amount of \$42,990

**Kershner reported for the Finance and Administrative Services Committee and moved that the Agreement be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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



Nay: 0

7. [AB2023-170](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide funding for motel rooms for families with children who would otherwise experience unsheltered homelessness in the amount of \$172,111.49 for a total amended contract amount of \$573,129.49

**Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

8. [AB2023-175](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the Whatcom Homeless Service Center in the amount of \$1,344,000 for a total amended contract amount of \$9,033,021

This item was considered separately (see below).

9. [AB2023-176](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lifeline Connections to provide behavioral health services in the Whatcom County Jail and Work Center in the amount of \$310,000 for a total amended contract amount of \$1,580,586

**Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

10. [AB2023-184](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Crossroads Consulting to expand the scope and compensation of the agreement, in an amount of \$66,750 for a total amended contract amount of \$217,700

**Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

4. [AB2023-154](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to support the Housing and Essential Needs Program in the amount of \$157,120 for a total amended contract amount of \$2,811,264

**Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

**Nay:** 2 - Byrd, and Elenbaas

8. [AB2023-175](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the Whatcom Homeless Service Center in the amount of \$1,344,000 for a total amended contract amount of \$9,033,021

**Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

**Nay:** 2 - Byrd, and Elenbaas

## **OTHER ITEMS**

### **(From Council Climate Action and Natural Resources Committee)**

1. [AB2023-181](#) Request approval to send a letter in support of Ejidos Community Farm's 2023 Local Community Projects Capital Budget request

**Galloway** reported for the Climate Action and Natural Resources Committee and ***moved*** that the Request for Motion be APPROVED.

Councilmembers discussed the motion and whether there is enough information presented and Galloway answered questions.

**Galloway's motion that the Request for Motion be APPROVED carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

### **(From Council Finance and Administrative Services Committee)**

2. [AB2023-183](#) Letter of support for the Small and Rural Courthouse Matching Grant Program for enhanced courthouse security

*Kershner* reported for the Finance and Administrative Services Committee and *moved* that the Request for Motion be APPROVED. She stated she worked with Judge Freeman on this and got questions (asked by Galloway in Committee) answered by the Council's Legislative Analyst. It looks like we may not end up qualifying for this depending on how many other smaller communities or counties qualify and apply for the money. But she thinks it is important that they send the message that this is an ongoing issue we are dealing with.

Galloway suggested they amend the letter to say something like "We understand Whatcom County might not qualify but we really urge you to include us, and these are the reasons why it is really important..."

Kershner stated she would be happy to allow Galloway to add language to clarify what the Council is asking.

Dana Brown-Davis, Clerk of the Council, asked whether this motion is to send the letter that was distributed to Council or an altered version with some revisions from Galloway.

*Kershner amended* her motion (the motion made in Committee) and *moved* to allow Councilmember Galloway to include the language that she just discussed and pass it tonight with Galloway's included language.

Galloway stated she needs some time.

Councilmembers concurred to send the letter with Galloway's suggested language to the Clerk of the Council and she can poll the other Councilmembers to make sure it is ok with everybody.

**Kershner's motion that the Request for Motion be APPROVED AS AMENDED carried by the following vote:**

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

**Nay:** 0

ACTION SUMMARY: Approved the request to send the letter with Galloway's suggested language after sending that to the Clerk of the Council who will poll Councilmembers for final approval.

**(No Committee Assignment)**

3. [AB2023-152](#) Request authorization for the County Executive to sign the Washington State Allocation Agreement Governing the Allocation of Funds Paid by Certain Settling Opioid Manufacturers and Pharmacies and the attached Subdivision Settlement Participation forms

Karen Frakes, Prosecuting Attorney's Office, briefed the Councilmembers.

**Kershner moved and Donovan seconded that the Request for Motion to authorize the Executive to sign the agreement be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

4. [AB2023-156](#) Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

**Frazey moved** and Donovan seconded that the Ordinance be ADOPTED.

Karen Frakes, Prosecuting Attorney's Office, answered whether the suspension is for one year.

**Frazey's motion that the Ordinance be ADOPTED carried by the following vote:**

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

**Nay:** 0

Enactment No: ORD 2023-009

### **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. [AB2023-160](#) Appointment to fill a vacancy on the Surface Mining Advisory Committee, surface mining material user position, Applicant(s): Ryan Devries

**Byrd moved** and Donovan seconded that the Council Appointment be APPOINTED by acclamation.

Elenbaas asked whether the applicant is in attendance and whether they would like to address the Council but the applicant was not present.

**Byrd's motion that the Council Appointment be APPOINTED carried by the following vote:**

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

**Nay:** 0

### **ITEMS ADDED BY REVISION**

1. [AB2023-191](#) Request approval to send a letter of support for application to U.S. Department of Justice to fund the Whatcom County Law Enforcement Assisted Diversion (LEAD) program

**Buchanan moved and Donovan seconded that the Request for Motion be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

2. [AB2023-193](#) Request approval to send a letter of support for net ecological gain

Galloway reported for the Climate Action and Natural Resources Committee, stated there was no recommendation from Committee, and briefed the Councilmembers on the letter.

**Frazey moved** and Donovan seconded that the Request for Motion be APPROVED.

Councilmembers discussed the letter, what kind of resources might be given to local governments, whether we know what it is we are trying to do here and whether we are looking for net ecological gain for just our fish populations, how net ecological gain is being defined, whether we want to serve the Legislature in a pilot capacity for this, whether this is net ecological gain for public projects and it would be staff taking this on, and that there would be pressure on farmland to achieve net ecological gain.

**Frazey's motion that the Request for Motion be APPROVED carried by the following vote:**

**Aye:** 5 - Buchanan, Byrd, Donovan, Frazey, and Galloway

**Nay:** 1 - Elenbaas

**Abstain:** 1 - Kershner

## **INTRODUCTION ITEMS**

Buchanan stated the first item (**AB2022-641**) is a substitute Ordinance and item eight (**AB2023-174**) had a motion to introduce as amended in Committee.

Elenbaas reported for the Planning and Development Committee on item number eight and the Clerk read the Committee motion into the record which was to make adding bicycle parking optional for two years and then review the success of the program after that time.

**Donovan moved** to introduce Introduction item numbers 1-7 and 9-11. The motion was seconded by Galloway.

Kershner asked that things they have not talked about in committee would be scheduled in committee and that items that have a public hearing be

scheduled in committee prior to the hearing to give opportunity to ask questions of staff and make sure that Council is up to speed on what is being proposed.

Councilmembers voted on the motion (votes on individual items below).

1. [AB2022-641](#) Ordinance adopting the Buildable Lands Report  
  
**Donovan moved and Galloway seconded that the SUBSTITUTE Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**  
  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
  
2. [AB2023-145](#) Ordinance amending Ordinance No. 2022-058 to change the due date of the Child and Family Well-Being Task Force Phase III report  
  
**Donovan moved and Galloway seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**  
  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
  
3. [AB2023-149](#) Ordinance amending the project budget for the Academy Road Stormwater Improvements Project Fund, request no. 3  
  
**Donovan moved and Galloway seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**  
  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
  
4. [AB2023-155](#) Ordinance amending Whatcom County Code 2.128, Business and Commerce Advisory Committee, to revise membership  
  
**Donovan moved and Galloway seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**  
  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
  
5. [AB2023-158](#) Ordinance declaring public necessity for and the authorization to acquire certain

property rights by eminent domain for the E. Smith Road and Hannegan Road Intersection Improvements Project

**Donovan moved and Galloway seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

**Nay:** 0

6. [AB2023-166](#) Ordinance establishing a compost procurement policy

**Donovan moved and Galloway seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

7. [AB2023-172](#) Ordinance adopting amendments to Whatcom County Code Chapter 16.50, Commercial Property Assessed Clean Energy and Resiliency (C-PACER) Program

**Donovan moved and Galloway seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

**Nay:** 0

8. Ordinance adopting various minor amendments to Whatcom County Code Title 20, Zoning; Title 21, Land Division Regulations, and; Title 22, Land Use and Development

This item was considered separately (see below).

9. [AB2023-182](#) Appointment to fill a vacancy on the Child and Family Well-Being Task Force, Applicant(s): Samantha Cruz-Mendoza

**Donovan moved and Galloway seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

10. [AB2023-185](#) Ordinance amending the 2023 Whatcom County Budget, request no. 4, in the amount of \$7,015,999

**Donovan moved and Galloway seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

11. [AB2023-186](#) Ordinance amending the project based budget for the Courthouse Improvement Fund, request no. 4

**Donovan moved and Galloway seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

### **INTRODUCTION ITEMS CONSIDERED SEPARATELY**

8. [AB2023-174](#) Ordinance adopting various minor amendments to Whatcom County Code Title 20, Zoning; Title 21, Land Division Regulations, and; Title 22, Land Use and Development

***Buchanan moved*** and Donovan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING.

Dana Brown-Davis, Clerk of the Council, stated the motion from Committee was to introduce a substitute as amended in Committee.

Councilmembers discussed how to proceed on the Ordinance and whether the recommended amendment could be discussed separately in committee while they get the rest of the code changes approved, the fact that they do not have an actual substitute version at this point, and whether they should send this back to Committee so staff can prepare a new version with new language.

***Elenbaas moved*** to withdraw **AB2023-174** from Introduction. The motion was seconded by Donovan.

Councilmembers discussed finding out where the whole Council stands on the amendment, limiting bike parking requirements to Limited Areas of



More Intensive Rural Development (LAMIRDs) and Urban Growth Areas (UGAs) and having some language about administrative discretion, and figuring out that language in a Committee.

The motion to withdraw carried by the following vote:

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

**Nay:** 0

Tyler Schroeder, Director of Administrative Services, discussed with Councilmembers whether Councilmembers or staff should come ready with proposed language in two weeks. He stated maybe a Councilmember could reach out to staff about language they have been discussing.

Donovan stated he would send his suggested language to staff.

**Elenbaas moved and Donovan seconded that the Ordinance Requiring a Public Hearing be WITHDRAWN. The motion carried by the following vote:**

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

**Nay:** 0

Further discussion on this item will be scheduled in Committee.

## **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

Buchanan reported for the Committee of the Whole Executive Session.

**Galloway moved** to authorize the County Executive to move forward with and complete the acquisition of the property and to lease a portion of the property as long as the purchase price of the property does not exceed the amount discussed in executive session. The motion was seconded by Donovan.

The motion carried by the following vote:

**Aye:** 6 - Byrd, Donovan, Frazey, Galloway, Kershner, and Buchanan

**Nay:** 1 - Elenbaas

Councilmembers gave committee reports and other updates.

Tyler Schroeder, Director of Administrative Services, answered questions about security measures for the Council meeting and whether those will be in place from here on out.

ACTION SUMMARY - FROM EXECUTIVE SESSION (AB2023-157):

Motion approved 6-1, with Elenbaas opposed, to authorize the County Executive to move forward with and complete the acquisition of the property and to lease a portion of the property as long as the purchase price of the property does not exceed the amount discussed in executive session.

**ADJOURN**

The meeting adjourned at 10:58 p.m.

The County Council approved these minutes on 3/21/2023.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE