

**Whatcom County
Council Climate Action and Natural Resources Committee**

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



Committee Minutes - Final

**Tuesday, June 20, 2023
9:40 AM
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 10:40 A.M. (PARTICIPATE IN-PERSON,
SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil,
OR CALL 360.778.5010)**

COUNCILMEMBERS

Todd Donovan
Ben Elenbaas
Kaylee Galloway

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

At 9:41 a.m., Council Staff announced that the executive session would extend to no later than 9:50 a.m.

Call To Order

Committee Chair Kaylee Galloway called the meeting to order at 9:53 a.m. in a hybrid meeting.

Roll Call

Present: 3 - Todd Donovan, Ben Elenbaas, and Kaylee Galloway

Also Present: Barry Buchanan, and Carol Frazey

Announcements

Committee Discussion and Recommendation to Council

1. [AB2023-390](#) Request authorization for the County Executive to enter into a Memorandum of Agreement between the County, Nooksack Indian Tribe, Lummi Nation, and Washington Department of Fish and Wildlife to guide remediation of County culverts that block salmon passage

John Thompson, Public Works Department, briefed the Councilmembers (see Memo) and answered whether there is any money changing hands or if it is just establishing a workgroup and everyone will be paid by their respective agencies or municipalities. He stated each party will bring their resources to the table using their own budgets.

Donovan moved that the Memorandum of Agreement be RECOMMENDED FOR AUTHORIZATION.

Galloway asked the Councilmembers whether the designee for the Policy Group should be a Councilmember rather than a staff member.

Thompson answered who the Executive's designee would be and stated his understanding is that it would be something the Executive would delegate to Director Kosa.

Councilmembers discussed whether they think a Councilmember needs to have a seat at the table. Elenbaas stated he does not know that the Council needs to have oversight over this and Donovan stated he is happy with the Executive having subject matter experts working with the Tribes. If there are contracts that need to be approved, that will be the Council's point to weigh in.

Elizabeth Kosa, Public Works Department Director, stated she will communicate to the Council and keep them updated as they move through the process.

Donovan's motion that the Memorandum of Agreement be RECOMMENDED FOR AUTHORIZATION carried by the following vote:

Aye: 3 - Donovan, Elenbaas, and Galloway

Nay: 0

Committee Discussion

1. [AB2023-396](#) Discussion of an ordinance adopting amendments to WCC Ch. 20.14, Wind Energy Systems, and Ch. 20.97, Definitions

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers and stated this item was assigned to the Climate Impact Advisory Committee (CIAC) who developed the content, while he helped to put it into code and process their proposed amendments. He answered how strikeouts in Whatcom County Code (WCC) Chapter 20.40 (in Exhibit A) referencing packinghouses pertain to this Ordinance and stated it is just definitional and numbering system changes. He answered questions about the definitions being deleted on the first page of Exhibit A and stated he is moving definitions to one place in WCC 20.97. He answered whether the code is allowing noise to go unregulated and stated the code has stated noise levels but we do not have the ability to measure those noise levels so they are proposing that we just refer to the State noise requirements for each zone.

Donovan asked whether anyone would know this is going on if the Council introduces the Ordinance tonight and just has a public hearing, or whether this (given the level of code changes) has a different kind of process where there would be more public awareness of it before the Council votes on it.

Galloway suggested some possible ways to get the word out and asked whether the CIAC had anything to add in that regard.

Ellyn Murphy, Climate Impact Advisory Committee, stated a lot of the red marks (and why the changes look so excessive) are because this is cleaning up the definitions and eliminating a lot of unnecessary paragraphs. It does not mean that they have made radical changes; they are just trying to be consistent with nationwide policies on wind energy and what most communities require.

Mia Devine, Spark Northwest, spoke about the proposed changes to the

code and stated she agrees that the changes are not really radical but are in line with what other counties are doing across the country.

Frazeley asked about sound in different land use areas and how far the buffer is in residential areas, and Strong showed the proposed setbacks on page five of Exhibit A.

Strong and Chris Elder, Public Works Department, answered whether you have to have a really big property to have one of these bigger systems and whether there is currently a company that is looking to permit such a thing.

Donovan moved to recommend this to the full Council for introduction.

Atul Deshmane, Public Utility District (PUD) Commissioner, spoke about an entity that built a wind system in southeast Washington and had expressed interest in pursuing a similar project in Whatcom County, but because of our land Ordinance, it was not something they wanted to pursue. He answered whether these code changes would make their project feasible.

Eddy Ury, Climate Impact Advisory Committee, spoke about the proposed code and how it would affect the permitting process, and that the committee is still open to public feedback.

Elenbaas stated just because Whatcom County Planning and Development does not regulate something, it does not mean it is not regulated.

The motion carried by the following vote:

Aye: 3 - Elenbaas, Donovan, and Galloway

Nay: 0

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

2. [AB2023-414](#) Discussion of proposed ordinance amending Whatcom County Code Section 11.20.025, Flotation Devices on the South Fork of the Nooksack River, to better protect ESA-listed Chinook salmon

Galloway briefed the Councilmembers and stated she would like to discuss an earlier recommendation from Councilmember Elenbaas at the last Water Work Session to add canoes and kayaks to the list of restricted flotation devices.

Elenbaas moved to amend Whatcom County Code Section 11.20.025 (in Exhibit A) to add canoe or kayak after “raft” unless it is a culturally significant use so that it would read:

No person shall operate a paddleboard, innertube, inflatable flotation device, foam flotation device, limb-propelled flotation device, ~~or~~ rubber raft, canoe, or kayak, unless it is a culturally significant use,...

Councilmembers discussed the motion.

Frazezy spoke about working together and adding support in the Ordinance for making sure the Pacific Northwest Scenic Trail and the Mount Baker Trail are open.

Donovan asked whether the motion is adding something different than what the Tribes requested and are interested in, and stated he would like to get that information before tonight.

Frazezy spoke about also adding "for scientific data collection" to Elenbaas' amended language and John Thompson, Public Works Department, stated that provision is already in the Ordinance.

Donovan asked what culturally significant or relevant means and whether it should be more defined.

Galloway stated she would reach out to the Chair of the Nooksack Indian Tribe and work with her to see if there is particular language that might cover the spirit of the intent of what we are recommending here.

The motion carried by the following vote:

Aye: 3 - Elenbaas, Donovan, and Galloway

Nay: 0

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

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 10:42 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Kaylee Galloway-via email 6/29/2023

Dana Brown-Davis, Council Clerk

Kaylee Galloway, Committee Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE