

# **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, January 27, 2026**

**1 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](http://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 1:03 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**

### **Committee Discussion**

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

Jed Holmes, Executive's Office, stated they have been continuing to work on the priorities that were set out at the end of last year, that there was a Senate hearing that was held regarding ferry district legislation, that they submitted (or will submit) capital budget requests to allow more flexibility with the 23-hour behavioral care center money and for flood prevention infrastructure, and that they are also working to support the funding for our courts to ensure adequate staffing for adjudication proceedings. He stated they have provided updates on bills that are going through and that now is an opportunity for the Council to give direction on ones they support and which the County can facilitate through its lobbyists.

Galloway updated on Washington State Association of Counties (WSAC) documents on file, and stated there are three bills that a couple councilmembers are interested in discussing today to see if there is willingness by the Council to advocate for them, and that she would like to discuss a framework around whether Council would like to follow the lead of the Administration or WSAC in supporting legislation that they support.

**Scanlon** spoke about **House Bill (HB) 2442** (and companion Senate Bill 6294), which would provide additional flexibility for cities and counties regarding revenue mechanisms or taxes. He stated this bill would allow counties to have a Real Estate Excise Tax (REET) that would go into affordable housing, and that it adds an element of progressive revenue and impacts different households in different ways.

**Scanlon moved** that they add HB 2442 to their legislative agenda.

The motion was seconded by Boyle.

**Galloway suggested** a friendly amendment to also support the companion

Senate Bill 6294.

**Scanlon accepted** the friendly amendment to include that in the motion.

The motion carried by the following vote:

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

**Nay:** 1 - Stremler

**Out of the Meeting:** 1 - Elenbaas

Galloway spoke about **House Bill 2520** (bill analysis on file) which clarifies a current statute around a legislative authority's ability to meet during a declared emergency and makes it clear that, if there is a declared emergency and an expedited action is needed, they have the ability to do that. She stated the key point in the bill summary is that OPMA is amended to specify that an agency may take action to address an emergency at a meeting held remotely or at which the physical attendance by some or all members of the public is limited due to a declared emergency, without first providing the option for the public to listen to such meeting.

**Galloway moved** to support HB 2520 regarding emergency meetings.

The motion was seconded by Scanlon.

Councilmembers discussed whether there is any time limit for how long this authority would last and that the exemption in OPMA is subject to the declared emergency.

The motion carried by the following vote:

**Aye:** 6 - Buchanan, Galloway, Rienstra, Scanlon, Stremler, and Boyle

**Nay:** 0

**Out of the Meeting:** 1 - Elenbaas

Galloway spoke about **House Bill 2170** (bill analysis on file) and companion Senate Bill 5999. She stated the Department of Natural Resources (DNR) has a fiduciary responsibility to manage the state's lands to generate revenue for its beneficiaries and also for the purpose of public benefit. There has been a growing interest in managing public lands for the benefit of climate or wildfire resilience, ecosystem services, and watershed health. This bill would give DNR authority to enter into new markets, which means they would be able to establish revenue streams for the value of the ecosystem services on the forest lands they are looking to protect or conserve. There is an opportunity for Council to participate in the discussions around this and she is looking for Council to support the bill or

to at least give her a blessing to participate in some of the legislative process on it.

Councilmembers discussed when it will be more complete than it is now, that she is looking for support to participate in the legislative process, if they could participate in the process if they do not get on board today, and that Council would not necessarily be supporting the bill but supporting Councilmember Galloway working on it.

**Boyle moved** that Galloway proceed with an exploration of this process, not committing Whatcom County to being huge supporters, but that they are learning and helping to shape the legislation.

The motion was seconded by Scanlon.

Councilmembers discussed the motion, that they may not be ready to say that Whatcom County is signing in as pro until they understand the impacts to the county's beneficiaries and the tribes, and that they could instead sign in as "other" and then outline some of their interests.

**Boyle clarified** the motion **and moved** that Galloway represent Whatcom County with a sign in as "other" so that we have the opportunity to learn more about this legislation and potentially help shape it.

Scanlon stated he finds that amendable as the seconder.

The motion carried by the following vote:

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

**Nay:** 1 - Stremler

**Abstain:** 1 - Buchanan

**Out of the Meeting:** 1 - Elenbaas

Holmes spoke about getting requests in regarding flood mitigation response and that the Administration would look for a motion at the next meeting to support a capital flood request.

Scanlon spoke about the intersection of Mitchell Road and Mt. Baker Highway and a letter (since it is a State highway) to support changes in speed and safety there. After a meeting with the county and WSDOT, Senator Shewmake offered to put in a transportation budget request to have a traffic study done there in order to determine the best option for that intersection. Scanlon stated he can bring that request back once it is finalized. There was also a conversation in the meeting with WSDOT about

how the Nooksack Tribe is leading on a project that will install a round-a-bout on Mt. Baker Highway and Deming Road.

They discussed adding a legislative session update to the Special Committee of the Whole meeting next week for more discussion on that item.

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

**MOTION 1**

Motion approved that they add HB 2442 and its Senate companion SB 6294 to their legislative agenda.

**MOTION 2**

Motion approved to support HB 2520 regarding emergency meetings.

**MOTION 3**

Motion approved that Galloway represent Whatcom County as "other" so that they have the opportunity to learn more about this legislation (House Bill 2170 and companion Senate Bill 5999) and potentially help shape it.

2. [AB2026-078](#) Discussion of urban growth area proposals for the 2025 Comprehensive Plan

Galloway stated she hopes to discuss the City of Nooksack and then the non-city, rural urban growth areas (UGAs).

Matt Aamot, Planning and Development Services Department, asked if they could also discuss Blaine's revised proposal.

**CITY OF NOOKSACK**

Rollin Harper, City of Nooksack, briefed the councilmembers on Nooksack's October addendum to their original August proposal in which the city responded to questions raised by County staff. He referred to the current map (page 4) in the "Nooksack UGA Proposal," showing the existing Nooksack UGA and the two UGAs that are left. He stated the southwestern UGA (on the bottom and far left on the map) is a ball field for the adjacent middle school and has not been annexed yet because of that current use. The one shown in the southeast corner, is their UGA reserve. He then referred to Nooksack's proposal map in the "Nooksack UGA Proposal." He spoke about proposed UGA areas 6, 7, and 8 on the north end and stated they are areas that are all entirely out of the existing and also FEMA's proposed floodplain. He spoke about why those areas are appropriate and that area 8 is desired by an adjacent property owner to build a new church. He spoke about proposed area 4 on the east side of the city and stated it is up on a hill and dry. He spoke about area 3 (the UGA reserve on South Pass Road) and stated it is elevated many feet above the nearby floodplain and would be light industrial.

Councilmembers and Harper discussed that they should be talking about the cost of infrastructure (such as berms) and other changes needed to ensure that people are safe, the plans for the existing UGA in the center and far south of the map that is in the draft SFHA flood area and that Nooksack is looking to raise the elevation of homes in the eastern half of it, supporting the proposal on condition that areas 1 (southern UGA) and 2 (ball field) do not have further development and that 6, 7, and 8 are outside the flood zone, that they support area 4 as is, only focusing on the UGA expansions today as opposed to existing UGA areas, and where a berm might go.

***Elenbaas moved*** to approve the proposal.

The motion was seconded by Stremler.

***Elenbaas amended*** his motion ***and moved*** that they preliminarily support the Nooksack proposal as proposed.

The motion was seconded by Stremler.

Councilmembers discussed the motion, wanting to understand the costs of making sure that future populations are living in areas that are viable, and that we do not know what the cost is yet to make that happen.

Kayla Schott-Bresler, Executive's Office, spoke about costs and stated an assessment that comprehensive is outside the scope of the Administration's current work plan or what they are budgeted for.

Matt Aamot, Planning and Development Services Department, answered whether this could be held in order to get more information and stated from the County perspective, it would be OK to hold this over if Nooksack is OK with it.

Harper, stated if the Council needs more time they can hold it, but they are just talking about adding these growth areas and not protecting the whole city.

The motion *failed* by the following vote:

**Aye:** 2 - Stremler and Elenbaas

**Nay:** 5 - Galloway, Rienstra, Scanlon, Boyle, and Buchanan

Councilmembers and Aamot discussed giving preliminary support for just parts of the proposal, what information the Council needs with regards to areas 6, 7, and 8, that the existing UGA is not part of the proposal, and

trusting Nooksack that they are adding areas that are appropriate.

**Scanlon moved** to support a proposal from the City of Nooksack that includes areas 3 and 4.

The motion was seconded by Boyle.

Councilmembers discussed the motion.

Schott-Bresler stated they will be talking more about consensus coming out of the FLIP process and what that may mean for Everson, Nooksack, and Sumas, and would also defer to Public Works and Planning departments for their expertise.

Councilmembers discussed what they are waiting for in the forthcoming conversations and FLIP process, whether it would answer all their questions in a matter of weeks, looking at infrastructure needs for the current population and not just future populations, and trying to understand the risks for areas 6, 7, and 8.

The motion carried by the following vote:

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

**Nay:** 2 - Stremler and Elenbaas

*Clerk's note:* Councilmembers advanced to agenda item #3 (AB2026-079) but then came back to item #2 (this agenda item) in order to hear from the City of Blaine.

#### CITY OF BLAINE

Matt Aamot, Planning and Development Services Department, stated the City of Blaine initially had a proposal to expand their UGA to the west in Semiahmoo, and Council had preliminary review of that and made a motion back in November (to confirm council support for Blaine's UGA not including expansions in Birch Point [specifically, study areas 3, 4, and 6 on the draft EIS maps] south of Lincoln Road). Blaine then revised their proposal so they are here to talk about that.

Alex Wenger, City of Blaine, briefed the councilmembers on the progress of the city's comprehensive plan update and their current UGA proposal. He answered how the new proposal compares to the original one, and stated the areas on Birch Point have been completely removed as well as the rural area just to the right of the existing UGA. He answered questions about incentivizing densification within current city limits closer to downtown

and what is currently available in Semiahmoo that is developable.

Doug Ranney, Public Works Department, and Wenger answered what this looks like for County spending to make sure there are roads to accommodate population growth in Semiahmoo and whether the Bell Road overpass is a city project.

**Scanlon moved** to preliminarily support the updated proposal from the City of Blaine.

The motion was seconded by Boyle.

The motion carried by the following vote:

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

**Nay:** 0

#### CHERRY POINT UGA

Aamot presented on Cherry Point and stated the proposal consists of re-designating parcels north of Grandview Road, that have conservation easement or a protective covenant, from UGA to rural, and rezoning these parcels from light impact industrial to rural (one dwelling per 10 acres). There are no UGA reserve areas proposed. The eastern edge of the area north of Grandview would be retained as light impact industrial, but the rest of it (that is in protective covenants and easements) would be taken out of the UGA and made rural.

He and Councilmembers discussed whether all landowners whose property is changing designations are aware of the change and that none of them has an issue with it, that it is mostly BP and that they have not gotten anything opposing it, whether outreach was done with the existing property owners to see if their current land use and business plans are aligned with what we think is the employment growth capacity, and whether they made up for the light impact industrial area when it became a wetland mitigation area and not usable for light industrial.

Galloway stated she would like to see, all in one place, where industry zones are getting switched, and that it would be nice to say at the end of this that we are at least minimally at net neutral or net zero loss.

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

#### MOTION 1

Motion approved to (preliminarily) support a proposal from the City of Nooksack that includes areas 3 and 4.

## MOTION 2

Motion approved to (preliminarily) support the updated proposal from the City of Blaine.

3. [AB2026-079](#) Discussion of Comprehensive Plan Chapter 4, Capital Facilities, and Chapter 5, Utilities

Galloway read the item into the record and stated they did not have time to discuss it.

**This agenda item was NOT ACTED UPON.**

4. [AB2026-023](#) Discussion of a draft ordinance amending Whatcom County Code Chapter 5.40 Outdoor Musical Entertainment, Amusements and Assemblies

Galloway stated this draft ordinance was put on the agenda as a discussion only, but since it was scheduled, the ordinance has become more simple and just seeks to align with the State RCW and hold off on other more substantial changes. They could, by an agenda revision today, recommend to introduce this as a proposed ordinance this evening if they wish to.

Cathy Halka, Clerk of the Council, briefed the councilmembers on the draft ordinance and how it aligns with State code regarding the threshold for number of attendees at outdoor events that requires a permit. She reiterated that the draft is only on for discussion in this committee and staff is looking for direction on how the Council would like to move forward.

***Scanlon moved*** to recommend to the Council that they introduce the ordinance this evening.

The motion was seconded by Boyle.

Halka and Kimberly Thulin, Prosecuting Attorney's Office, discussed with councilmembers other requirements an event holder would still be required to meet, that this amendment is just putting our code in line with the State requirements, that a permit has to be issued by the legislative body, that the 1000-person threshold and the RCWs were put in place before Whatcom was a charter county, if there was more than one event that has been impacted by the current county code, and that just because there have not been many permit applications submitted in the last decade it does not mean these types of events have not been happening.

The motion carried by the following vote:

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

**Nay:** 0

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

Motion approved to introduce the ordinance this evening.

5. [AB2026-045](#) Discussion regarding the implementation of the 2025 charter amendments passed by voters

Kirsten Smith, Council Office Staff, introduced the discussion.

Galloway read from the 2025 Charter Amendments chart (on file) and the following people answered questions:

- Kirsten Smith
- Kimberly Thulin, Prosecuting Attorney's Office
- Kayla Schott-Bresler, Executive's Office

Thulin answered questions on amendment #4: Prohibiting County Government from Interfering with Initiatives and Charter Amendments. She stated the Council Attorney would advise Council as needed and she answered what legal obligation the County would have if they were faced with a scenario where they were forced to implement an invalid or illegal initiative.

Schott-Bresler answered if a new budget process (amendment #5: Modifying the Budget Process) will be in effect for the next biennial budget process and stated it will be.

Scanlon stated this is helpful for tracking the charter amendments and making sure they are happening as the Charter Review Commission and voters intended.

**This agenda item was DISCUSSED.**

6. [AB2026-040](#) Ordinance establishing Whatcom County Code Section 2.02.195 Performance Audits

Joel Pitts-Jordan, sponsor of this amendment from the Charter Review Commission, briefed the councilmembers on the benefits of performance auditing, that the typical scope of performance audits is narrowly focused on a single activity within a single department as opposed to auditing the whole of government or an entire department, and the Commission's deliberations around funding, in which they decided not to prescribe a dedicated funding stream. He stated the intention of Proposition 3 was more of a permission structure than any kind of mandatory structure.

The following people answered questions:

- Kimberly Thulin, Prosecuting Attorney's Office
- Kayla Schott-Bresler, Executive's Office

They and Pitts-Jordan discussed with councilmembers how Snohomish County funds their performance audits, that there would be limits on subjecting independently elected offices to audits and that that is why language should be added in the ordinance (see substitute section 2.02.195) that provides the constitutional limitations, that the discussion in the Commission was that the audits would go beyond just financial performance to also look at operational performance and processes, that the substitute ordinance fulfills the intent of the Commission, whether programs which the County funds in independently elected offices can be subject to audits, making sure the ordinance is clear on what it is trying to achieve, making sure that existing performance-related audits in the departments and programs are being considered, the short term fiscal impacts of audits in any given year and what should not be funded in the budget in order to fund those, an encouragement from the Administration to add specificity to the ordinance around whether the audits are fiscal or programmatic and how they relate to the elected branches in order to create clear expectations about what is permissible under State law and what it not, and clarifying specific language in the ordinance around how often state audits are done and how the executive can report to Council in regards to audits performed in other branches.

Councilmembers and Schott-Bresler discussed receiving suggested amendments from the Administration and Council's timeline for considering the ordinance, how the community will find out about the work that is done, whether they need to add funding for this in the biennial budget, having a central place for seeing audit work that already occurs in the departments, that audits should be taken as an opportunity to learn, and a request that Council have more discussion about the interplay with the separately-elected branches as well as whether these are financial audits or operational audits of programs.

**This agenda item was DISCUSSED.**

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

Galloway stated she and the vice chair and clerk of the council have been discussing the possibility of incorporating a facilitated discussion around

Council strategic planning into the upcoming Council retreat. She asked whether Council would be interested in a facilitated process and moving budget authority in the Council's budget to cover that.

Councilmembers and Cathy Halka, Clerk of the Council, discussed the idea, that the cost would likely be under \$10,000, how long the process might take, and the benefit of bringing in an outside facilitator.

**Boyle moved** that Councilmembers Galloway and Scanlon move forward with a proposal for up to \$9,999 to facilitate a strategic plan for the County Council.

The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 6 - Boyle, Buchanan, Galloway, Rienstra, Scanlon, and Stremler

**Nay:** 1 - Elenbaas

Motion approved that Councilmembers Galloway and Scanlon move forward with a proposal for up to \$9,999 to facilitate a strategic plan for the County Council.

## **Adjournment**

The meeting adjourned at 4:04 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

---

Cathy Halka, Council Clerk

---

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger