

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, May 12, 2026

1:50 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 1:59 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. [AB2026-376](#) Presentation from the Birch Bay Community Advisory Committee regarding their first year of activities and community engagement

The following people presented on what they have been working on and what they hope to focus on in the next year and beyond:

- Dave Wilbrecht, Birch Bay Community Advisory Committee Chair
- Danielle Gaughen, Birch Bay Community Advisory Committee member

Scanlon spoke about partnering with the advisory committee for the Council's next Community Conversations event on May 20, and he asked if there are any priorities for the advisory committee (based on the letters and recommendations they have sent to Council) that the Council has not yet taken on.

Wilbrecht referred to a handout (on file) and spoke about three land use areas they have expressed concerns about.

This agenda item was PRESENTED.

Committee Discussion

1. [AB2026-186](#) Discussion and preliminary Council direction on Whatcom County Comprehensive Plan Chapter 2, Land Use

Galloway stated they would go amendment by amendment because that was the Council's interest. The worked off of "Chapter 2 - Chart of Proposed Council Changes for 5.12.2026," and "Chapter 2 - Preliminary Council Draft for 5.12.2026."

Rienstra moved to begin review of Chapter 2 using the Preliminary Council Draft dated 5.12.2026, which is the current version of the chapter with Planning Commission recommendations from January 2026 and additional

edits proposed and motions passed by councilmembers as listed in the Chart of Proposed Council Changes for 5.12.2026.

The motion was seconded by Scanlon.

The motion carried by the following vote:

Aye: 6 - Galloway, Rienstra, Scanlon, Stremmer, Boyle, and Buchanan

Nay: 1 - Elenbaas

Elenbaas spoke about a concern that they are going over amendments without the public's ability to give input and that it may not give them meaningful time to respond to comments they receive, and councilmembers discussed the concern and opportunities for public comment.

Elenbaas stated the point the executive made this morning about economic development and growth is an important conversation they need to have and they need to be asking whether what they are doing in this chapter is opening the door to investment or putting a stop sign up. He stated he may bring forward amendments.

Amendment number 129 (new Policy 2H-4)

Elenbaas proposed additional amendment language for the policy which would be added to the end of what is represented in amendment number 129, and he spoke about his proposal.

Elenbaas moved to add Policy 2H-4 as amended so that it reads:

Policy 2H-4: Lands designated for agriculture under Whatcom County code shall retain their agricultural designation and associated protections, and remain farmable and available for agricultural use consistent with the intent of the agricultural zone as defined in Whatcom County Code, regardless of whether they are in active agricultural production, unless such agricultural lands are de-designated to UGA or another non-resource land use type consistent with the provisions of the GMA. Periodically review Title 16.16 (Critical Areas) to ensure the program components of Article 8 of Title 16.16 Conservation Program on Agricultural Lands (CPAL)-are compatible with GMA requirements to protect both critical areas and agricultural lands of long-term commercial significance.

The motion was seconded by Scanlon.

Mark Personius, Planning and Development Services Department Director, answered what the pieces were that Planning recommended (via an email) that did not get included, and spoke about the options for regulating agricultural activities in critical areas.

The motion carried by the following vote:

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

Nay: 0

Amendment number 137 (amending Policy 2U-11)

Scanlon moved to accept amendment number 137.

The motion was seconded by Boyle.

Boyle moved to amend the amendment so that Policy 2U-11 would read:

Policy 2U-11: To inform long term planning within the Bellingham Urban Growth Area, coordinate with the City of Bellingham to complete an annexation and land use compatibility plan that evaluates the long-term compatibility of existing light and heavy industrial zoning with surrounding land uses. Such evaluation shall include consideration of:

- Proximity to established and planned residential neighborhoods;
- Zoning transitions, landscaping and buffering between residential and industrial uses;
- Cumulative environmental and public health impacts;
- Economic impacts;
- Infrastructure capacity and fiscal sustainability;
- Development patterns consistent with walkability and reduced vehicle miles traveled.

The motion was seconded by Scanlon.

Councilmembers discussed why the amendment strikes environmental impacts in the fourth bullet point and that it is captured in the third bullet point.

The motion to amend carried by the following vote:

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

Nay: 2 - Stremler and Elenbaas

The motion to accept amendment number 137 as amended carried by the following vote:

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

Nay: 2 - Stremler and Elenbaas

Amendment number 138 (amending Environmental)

Galloway moved to include amendment 138 in their preliminary council draft.

The motion was seconded by Boyle.

Councilmembers discussed a comment that it felt inconsistent to add these facts here, and that the intent was just to add additional background information.

The motion *failed* by the following vote:

Aye: 3 - Galloway, Rienstra, and Scanlon

Nay: 4 - Stremler, Boyle, Buchanan, and Elenbaas

Amendment number 139 (striking the New Goal and New Policies 1, 2, and 3 which were preliminarily approved in COTW on 3.10.26)

Stremler moved to strike the entirety of the new goal and policies under Cherry Point - Environmental as noted in amendment number 139.

The motion was seconded by Elenbaas.

Councilmembers discussed that amendment numbers 140 and 141 have alternative language, that this language would add burden to the industries out at Cherry Point which could affect economic development, that just because Whatcom County land use policy does not regulate something it does not mean it is unregulated, that the industries have a hard time when regulations are inconsistent or ambiguous, that there has been input with a preference to strike this language and amend it with the language in amendment numbers 140 and 141, and that, if the Council wants to crack open the Cherry Point ordinance, they should do it in a thoughtful way and not in this Comprehensive Plan.

The motion carried by the following vote:

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

Nay: 0

Amendment numbers 140 and 141 (New Goals and Policies under Cherry Point - Environmental)

Galloway stated amendment numbers 140 and 141 are no longer needed and should not be included in the preliminary draft.

Amendment number 142 (amending Environmental)

Councilmembers discussed with Council staff the language proposed to be stricken, if it was in the prior Comprehensive Plan, and that it is from the Cherry Point Aquatic Reserve Management Plan and was added here by County staff.

Cathy Halka, Clerk of the Council, stated that the version that they moved today (on page 2-78), includes this as stricken language.

Boyle moved to include the language "The existing industrial uses at Cherry Point do not conflict with aquatic reserve status" (per the PDS recommendation).

The motion was seconded by Scanlon.

Scanlon stated there is similar language in the 2016 Comprehensive Plan.

The motion carried by the following vote:

Aye: 6 - Buchanan, Elenbaas, Rienstra, Scanlon, Stremmer, and Boyle

Nay: 1 - Galloway

Amendment numbers 143, 144, and 145 (regarding Cherry Point UGA Features and Policy 2CC-11)

Galloway stated upon reconsideration, she does not want to include these amendments because she does not want to be overly prescriptive here.

Galloway moved to strike the language that represents amendments numbers 143-145 (rejecting those amendments).

The motion was seconded by Boyle.

The motion carried by the following vote:

Aye: 7 - Elenbaas, Galloway, Rienstra, Scanlon, Stremmer, Boyle, and

Buchanan
Nay: 0

Amendment number 146 (amending Policy 2CC-16)
Galloway moved to include amendment number 146.

The motion was seconded by Boyle.

Mark Personius answered how they can clarify that this is meant to underscore the importance of SEPA rather than change it, and stated the language that is used in SEPA is to mitigate *significant* adverse impacts because that is what we are really looking for. So, he does really not see a difference here in language that would change how they go about their SEPA analysis. He stated if we identify adverse impacts, they have to rise to a level of significance, which is a subjective term, and it is different for different uses and different impacts. He would suggest adding the word “significant” after the word “mitigate” if Council wants to keep that proposed language.

Galloway amended her motion to add the word “significant” (as a friendly amendment).

Elenbaas stated this now just mirrors what SEPA dictates, which is a good thing for consistency, and Galloway stated that is correct.

The motion carried by the following vote:

Aye: 7 - Elenbaas, Galloway, Rienstra, Scanlon, Stremler, Boyle, and Buchanan
Nay: 0

Amendment number 147 (amending Policy 2CC-16)
Stremler moved to strike the words "preapplication correspondence or" as noted in amendment number 147.

The motion was seconded by Elenbaas.

Councilmembers discussed the note regarding the amendment that was included on the chart of amendments, how this motion (striking the language) would change the status quo, that Planning provides notice of application to the Lummi Nation and Nooksack Tribe on all permit applications in Cherry Point but does not provide that for preapplications

for the reasons stated in the note, whether it would be possible to give pre-application notification just to the Council, and that Planning staff clarified to the Planning Commission that they took the language out because they do not do preapplication notification. They discussed if the Council should be notified of preapplications and Elenbaas stated it is sound policy to strike the notice of preapplication correspondence.

The motion carried by the following vote:

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

Nay: 0

Amendment number 148 (striking Goal 2FFF and associated policies)

Galloway stated amendment 148 would strike the language and is related to amendment numbers 149, 150, and 151, which just strike different parts of the goal and policies. She stated they would consider this amendment first.

Scanlon stated the idea of the Climate Overlay District is something that came out of the future shorelines report and could potentially be one way to have a zoning mechanism for areas that are at potential risk of flood, sea level rise, and wildfire. The edits in 149-151 may also help with sea level rise work in Birch Bay.

Stremler moved that they strike the entirety of language as noted in amendment 148 (Goal 2FFF and associated policies).

Elenbaas voiced a concern that keeping language would just be a policy direction moving forward and not leave room for future debate. It also creates uncertainty.

Councilmembers discussed the motion.

The motion *failed* by the following vote:

Aye: 2 - Stremler and Elenbaas

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

Amendment numbers 149, 150, and 151 (amending Policy 2FFF-1 and striking Policies 2-4)

Galloway moved to include amendment numbers 149, 150, and 151.

The motion was seconded by Rienstra.

Galloway stated this would start the docketing and public process and so is just one of many steps.

Elenbaas pointed out the note from the Planning Department on amendment number 149 and stated these things were thought about when they designed Chapter 12.

Councilmembers discussed the motion.

Mark Personius stated the note is saying that this is an evolving science so we need to be open to how we deal with it.

The motion carried by the following vote:

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

Nay: 2 - Stremmler and Elenbaas

Amendment number 152-162 (staff recommendations on several policies)
Galloway stated these amendments by staff are already included.

Gary Stoyka, Public Works Department, briefed the Councilmembers on the proposed amendments, and stated they are to put the preferred regulatory level at the preliminary 100-year floodplain for all of the cities and align with our flood code language.

Councilmembers discussed the amendments and Stoyka spoke about communication they have had with the cities and that they are aware of what the County is trying to do.

Galloway stated they will just consider these amendments included, so there was no motion.

Scanlon stated the intention here is more about conversations about UGAs and UGA reserves and not intended to tell any city what they need to do within their city limits.

Amendment number 163 and 164 (amending Policies 2M-2 and 2M-3)
Galloway stated these amendments would broaden the reference to priority habitat and priority species rather than threatened and endangered, and that there are certain species that are critical but not technically threatened or endangered.

Galloway moved to include amendment numbers 163 and 164.

The motion was seconded by Scanlon.

Councilmembers discussed how much more land the “priority” designations would encompass and that they should not change the language without that analysis, the definitions for these terms, where the recommended amendments came from, and that this is a much larger change than they think it is.

Boyle moved to hold 163 and 164 to next week and **then withdrew** her motion.

They discussed that they could let the experts study it but keep the language that is in there for now.

The motion *failed* by the following vote:

Aye: 0

Nay: 6 - Stremmler, Boyle, Buchanan, Elenbaas, Rienstra, and Scanlon

Abstain: 1 - Galloway

Amendment number 165 (amending Policy 2QQ-3 and striking Policies 2QQ-4 and -5)

Elenbaas moved to include amendment number 165.

The motion was seconded by Rienstra.

Scanlon spoke about why the language was pulled back and how the County can have conversations regarding planning and land use matters in coordination with the tribes.

Councilmembers discussed the motion and that they will also have to reconcile language in Chapters 3 and 9.

The motion carried by the following vote:

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

Nay: 0

Amendment number 166 and 167 (recommendations from staff)

Galloway stated these amendments were Planning Department recommendations.

Mark Personius answered if the amendments are proposing a new committee, and stated they are not recommending that they should engage such a committee and are proposing to change it so that the executive may appoint a committee if necessary.

Kiana Oos, Council Office staff, stated these amendments were not included in today's chart or draft but were sent in a memo (see "Memo - PDS on siting criteria for crisis facilities" on file).

Galloway moved to include amendment numbers 166 and 167 as presented by staff (in the memo).

The motion was seconded by Scanlon.

The motion carried by the following vote:

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

Nay: 0

Amendment number 135 (amending Policy 2A-9)

Stremler stated he wanted to look again at this amendment and **moved** to amend amendment number 135 to remove the words "adjacent to residential neighborhoods."

The motion was seconded by Boyle.

Stremler stated he thinks a lot of this is aiming towards the Bellingham UGA but it does not specify that, so he wonders if there are other UGAs that have heavy industrial zoning (Cherry Point) that are also adjacent to residential neighborhoods but are not part of the intent of this particular policy.

Elenbaas stated he thinks the language was trying to be specific to the Bellingham UGA without saying it, and that, if they delete that phrase, it would include all industrial zoning located within UGAs and not clear anything up.

Personius suggested that they insert the word "municipal" before "urban growth areas" because Cherry Point is a non-municipal UGA.

Councilmembers and Personius discussed whether they should still strike "adjacent to residential neighborhoods" if they add the word "municipal," and Personius stated they could keep the phrase so that the policy would read:

Where heavy industrial zoning is located within municipal urban growth areas adjacent to residential neighborhoods, the County should identify and implement measures that minimize neighborhood exposure to industrial pollution and advance public health, environmental justice, and long-term economic resilience. These measures should be developed with meaningful involvement of affected communities.

Stremler accepted the friendly amendment.

The amended motion carried by the following vote:

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

Nay: 0

Galloway stated they did not get to the discussion on the UGAs so they can bring that part back for the May 19th meeting, and hopefully there will otherwise be no more amendments for Chapter 2.

Elenbaas stated they need to ask themselves if they actually opened their arms to investment or if it is still closed by how they have written the chapter. He is concerned they are disincentivizing the ability to have the right jobs here. He stated he thinks there are a few language things that could fix that, and he will send amendments soon.

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

MOTION 1

Motion approved to begin review of Chapter 2 using the Preliminary Council Draft dated 5.12.2026, which is the current version of the chapter with Planning Commission recommendations from January 2026 and additional edits proposed and motions passed by councilmembers as listed in the Chart of Proposed Council Changes for 5.12.2026.

MOTION 2

Motion approved to add a new Policy 2H-4 as follows (in place of amendment number 129):

Policy 2H-4: Lands designated for agriculture under Whatcom County code shall retain their agricultural designation and associated protections, and remain farmable and available for agricultural use consistent with the intent of the agricultural zone as defined in Whatcom County Code, regardless of whether they are in active agricultural production unless such agricultural lands are de-designated to UGA or another non-resource land use type consistent with the provisions of the GMA. Periodically review Title 16.16 (Critical Areas) to ensure the program components of Article 8 of Title 16.16 Conservation Program on Agricultural Lands (CPAL)—are compatible with GMA requirements to protect both critical areas and agricultural lands of long-term commercial significance.

MOTION 3

Motion approved to include amendment 137 (Policy 2U-11) as amended (via motion) so that the policy reads:

Policy 2U-11: To inform long term planning within the Bellingham Urban Growth Area, coordinate with the City of Bellingham to complete an annexation and land use compatibility plan that evaluates the long-term compatibility of existing light and heavy industrial zoning with surrounding land uses. Such evaluation shall include consideration of:

- Proximity to established and planned residential neighborhoods;
- Zoning transitions, landscaping and buffering between residential and industrial uses;
- Cumulative environmental and public health impacts;
- Economic impacts;
- Infrastructure capacity and fiscal sustainability;
- Development patterns consistent with walkability and reduced vehicle miles traveled.

MOTION 4

Motion approved to strike the entirety of the new goal as noted in amendment number 139 (this makes amendments 140 and 141 no longer needed).

MOTION 5

Motion approved to include the phrase "The existing industrial uses at Cherry Point do not conflict with aquatic reserve status" that was stricken in amendment 142.

MOTION 6

Motion approved to strike the language that represents amendment numbers 143-145 (rejecting those amendments)

MOTION 7

Motion approved to include amendment number 146 amending Policy 2CC-16 and to add "significant" before "adverse impacts" so that it would read:

Policy 2CC-16: The County will, through its adopted SEPA policies and applicable permitting processes, identify and mitigate significant adverse impacts on public safety, transportation, the economy, and environment from new fossil fuel facilities, including new or expanded crude oil, coal, liquefied petroleum gases, and natural gas facilities within the Cherry Point UGA.

MOTION 8

Motion approved to strike the words "preapplication correspondence or" in Policy 2CC-16 as noted in amendment number 147.

MOTION 9

Motion approved to include amendment numbers 149, 150, and 151.

MOTION 10

Motion approved to include amendment number 165 (regarding Policy 2QQ-3, Policy 2QQ-4, and Policy 2QQ-5) so that Policy 2QQ-3 reads:

Consider opportunities to coordinate and engage with the Tribes on relevant county planning and land use matters.

MOTION 11

Motion approved to include amendment numbers 166 and 167 as presented by PDS staff (as noted in "Memo - PDS on siting criteria for crisis facilities" on file).

MOTION 12

Motion approved to amend amendment number 135 to add the word "municipal" before "urban growth areas" in the first sentence of Policy 2A-9 so that the policy reads:

Where heavy industrial zoning is located within municipal urban growth areas adjacent to residential neighborhoods, the County should identify and implement measures that minimize neighborhood exposure to industrial pollution and advance public health, environmental justice, and long-term economic resilience. These measures should be developed with meaningful involvement of affected communities.

Notes for Chapter 2 amendments: It was determined that amendment numbers 140 and 141 were no longer needed, and councilmembers considered amendment numbers 152-162 as being included without a motion.

2. [AB2026-250](#) Discussion and preliminary Council direction on Whatcom County Comprehensive Plan Chapter 8, Resource Lands

Galloway read the item into the record but it was not acted upon.

This agenda item was NOT ACTED UPON.
3. [AB2026-261](#) Discussion and preliminary Council direction on Whatcom County Comprehensive Plan Chapter 10, Environment

Galloway read the item into the record but it was not acted upon.

This agenda item was NOT ACTED UPON.
4. [AB2026-263](#) Discussion and preliminary Council direction on Whatcom County Comprehensive Plan Appendices (Appendix A: Glossary, Appendix B: Acronyms, Appendix D: Bibliography, Appendix E: 20-Year Capital Facilities Plan, Appendix G: Airport Overlay Zones, Appendix H: Airport Imaginary Surfaces, Appendix I: Housing Needs Analysis, Appendix J: Subsidized Housing Needs and Funding) and Foothills

Subarea Plan Amendments

Galloway read the item into the record but it was not acted upon.

This agenda item was NOT ACTED UPON.

5. [AB2026-249](#) Discussion regarding schedule for Council review of the comprehensive plan update

Galloway read from the “Updated Comprehensive Plan Review Schedule 5.12.2026” (on file).

Councilmembers discussed what is happening between now and their meeting on May 19th so that they will be able to close out the discussion items on the UGAs (Chapter 2) and that they may need to go into executive session that day to discuss them.

This agenda item was DISCUSSED.

Committee Discussion and Recommendation to Council

1. [AB2026-272](#) Request for motion regarding council meeting procedures for discussion of agenda bill items on the day of introduction

Galloway stated (because of time) they can continue discussion of this item this evening, but briefed the other councilmembers on what she and Scanlon are proposing. She read from the memo (on file) that outlines a recommendation to rescind the motion of April 1st that required all items on day of introduction be discussed in committee. They would then substitute that with a plan which would require discussion in committee on day of introduction for things like ordinances amending the county budget, ordinances requiring a public hearing, and all recurring county plans or plan updates (things they anticipate maybe taking more than two weeks’ time or for which they may have amendments).

Councilmembers discussed a concern of not being able to discuss items during the day before they are introduced, and that sometimes they do not have time to get to all of them in committee.

Cathy Halka, Clerk of the Council, answered if they would retain project based budget items in committee on the day of introduction, and stated that would be up to the Council, but the original plan was just to include budget amendment ordinances.

Councilmembers discussed whether project based budget ordinances should be included.

There was no recommendation to Council from the committee.

This agenda item was FORWARDED TO COUNCIL WITHOUT A RECOMMENDATION.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:31 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger