

# **Whatcom County Council Committee of the Whole**

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



## **Committee Minutes - Final**

**Tuesday, May 27, 2025**

**2:05 PM**

**Hybrid Meeting - Council Chambers**

**HYBRID MEETING - MAY BEGIN EARLY - ADJOURNS BY 4:15 P.M.  
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010); AGENDA  
REVISED 5.22.2025**

### **COUNCILMEMBERS**

**Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Kaylee Galloway  
Jon Scanlon  
Mark Stremier**

### **CLERK OF THE COUNCIL**

**Cathy Halka, AICP, CMC**

## Call To Order

Council Chair Kaylee Galloway called the meeting to order at 2:03 p.m. in a hybrid meeting.

## Roll Call

**Present:** 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremler

## Announcements

## Special Presentation

1. AB2025-358 Presentation from Health and Community Services on housing program updates

**This agenda item was WITHDRAWN.**

## Committee Discussion

1. AB2025-396 Discussion regarding Council Office budget adjustments for mid-biennium  
Galloway briefed the councilmembers and stated our office received a memo from the Executive's Office with budget instructions on meeting a low to high budget cut target. The Clerk of the Council has been working on a memo (on file) with some proposals for that, and will present it today.

Cathy Halka, Clerk of the Council, read from the memo and stated in addition to examples of potential reductions for the Council's consideration, she also noted some anticipated cost increases for 2026. She stated she anticipates getting preliminary feedback from the Council in the initial discussion today and can also take additional feedback via email by May 30th. Then they can discuss it further at the June 3rd Special Committee of the Whole meeting. June 9th is the date she will need to submit the proposed reduction scenarios to the Executive's Office.

Halka answered questions about the temporary two-year Legislative Coordinator position previously approved for the Board of Equalization (BOE) on the list of 2026 potential Council budget reductions in the memo. She and councilmembers discussed what the scope of the Council Office's responsibility is when it comes to BOE, that the function is a State requirement, that even though other entities may essentially affect the workload of the board and Council staff, the Council Office has the fiscal responsibility for it, and that the office cannot predict how many petitions it will receive in any given year.

Halka answered whether there are any unfilled positions in the Council

Office that the office is going to keep unfilled or is looking to fill, and stated the temporary Legislative Clerk position on the list is the only unfilled FTE.

Councilmembers discussed the anticipated 2026 cost increases and asked what the anticipated \$12,000 for Incarceration Prevention and Reduction (IPRTF) Task Force reports pays for. They discussed that other boards and commissions provide reports at no cost, a request that the clerk compile a big picture overview of both IPRTF and Justice Project Oversight & Planning (JPOP) expenses before their June 3rd meeting, potential cost increases for Hearing Examiner services and whether they should look at other options for that, what the Council Office's budget would be if they take out the costs related to the Board of Equalization, that the JPOP contract is one that is already in place and is not technically in the Council's budget, that there is a requirement to support the Justice Project Oversight & Planning group in Ordinance 2023-039 and provide meeting facilitation, and how that is funded.

Kayla Schott-Bresler, Executive's Office, stated the existing JPOP contract was funded in part by a Justice Assistance Grant (JAG) which the Executive's Office pursued, but the funding source would likely need to be the General Fund going forward.

Kirsten Smith, Council Office, answered whether there have been any proposals that have passed so far in the Charter Review Commission that would add any additional costs for the Council Office, and stated there are none that have passed but some that have not passed yet that would impact the Council.

Councilmembers discussed being mindful of the cost for the potential "New staff - Council attorney" as listed in the memo, whether some of the costs could be paid by funds other than the Council's budget and where it obligates Council to take on the expenses at what level of service, looking at whether they are going beyond what is statutorily required, whether things could be done in house as opposed to being contracted, whether the status quo is still consistent with the Council's vision, and that there are ways to fund Council priorities outside of the Council's budget.

They discussed the ideas of removing the IPRTF advertising (social media boosts) and anticipated cost for year end and annual reports, whether the Council Internship is still needed, and that it may save money in other areas in the long run,

Halka asked what she should bring back to them on June 3rd to help them provide guidance to her on what to submit for June 9th and the following items were discussed:

- Do a summary of IPRTF staff hours and efforts
- Summarize all of the Board of Equalization costs
- List how all Council Office staff are allocating their time by percentage

Galloway stated she would like Council to decide on how they would like to accomplish the budget cut targets, and to have the policy discussions which were outlined today. They are also planning on having a discussion on the Council attorney question. Councilmembers can think through the prioritization of the anticipated cost increases and provide feedback to the clerk by May 30th.

**This agenda item was DISCUSSED.**

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

1. AB2025-221 Discussion and motion relating to draft Countywide Planning Policy amendments  
Matt Aamot, Planning and Development Services Department, briefed the councilmembers on the process for this item up to this point.

***Donovan moved*** to approve the countywide planning policies as described in Exhibit A, the version recommended by the Planning Commission (on file as "Draft Countywide Planning Policies (Exhibit A)").

The motion was seconded by Galloway.

***Galloway moved*** to amend policy I (9) (in Exhibit A) as recommended by the County's Surface Mining Advisory Committee so that it reads:

The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. As part of a broad based economy, productive timber, agriculture, fisheries, and mineral resource industries should be supported to operate in a sustainable manner.

The motion was seconded by Donovan.

Councilmembers discussed the motion and who it was reviewed by.

The motion carried by the following vote:

**Aye:** 6 - Byrd, Donovan, Galloway, Scanlon, Stremmler, and Elenbaas

**Nay:** 0

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

Councilmembers and Aamot discussed adding a new policy as section N (7) with language around demonstration of compliance relating to surface and groundwater resources, that it was not recommended by the city county planner group, that it may not need to be added because of existing, individual water system plans, and whether any additional study would be needed (beyond the Consolidated Water System Plan study) to determine the capacity of water systems in areas the cities are proposing for urban growth area (UGA) expansion or reserve since there is not new data for some of those areas. Aamot stated that cities would have to update their water system plans to show they have adequate capital facilities for water if they are proposing to expand their UGAs. He also spoke about capacity in rural and county UGAs, and that the Planning Commission had similar proposals to the N (7) amendment but did not ultimately recommend a new policy.

**Donovan moved** to retain the following language in section A (6): "and provide the ability to make accurate comparison of issues so appropriate trade-offs can be consciously made" so that the section reads:

Various planning techniques, such as overlay maps and Geographic Information Systems, shall be utilized to allow the public and public officials to evaluate planning proposals and provide the ability to make accurate comparison of issues so appropriate trade-offs can be consciously made.

The motion was seconded by Galloway.

Councilmembers discussed what reinstating the language does functionally and Donovan stated he did not see any reason to delete the language in this section about public involvement. The planning group was also fine with leaving it in.

The motion carried by the following vote:

**Aye:** 7 - Donovan, Elenbaas, Galloway, Scanlon, Stremmler, Buchanan, and Byrd

**Nay:** 0

**Donovan moved** to amend section B (1) to retain the language with the modifications of the planner group which reads:

“The county may work with the public to further define or modify types of rural areas based on the characteristics and needs of different areas.”

The motion was seconded by Galloway.

The motion carried by the following vote:

**Aye:** 7 - Elenbaas, Galloway, Scanlon, Stremmer, Buchanan, Byrd, and Donovan

**Nay:** 0

**Donovan moved** to amend section **B (5)** to reinstate the language as modified so that it reads:

Whatcom County may undertake a public process to further define or modify rural areas and rural growth as distinct from urban growth areas.

Councilmembers and Aamot discussed that the rationale for changes noted in the document should be left in when they send the document to the cities, but in the final ordinance adopted by the County Council it will probably be taken out.

The motion carried by the following vote:

**Aye:** 7 - Galloway, Scanlon, Stremmer, Buchanan, Byrd, Donovan, and Elenbaas

**Nay:** 0

**Donovan moved** to amend **C (3) (a)** to retain the language which reads:

The most current, accurate population projections based on a range provided for Whatcom County by the Office of Financial Management shall be used to determine whether Urban Growth Areas include sufficient land capacity to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period.

The motion was seconded by Buchanan.

Councilmembers discussed the motion with Aamot and the following people:

- Chris Behee, City of Bellingham
- Dan Dunn, Planning Commission
- Rollin Harper, Sehome Planning

They discussed whether the proposed amendment is equivalent to saying that the county and the cities shall use the OFM medium projection, that it just says they should be projecting based on the most accurate data, and maintaining local flexibility to set projections within a range.

The motion to amend C (3) (a) *failed* by the following vote:

**Aye:** 2 - Buchanan and Donovan

**Nay:** 5 - Scanlon, Stremmler, Byrd, Elenbaas, and Galloway

**Donovan moved** to amend section G (7) to reinsert the language “Low income,” so that the section reads:

Low income, Multi-family and diverse and supportive housing options shall not be concentrated in only a few communities or neighborhoods.

The motion carried by the following vote:

**Aye:** 7 - Stremmler, Buchanan, Byrd, Donovan, Elenbaas, Galloway, and Scanlon

**Nay:** 0

Aamot answered what the Planning Department has done to engage with the Tribe and the outcome of that since receiving the letter from the Nooksack Tribal Council (on file as “Letter - Nooksack Tribal Council”), and stated he does not believe there has been any further communication with the Tribe since the original letter.

**Scanlon moved** to amend section C (5) to add “treaty natural resources (e.g. salmon, wildlife, traditional foods), tribal cultural resources,” as suggested in the letter from the Nooksack Tribal Council so that the section reads:

Urban Growth Areas should be established in a way that preserves agricultural land, forestry, mineral resources, treaty natural resources (e.g. salmon, wildlife, traditional foods), tribal cultural resources, water resources, and critical areas. Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.

Aamot stated that the city county planner group recommended no change to

this section. He stated critical Areas ordinances have been adopted and tribal cultural resources are now addressed under a different countywide planning policy.

Scanlon stated the idea here is the word treaty because that goes beyond county code and charter, and State law.

The motion was seconded by Galloway.

Councilmembers and Aamot discussed whether this would change anything functionally from what they do on the ground already.

The motion carried by the following vote:

**Aye:** 4 - Buchanan, Donovan, Galloway, and Scanlon

**Nay:** 3 - Byrd, Elenbaas, and Stremmler

***Donovan moved*** to amend section **D (4)** to delete the words, “and achieve the desired vision” as suggested by the planning group so that the section reads:

Existing cities should accommodate additional housing at a range of densities appropriately responsive to the city's community vision before extending city Urban Growth Areas into areas where growth would adversely impact critical areas and resource lands. In those small cities entirely or almost entirely surrounded by flood plains, critical area and resource lands or within Shellfish Protection Districts, the County and cities shall seek to negotiate a balance between protection of resources and the allocation of adequate land area to meet the growth needs of the city.

The motion was seconded by Galloway.

The motion carried by the following vote:

**Aye:** 7 - Byrd, Donovan, Elenbaas, Galloway, Scanlon, Stremmler, and Buchanan

**Nay:** 0

***Donovan moved*** to amend section **M (1)** to add the language requested by the Tribes which adds in, “representatives of the Lummi Nation and Nooksack Tribe and, where deemed appropriate, representatives from other agencies and Tribes” so that the section reads:

The County and the cities will coordinate and cooperate throughout



the comprehensive plan, development regulations and urban growth area reviews and updates undertaken pursuant to the Growth Management Act, RCW 36.70A. This coordination and cooperation will address topics including but not limited to amount and location of population, housing, and employment growth, capital facilities, transportation, climate change and community resilience. As a component of this coordination and cooperation, the County Executive may convene a Growth Management Planning Committee comprised of elected officials from the County and the cities, representatives of the Lummi Nation and Nooksack Tribe and, where deemed appropriate, representatives from other agencies and Tribes.

The motion was second by Scanlon.

The motion carried by the following vote:

**Aye:** 5 - Donovan, Galloway, Scanlon, Stremmler, and Buchanan

**Nay:** 2 - Byrd and Elenbaas

Councilmembers discussed section **C (4)** but no motion was made.

**Scanlon moved** to amend section **N (3)** to add "and protect treaty natural resources" as suggested in the letter from the Nooksack Tribal Council.

The motion was seconded by Donovan.

Councilmembers discussed the motion and whether adding this language would cause more cost or burden because it is opening it up to a myriad of opinions about what the definition is of protecting these natural resources, and that the intent is the idea of doing due diligence to make sure the way we are operating does align with the treaties and with the way that courts have interpreted the treaties.

**Scanlon amended** his motion to add a comma after "quality of life" and strike the "and" after that phrase, and to add a comma after "economic health" so that the section would read:

Jurisdictions shall cooperate to protect and restore water resources and fish habitat within UGA's and across jurisdictional boundaries to maintain quality of life, economic health, and protect treaty natural resources in Whatcom County.

The motion carried by the following vote:

**Aye:** 4 - Galloway, Scanlon, Buchanan, and Donovan

**Nay:** 3 - Elenbaas, Stremler, and Byrd

Scanlon spoke about the request in the letter from the Nooksack Tribal Council to add a line to section S that reads: "Nooksack Tribal Cultural Resources include sites, features, places, cultural landscapes, sacred places and objects with cultural value to past, present, and future members of the Nooksack Tribe." He stated they do not have a similar statement or request from Lummi Nation and asked whether there was a way to take that back to Lummi Nation to see if they would like to be added into that.

Aamot and Councilmembers discussed what to do and Scanlon spoke about keeping the language broad.

***Scanlon moved*** to amend section S (4) to add "Tribal cultural resources include sites, features, places, cultural landscapes, sacred places and objects with cultural value" to the end of the section so that it reads:

The County and cities will work with the Washington State Department of Archaeology and Historic Preservation (DAHP) and affected tribes to identify, protect and manage historic, archaeological, and cultural sites as well as sites and structures of significance in compliance with federal, state, and local laws. Tribal cultural resources include sites, features, places, cultural landscapes, sacred places and objects with cultural value.

The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 4 - Galloway, Scanlon, Buchanan, and Donovan

**Nay:** 3 - Stremler, Byrd, and Elenbaas

Aamot stated that once the County Council endorses this, it cannot be changed after that point. Once they send it to the cities, the cities cannot change it. It is an up or down vote.

Councilmembers discussed making sure they are engaging with the Tribes in this process.

Mark Personius, Planning and Development Services Department Director, stated they have been engaging with Lummi Nation and the Nooksack Tribe informally on a really wide range of comprehensive planning issues and he gave examples.

The motion to approve the countywide planning policies described in Exhibit A, the version recommended by the Planning Commission, as amended carried by the following vote:

**Aye:** 4 - Buchanan, Donovan, Galloway, and Scanlon

**Nay:** 3 - Byrd, Elenbaas, and Stremmler

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

#### Section I (9)

Motion approved to amend policy I (9) (in Exhibit A) as recommended by the County's Surface Mining Advisory Committee, so that it reads:

The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. As part of a broad based economy, productive timber, agriculture, fisheries, and mineral resource industries should be supported to operate in a sustainable manner.

#### Section A (6)

Motion approved to retain the following language in section A (6): "and provide the ability to make accurate comparison of issues so appropriate trade-offs can be consciously made" so that the section reads:

Various planning techniques, such as overlay maps and Geographic Information Systems, shall be utilized to allow the public and public officials to evaluate planning proposals and provide the ability to make accurate comparison of issues so appropriate trade-offs can be consciously made.

#### Section B (1)

Motion approved to amend section B (1) to retain the language with the modifications of the planner group which reads:

The county may work with the public to further define or modify types of rural areas based on the characteristics and needs of different areas.

#### Section B (5)

Motion approved to amend section B (5) to reinstate the language as modified so that it reads:

Whatcom County may undertake a public process to further define or modify rural areas and rural growth as distinct from urban growth areas.

#### Section G (7)

Motion approved to amend section G (7) to reinsert the language "Low income," so that the section reads:

Low income, Multi-family and diverse and supportive housing options shall not be concentrated in only a few communities or neighborhoods.

#### Section C (5)

Motion approved to amend section C (5) to add "treaty natural resources (e.g. salmon, wildlife, traditional foods), tribal cultural resources," as suggested in the letter from the Nooksack Tribal Council so that the section reads:

Urban Growth Areas should be established in a way that preserves agricultural land, forestry, mineral resources, treaty natural resources (e.g. salmon, wildlife, traditional foods), tribal cultural resources, water resources, and critical areas. Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.

## Section D (4)

Motion approved to amend section D (4) to delete the words, "and achieve the desired vision" as suggested by the planning group so that the section reads:

Existing cities should accommodate additional housing at a range of densities appropriately responsive to the city's community vision before extending city Urban Growth Areas into areas where growth would adversely impact critical areas and resource lands. In those small cities entirely or almost entirely surrounded by flood plains, critical area and resource lands or within Shellfish Protection Districts, the County and cities shall seek to negotiate a balance between protection of resources and the allocation of adequate land area to meet the growth needs of the city.

## Section M (1)

Motion approved to amend section M (1) to add the language requested by the Tribes which adds in, "representatives of the Lummi Nation and Nooksack Tribe and, where deemed appropriate, representatives from other agencies and Tribes" so that the section reads:

The County and the cities will coordinate and cooperate throughout the comprehensive plan, development regulations and urban growth area reviews and updates undertaken pursuant to the Growth Management Act, RCW 36.70A. This coordination and cooperation will address topics including but not limited to amount and location of population, housing, and employment growth, capital facilities, transportation, climate change and community resilience. As a component of this coordination and cooperation, the County Executive may convene a Growth Management Planning Committee comprised of elected officials from the County and the cities, representatives of the Lummi Nation and Nooksack Tribe and, where deemed appropriate, representatives from other agencies and Tribes.

## Section N (3)

Motion approved to add the suggested language from the Nooksack Tribal Council "and protect treaty natural resources, " to add a comma after "quality of life" and strike the "and" after that phrase, and to add a comma after "economic health" so that the section would read:

Jurisdictions shall cooperate to protect and restore water resources and fish habitat within UGA's and across jurisdictional boundaries to maintain quality of life, economic health, and protect treaty natural resources in Whatcom County.

## Section S (4)

Motion to amend section S (4) to add "Tribal cultural resources include sites, features, places, cultural landscapes, sacred places and objects with cultural value" to the end of the section so that it reads:

The County and cities will work with the Washington State Department of Archaeology and Historic Preservation (DAHP) and affected tribes to identify, protect and manage historic, archaeological, and cultural sites as well as sites and structures of significance in compliance with federal, state, and local laws. Tribal cultural resources include sites, features, places, cultural landscapes, sacred places and objects with cultural value.

## Main motion

Motion approved to approve the countywide planning policies described in Exhibit A (the version recommended by the Planning Commission) as amended.

2. AB2025-264 Ordinance to amend Whatcom County Code Section 3.08.100, Council approval required, to increase the threshold for contracts that require council approval

**Donovan moved and Scanlon seconded that the Ordinance be**

**RECOMMENDED FOR ADOPTION. The motion carried by the following vote:**

**Aye:** 4 - Buchanan, Donovan, Galloway, and Scanlon

**Nay:** 3 - Byrd, Elenbaas, and Stremler

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 4:08 p.m.

The County Council approved these minutes on June 10, 2025.

ATTEST:

  
Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

  
Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger