

**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 24, 2022**

**1:55 PM**

**Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 4:30 P.M.; MAY BEGIN EARLY  
(PARTICIPATE IN-PERSON OR SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010)**

**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.

## Call To Order

Council Chair Todd Donovan called the meeting to order at 1:55 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

**Absent:** None

## Announcements

## Committee Discussion

2. AB2022-309 Discussion of a proposed ordinance providing for the submission of a proposition to the qualified electors of Whatcom County authorizing the County to lift the limit on regular property taxes under Chapter 84.55 RCW for the purpose of funding for childcare, early learning programs, and increased support for vulnerable children

The following people presented:

- Vesla Tonnessen, Whatcom Early Learning Alliance
- Leslie Farris, retired school counselor and community member
- Meredith Hayes, Whatcom Childcare Coalition, Chuckanut Health Foundation and United Way
- Christina Jackson, Family Council, Generations Forward
- Jennifer Wright, parent, teacher and advocate
- Ray Deck III, Skookum Kids

Karen Frakes, Prosecuting Attorney's Office, answered why the County Executive will be the approving authority for the implementation of the plan as opposed to the County Council.

Kershner stated she would like to have language in the Ordinance that says the plan comes to the County Council for approval and then is transmitted to the Executive to be included in the budget.

***Kershner moved*** approval of the Ordinance. The motion was seconded by Buchanan.

***Kershner moved*** and Galloway seconded to amend "Section 4 Implementation Plan," item number three of the related ordinance (AB2022-303) as follows:

3. This implementation plan shall, to the maximum extent possible, be developed in collaboration with the Child and Family Well-being Taskforce, an existing community board established by the Whatcom County Council, and shall be approved by the County Council and transmitted to the County Executive by March 31, 2023, and every 2 years thereafter to be included as part of the budget submitted to the Council.

The motion to amend carried by the following vote:

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

**Nay:** 0

The following people answered questions:

- Heather Flaherty, Chuckanut Health Foundation
- Emily O'Conner, Lydia Place
- Meredith Hayes

They answered how this will be preventative as opposed to the County operating in a crisis mode, a question about Section B on page four of the Ordinance titled "Funding requirements and limitations" and why school districts and other public entities were added to the Ordinance, and whether there is value in trying to keep this focused on other non-profit and private childcare providers.

**Galloway moved** to strike "Section 3 Eligible Expenditure," Subsection B(2) from the original proposed Ordinance as follows:

~~School districts, and/or other public entities may be eligible to receive funds as a service provider if, through the County's purchasing procedures, they are deemed the best option to meet goals and outcomes.~~

Frakes stated that that language is already stricken from the substitute Ordinance and explained the other differences between the two versions, including language added to clarify that it is intended that exemptions for seniors and people with disabilities would apply.

**Galloway withdrew** her motion.

Councilmembers clarified that the motion on the floor should be to recommend the *substitute* Ordinance for introduction.

Frakes and Flaherty answered how much it would cost the average Whatcom County homeowner, an estimate of how much money the tax will raise per year for the program, and whether the Ordinance has a sunset date.

*Kershner* amended her motion and *moved* that the amended version of this Ordinance be recommended for Introduction. The motion was seconded by Buchanan.

The motion carried by the following vote:

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

**Nay:** 0

**Abstain:** 1 - Byrd

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

1. AB2022-301 Discussion of next steps for proposed amendments to Title 20 (Zoning) related to vacation (short-term) rentals

*Elenbaas moved* and Kershner seconded that they do nothing. He stated his intention would be to end the process on this.

Councilmembers discussed not ending the process, supporting the idea of an accessory use permit, making it so that all of the zones are accessory use so that would not require conditional use, the idea of having a registration, having a 24/7 hotline, having a local business license, using excess money from registration fees for affordable housing and/or tourism efforts, exempting registration fees for a first short-term rental and/or offering a sliding pay scale so that people who own more rentals pay more and those who own fewer pay less, furthering conversations locally with the efforts at the State to make sure we are all on the same page, coming up with some specific asks and questions to return this to the Planning Commission, whether situations in which people with one unit and people with several units are treated differently, getting more data on whether people are just renting out a single room in a house or whether whole houses are being taken off the rental market, how accurate the estimates of the number of vacation rentals in the unincorporated area are and whether the Planning Commission had that information when they started, whether this is affecting housing prices, the way the data on the number of vacation rentals was collected when it was before the Planning Commission before, the laws already in place through Revised Code of Washington (RCW) 64.37.040 "Short-term rental platforms," the definition of a short-term rental, why they would want to consider doing something different for a short-term rental than for a long-term rental, why the County cannot get the registration list from the Department of Revenue and not duplicate that effort, determining the areas they plan to address that are not currently

addressed and how that is going to be different from what is already being achieved, looking at ways to collect data, and addressing whether there will be an upper limit of how many units we are going to have as vacation rentals.

The motion failed by the following vote:

**Aye:** 3 - Elenbaas, Kershner, and Byrd

**Nay:** 4 - Donovan, Frazey, Galloway, and Buchanan

Councilmembers and Strong discussed how to proceed, whether some of the feedback today might inform a substitute version of the ordinance that could be brought back at a future date, whether Strong could speak to what the current differences are between short-term and long-term rentals and where we might see some benefit from some uniformity, whether it is possible to find out how many vacation rentals are part of a house rather than an entire property, discussing rental safety and renter protection, staff listening back to the ideas discussed today and putting a white paper together for how some of them might or might not work or Councilmembers getting together to give direction to staff, and whether the new information from staff should go through the Planning and Development Committee.

***Kershner moved*** to move the item back to the Planning and Development Committee for further action with the Planning and Development Services Department. The motion was seconded by Elenbaas.

The motion carried by the following vote:

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

**Nay:** 0

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

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

1. AB2022-302 Resolution supporting every person's right to inclusive healthcare

Frazey and Galloway stated their reasons for bringing forward the Resolution and Galloway stated there is a substitute version.

Councilmembers discussed how, if they want to make a statement in support of these rights, that links to some of the efforts that we are doing locally, and whether it should just be focused on the national issue; and whether this is in the Council's purview.

***Frazey moved*** and Galloway seconded to recommend approval of the

substitute Resolution.

**Donovan moved** to amend the Resolution to delete the second to last bullet point on the “Now therefore be it resolved” section in the substitute Resolution as follows:

~~Supporting children and families’ well being through comprehensive postpartum and postnatal care, Early Head Start and Early Support for Infants and Toddlers programs, and any effort to provide quality, accessible, and affordable childcare for Whatcom County families.~~

The motion was seconded by Kershner.

The motion to amend carried by the following vote:

**Aye:** 5 - Kershner, Buchanan, Byrd, Donovan, and Elenbaas

**Nay:** 2 - Galloway and Frazey

**Galloway moved** and Donovan seconded to amend the substitute Resolution (as a friendly amendment) to add a whereas statement and to add two bullet points to the “Now therefore be it resolved” section as noted in his alternative version and as follows:

WHEREAS, for generations, the US Congress, regardless of party control, has failed to codify a right to abortion in statute; and

- Calling on Congress to define an expansive national right to abortion in statute
- Calling on both political parties to appoint pro-choice justices to the US Supreme Court, courts of appeals, and federal district courts

Councilmembers discussed the motion.

The motion to amend carried by the following vote:

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

**Nay:** 1 - Kershner

**Abstain:** 2 - Byrd and Elenbaas

Councilmembers discussed the main motion.

**Frazey's motion that the SUBSTITUTE Resolution be RECOMMENDED FOR APPROVAL WITH PROPOSED AMENDMENT(S) carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 3 - Byrd, Elenbaas, and Kershner

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

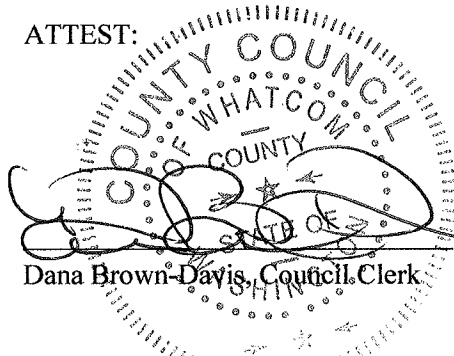
There was no other business.

**Adjournment**

The meeting adjourned at 3:40 p.m.

The County Council approved these minutes on June 7, 2022.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

Todd Donovan, Council Chair

*Kristi Felbinger*  
Kristi Felbinger, Minutes Transcription