

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

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



## **Committee Minutes - Final**

**VIRTUAL MEETING - MAY BEGIN EARLIER/LATER THAN 2:30 P.M.**

**Tuesday, September 15, 2020**

**2:30 PM**

**Virtual Meeting**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**Call To Order**

Council Chair Barry Buchanan called the meeting to order at 2:58 p.m. in a virtual meeting.

**Roll Call**

**Present:** 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas and Kathy Kershner

**Absent:** None

**Announcement****Committee Discussion**

1. [AB2020-219](#) Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

Erika Lautenbach, Health Department Director, briefed the Councilmembers on the following items:

- An overview of COVID-19 cases in Whatcom County since the last week of August
- The use of the isolation and quarantine facility
- The status of the mobile testing program in the midst of air quality issues caused by wildfire smoke
- Concerns about the school year starting at Western Washington University and a related social marketing campaign
- An additional \$4.5 million of CARES Act dollars released by the State to the Whatcom County Health Department which needs to be spent by the end of the year

The following people answered questions:

- Erika Lautenbach, Health Department Director
- Satpal Sidhu, County Executive
- Tyler Schroeder, Executive's Office

Staff answered questions about how much the County has spent to date on the Byron Street isolation and quarantine facility, the ongoing monthly cost and burn rate for running the facility, how expenses will be figured into the budget once CARES Act dollars run out, the Administration not spending money outside of the traditional process based on an emergency proclamation, how many of the younger age group with COVID-19 are clinically sick and how many just test positive, the status for students

returning to schools and whether the Health Department will change their recommendation, what guidance the Health Department is following for what opening schools should look like, and what related feedback the Health Department is able to give the State to help craft its decisions.

**This agenda item was DISCUSSED.**

2. [AB2020-345](#) Discussion of proposed Cherry Point amendments

Matt Aamot, Planning and Development Services Department, gave a presentation (on file) comparing some of the main components of the existing heavy-impact industrial zoning code, the original Council proposal, and the Planning Commission recommendations.

Donovan asked about the recommendations by the Planning Commission concerning change of use and clarification on the inter-refinery shipment language. He also asked about the process for the discussion.

Aamot suggested they work through any changes they would like to make to the Planning Commission proposal, then the proposal could be introduced and a public hearing held.

Donovan repeated his questions about how they are covering change of use and the definition of inter-refinery transfer and Councilmembers discussed how they should proceed with the discussion.

***Donovan moved*** that they have a conversation about potential substantive changes. The motion was seconded by Frazey.

Councilmembers discussed the motion.

***Elenbaas moved*** to move forward with the Planning Commission's recommendations. There was no second.

***Donovan restated*** and clarified his motion to move forward with a discussion of potential changes to the document that is before them from the Planning Commission so they can get that information to staff.

Councilmembers discussed the motion.

***Donovan moved*** to call the question. The motion was seconded by Browne.

The motion to call the question carried by the following vote:

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

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

Cathy Halka, Council Legislative Analyst, repeated Donovan's motion to discuss the potential changes for staff based on Planning Commission document.

Donovan's motion carried by the following vote:

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

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

Councilmembers and Aamot discussed how to proceed in the discussion, proposed changes in Exhibit B Code Section 20.74.110 Change of Use, the definition in 20.68.205 of inter-refinery shipments, reconvening the Industry/Re Sources group to help develop the definition, retaining the discussion within the Council and not sending it back to the Planning Commission, getting representation from all four environmental groups and not just Re Sources, and language in 20.68.205 concerning fossil fuel transshipment.

Buchanan asked and Councilmembers discussed where they would like to go from here; either work with Planning staff on the language or go to the group that presented the compromise.

Browne brought up concerns with and Councilmembers discussed changes proposed in Section 20.68.153 in Exhibit B. He stated there is no oversight of a potentially significant increase in storage in the way the changes are proposed.

**Byrd moved** that they send it back to the Industry/Re Sources group that created the compromise and wait until they provide answers to their two questions [the definition of "inter-refinery" and what triggers a Conditional Use Permit requirement] before it is brought back to the Council. The motion was seconded by Elenbaas.

**Browne suggested** a friendly amendment to send it to all four environmental groups.

Byrd did not accept the friendly amendment.

Councilmembers discussed keeping the discussion going every two weeks so they can bring up other issues, getting all their proposed changes together and then sending it to the groups so that it can all be done at one time, and running proposed changes through legal counsel first.

*Byrd withdrew* his motion.

Browne suggested they each go through the documents and note points they would like to cover, send them to Council staff, then do a tally of the topics to narrow down what they would like to work through.

*Byrd moved* to adjourn. The motion was seconded by Frazey. Councilmembers concurred.

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

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 5:07 p.m.

The County Council approved these minutes on September 29, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

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Barry Buchanan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE