

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

COUNTY COURTHOUSE
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Committee Minutes - Final

Tuesday, March 3, 2026

9 AM

Hybrid Meeting - Council Chambers

HYBRID MEETING - RECESS FOR LUNCH FROM 12:00 P.M. TO 1:00 P.M. -
ADJOURNS BY 4:30 P.M. (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010); AGENDA REVISION 3.2.2026

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 9:02 a.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

Items Added by Revision

1. [AB2026-208](#) Letter of support for the Law Enforcement Assisted Diversion/Let Everyone Advance with Dignity (LEAD) program and the Recovery Navigator Program (RNP)

Galloway stated that there is one item on the agenda added by revision, a letter in support of continued Law Enforcement Assisted Diversion/Let Everyone Advance with Dignity (LEAD) and Recovery Navigator Program (RNP) funding.

Buchanan provided background information on the letter, which was spurred by the state's proposal to cut LEAD and RNP funding by 30%.

Buchanan moved and Scanlon seconded that the letter be approved.

Scanlon stated that the LEAD and RNP programs are important to the work of the Justice Project and should be expanded rather than cut.

Buchanan's motion that the letter be APPROVED carried by the following vote:

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

Nay: 0

Public Comment

1. [AB2026-184](#) Public comments on the draft Whatcom County Comprehensive Plan Chapter 1 (Introduction and Growth Projections), Chapter 2 (Land Use), and Chapter 3 (Housing)

The following people spoke:

- Bill Craven
- Lisa Adam
- Bill Geyer

- Peter Condyles
- Helen Solem
- David Parsons
- Ryan Bowman
- Chris Secrist
- Peter Frazier
- Kathryn Mitchell
- Coleman Hoyt
- Darcy Jones
- Rud Browne
- Perry Eskridge

Hearing no one else, Galloway closed the public comment session.

This agenda item was RECEIVED.

Committee Discussion

1. [AB2026-185](#) Discussion and preliminary Council direction on Whatcom County Comprehensive Plan Chapter 1, Introduction and Growth Projections

Clerk's Note: Proposed councilmember edits to Comprehensive Plan Chapter 1 are listed in the Chart of Proposed Council Changes (on file).

Galloway introduced discussion of Comprehensive Plan Chapter 1, stating that any approved motions indicate preliminary Council direction, and a final vote on the plan will not take place for several months. She outlined a process in which councilmembers could move to consider the preliminary draft and then discuss and approve motions to amend that preliminary draft.

Scanlon moved to begin review of Chapter 1 using the Preliminary Council Draft dated March 3, 2026 (which is the current version of the chapter with Planning Commission recommendations from January 2026 and additional edits proposed by councilmembers as listed in the Chart of Proposed Council Changes). Rienstra seconded the motion.

Scanlon asked whether the chapters would go through legal review prior to introduction.

Galloway stated they would.

Scanlon stated that he hopes the Comprehensive Plan is also copyedited prior to introduction.

Galloway asked councilmembers to look at the Chart of Proposed Council Changes to begin discussion.

Cathy Halka, Clerk of the Council, stated that Council should take a vote on the motion on the table prior to beginning discussion of amendments.

The motion carried by the following vote:

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

Nay: 0

Elenbaas proposed reviewing all proposed amendments individually in sequential order.

Councilmembers discussed Items 1 and 2 in the chart, which would add a land and labor acknowledgement before Chapter 1. Discussion included questions about specific terminology and outreach to Lummi Nation and Nooksack Indian Tribe.

Galloway stated that Items 1 and 2 are outside of the scope of Chapter 1 and asked for discussion to turn to Chapter 1.

Councilmembers discussed Item 5 and proposed amendments to the section of Chapter 1 introducing Whatcom County.

Stremler asked for legal counsel's perspective on the inclusion of the wording "supreme law of the land" in Item 5.

Tom Seguire, Prosecuting Attorney's Office, stated that the recommendation would be to leave the language out, as it is not legally necessary to have it.

Elenbaas moved to strike "and commit to honoring and upholding the treaty as the supreme law of the land" from Item 5. Stremler seconded the motion.

The motion failed by the following vote:

Aye: 2 - Stremler and Elenbaas

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

Boyle moved to add "per the United States Constitution" to Item 5 after "supreme law of the land." Scanlon seconded the motion.

The motion carried by the following vote:

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

Nay: 2 - Stremmler and Elenbaas

Scanlon requested that "Indigenous Peoples" be capitalized consistently throughout the comprehensive plan.

Halka confirmed that the capitalization change could be incorporated as a Scrivener's error.

Councilmembers continued discussion of Item 5.

Galloway asked whether changing "county" to "country" in Item 5 could be considered a Scrivener's error, so the text would read: "Our country has depended upon the labor, wisdom, and skills of enslaved peoples..." rather than "Our county..."

Seguine stated that this proposed amendment would not be considered a Scrivener's error.

Halka stated that a motion and vote would be required to change "county" to "country."

Galloway moved to change "county" to "country" in Item 5 (under subheading "The Labor that Built Whatcom County") so that the second sentence now reads:

Our country has depended upon the labor, wisdom, and skills of enslaved peoples, Indigenous Peoples, immigrants, and migrants who have often worked within harsh and unjust systems.

Boyle seconded the motion.

The motion carried by the following vote:

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

Nay: 1 - Stremmler

Councilmembers discussed Item 8, asking whether new Policy 1B-3 would increase staff workload, how Item 8 aligns with House Bill 1717, and what problems Item 8 addresses.

Elenbaas moved to change "protecting" to "managing" in Policy 1B-6 of Item 8. Stremmler seconded the motion.

Rienstra stated that "supporting" may be a better word choice for Policy 1B-6 in Item 8.

Galloway stated that "restoring" and "enhancing" are often used as well.

Elenbaas stated that "managing" can mean protecting, supporting, etc.

The motion failed by the following vote:

Aye: 3 - Galloway, Stremler, and Elenbaas

Nay: 4 - Rienstra, Scanlon, Boyle, and Buchanan

Elenbaas moved to amend Policy 1B-3 (Item 8) to strike "taking steps that include promoting education and outreach materials and programs" and replace it with "by" so the statement reads "recognize and support tribal cultures by honoring tribal history, culture, treaty rights, and sovereignty." Stremler seconded the motion.

The motion failed by the following vote:

Aye: 2 - Stremler and Elenbaas

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

Elenbaas moved to amend Policy 1B-2 to insert "Whatcom County government-to-Tribal government" (replacing government-to-government) and add "in an effort to" after "work collaboratively with the Tribes" in Item 8 so that the policy now reads:

Work collaboratively with the Tribes in an effort to develop a mutually agreed upon engagement and coordination framework that incorporates regular and meaningful Whatcom County government-to-Tribal government cooperation promoting open lines of communication, information sharing, and collaborative decision making.

Rienstra seconded the motion.

Galloway proposed adding "in an effort to" after "work collaboratively with the Tribes" in Policy 1B-2.

Elenbaas accepted the suggestion as a friendly amendment.

The motion carried by the following vote:

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

Nay: 0

Elenbaas moved to strike Policy 1B-4 (Item 8).

Galloway asked if amending the policy to state "conserve" rather than "protect" would work.

Elenbaas amended his motion to replace "protect" with "be mindful of" in Policy 1B-4. Stremmler seconded the motion.

Galloway stated that "be mindful of" does not seem strong enough.

Elenbaas amended his motion to replace "protect" with "recognize."

The motion failed by the following vote:

Aye: 3 - Scanlon, Stremmler, and Elenbaas

Nay: 4 - Boyle, Galloway, Rienstra, and Buchanan

Galloway moved to strike "protect" and insert "conserve" in Policy 1B-4. Boyle seconded the motion.

Councilmembers discussed the meaning of "protect," "conserve," and "steward."

The motion carried by the following vote:

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

Nay: 2 - Stremmler and Elenbaas

Councilmembers discussed Item 9.

Scanlon moved to insert "economic and" before "racial disparities" in Goal 1C (Item 9). Rienstra seconded the motion.

The motion carried by the following vote:

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

Nay: 0

Stremmler moved to strike "citizenship status" under Goal 1C (Item 9). Elenbaas seconded the motion.

The motion failed by the following vote:

Aye: 2 - Stremmler and Elenbaas

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

Elenbaas moved to amend Policy 1C-4 (Item 9) to state "equality of opportunity framework" rather than "equity framework." Stremler seconded the motion.

Galloway stated that she could support a version that incorporates both equity and equality of opportunity so that it reads:

Develop and implement an equity and equality of opportunity framework and toolkit to inform decision making and to evaluate how budget, policy, and programmatic decisions impact marginalized and underserved communities.

Elenbaas accepted the proposal as a friendly amendment.

The motion carried by the following vote:

Aye: 4 - Galloway, Rienstra, Stremler, and Elenbaas

Nay: 3 - Scanlon, Boyle, and Buchanan

Stremler moved to strike "invest county staff time and resources to" and insert "consider developing" to Policy 1C-5 (Item 9). Elenbaas seconded the motion.

The motion failed by the following vote:

Aye: 3 - Scanlon, Stremler, and Elenbaas

Nay: 4 - Boyle, Buchanan, Galloway, and Rienstra

Councilmembers discussed Policy 1C-6.

Galloway turned discussion to Item 10.

Boyle proposed striking "estimated" from the title of Table 2 (Item 10).

Matt Aamot, Planning and Development Services (PDS), stated that PDS prefers to leave "estimated" in the title as the table is not based on census data but rather estimates.

Galloway stated that Items 12 and 13 are about OFM Medium versus the multijurisdictional resolution. She said Item 13 amending Table 5 would return the population projections and distribution to OFM Medium for Birch Bay UGA and Columbia Valley UGA.

Scanlon asked what this change would mean on the ground.

Aamot stated that it would not result in major land use changes; however, it will create a practical problem as projections would need to be recalculated using the state's Housing for All planning tool.

Elenbaas moved to retain the Planning Commission recommendation for population projection and distribution as demonstrated in Table 5 (as 2,662 for Birch Bay UGA and 1,137 for Columbia Valley UGA). Stremler seconded the motion.

The motion carried by the following vote:

Aye: 6 - Boyle, Galloway, Buchanan, Scanlon, Stremler, and Elenbaas

Nay: 0

Out of Meeting: 1 - Rienstra

Scanlon moved to amend the table (Table 5) to move the 9,000 number in areas outside of UGAs to OFM low, which would be 7,243. Galloway seconded the motion.

Aamot clarified that 7,243 is the consultant low.

The motion carried by the following vote:

Aye: 6 - Boyle, Galloway, Buchanan, Scanlon, Stremler, and Elenbaas

Nay: 0

Out of Meeting: 1 - Rienstra

Scanlon stated that he would not be able to be present in the afternoon, but he will try to be present remotely.

Councilmembers took a lunch break at 12:00 p.m. and resumed at 1:02 p.m.

Galloway stated that, prior to the lunch break, they amended the population allocation to areas outside UGAs to 7,243. She stated that they still needed to amend the total Whatcom County allocation to 65,881 to reflect the change.

Galloway moved to amend the total Whatcom County (Growth Allocation) to 65,881 in Table 5. Boyle seconded the motion.

The motion carried by the following vote:

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

Nay: 0

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

MOTION 1:

Motion approved to begin review of Chapter 1 using the Preliminary Council Draft dated March 3, 2026 (which is the current version of the chapter with Planning Commission recommendations from January 2026 and additional edits proposed by councilmembers as listed in the Chart of Proposed Council Changes).

MOTION 2:

Motion approved to add "per the United States Constitution" to Item 5 after "supreme law of the land."

MOTION 3:

Motion approved to change "county" to "country" in Item 5 so that the second sentence under the subheading "The Labor that Built Whatcom County" reads:

Our country has depended upon the labor, wisdom, and skills of enslaved peoples, Indigenous Peoples, immigrants, and migrants who have often worked within harsh and unjust systems.

MOTION 4:

Motion approved to amend Policy 1B-2 to insert "Whatcom County government-to-Tribal government" (replacing government-to-government) and add "in an effort to" after "work collaboratively with the Tribes" in Item 8 so that it reads:

Work collaboratively with the Tribes in an effort to develop a mutually agreed upon engagement and coordination framework that incorporates regular and meaningful Whatcom County government-to-Tribal government cooperation promoting open lines of communication, information sharing, and collaborative decision making.

MOTION 5:

Motion approved to strike "protect" and insert "conserve" in Policy 1B-4 (Item 8).

MOTION 6:

Motion approved insert "economic and" before "racial disparities" in Goal 1C (Item 9).

MOTION 7:

Motion approved to amend Policy 1C-4 (Item 9) to state "equity and equality of opportunity framework" rather than "equity framework."

MOTION 8:

Motion approved to retain the Planning Commission recommendation for population projection and distribution as demonstrated in Table 5 (as 2,662 for Birch Bay UGA and 1,137 for Columbia Valley UGA).

MOTION 9:

Motion approved to amend Table 5 to move the 9,000 (Growth Allocation) number in "Areas outside of UGAs" to OFM (Office of Financial Management) low, which would be 7,243.

MOTION 10:

Motion approved to amend the Total Whatcom County (Growth Allocation) to 65,881 in Table 5.

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

Clerk's Note: Proposed councilmember edits to Comprehensive Plan Chapter 2 are listed in the Chart of Proposed Council Changes (on file).

Galloway introduced discussion of Comprehensive Plan Chapter 2. She proposed that councilmembers focus on amendments that need further discussion rather than moving through each proposed amendment sequentially.

Elenbaas stated that he has concerns about the use of the word "enhance" in certain proposed amendments (19, 20, 21).

Rienstra moved to begin review of Chapter 2 using the Substitute Preliminary Council Draft dated March 3, 2026, which is the current version of the chapter with Planning Commission recommendations from January 2026 and additional edits proposed by councilmembers as listed in the Chart of Proposed Council Changes. Boyle seconded the motion.

The motion carried by the following vote:

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

Nay: 0

Councilmembers stated which amendments they wanted to discuss.

Elenbaas stated that some of his amendments for Chapter 7 involve agriculture and adjudication, and he asked councilmembers to consider whether they might be better suited in other chapters.

Boyle moved to strike "and housing" from Item 3. Rienstra seconded the motion.

The motion carried by the following vote:

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

Nay: 0

Elenbaas stated that he would like to develop a policy to indicate that land use policy-designated ag land should be protected for use.

Galloway suggested that Elenbaas work with Council Staff to develop language for the next meeting on March 10. She then turned discussion to Item 6, which would create a new Policy 2A-8 regarding the retention of existing light and heavy industrial zoning and the identification of additional industrial sites.

Councilmembers discussed proposed new policy 2A-8.

Mark Personius, Planning and Development Services (PDS), suggested adding "where applicable" after "retain existing light and heavy industrial zoning."

Boyle moved to add "where applicable" after "retain existing light and heavy industrial zoning" in new Policy 2A-8 (Item 6). Buchanan seconded the motion.

Boyle amended her motion to add "where applicable" before "retain existing light and heavy industrial zoning" in new Policy 2A-8 (Item 6).

The motion carried by the following vote:

Aye: 5 - Boyle, Galloway, Buchanan, Rienstra, Stremler, Elenbaas

Nay: 1 - Stremler

Out of Meeting: 1 - Scanlon

Stremler moved to reconsider the previous vote. Boyle seconded the motion.

The motion to reconsider carried by the following vote:

Aye: 6 - Stremler, Boyle, Galloway, Buchanan, Rienstra, Stremler, Elenbaas

Nay: 0

Out of Meeting: 1 - Scanlon

Boyle moved to add "where applicable" before "retain existing light and heavy industrial zoning" in new Policy 2A-8 (Item 6).

The motion carried by the following vote:

Aye: 6 - Stremler, Boyle, Galloway, Buchanan, Rienstra, Stremler, Elenbaas

Nay: 0

Out of Meeting: 1 - Scanlon

Stremler asked a question about impact fees in Policy 2C-7 (Item 8).

Personius stated that the county currently does not have any adopted impact fees. He said that the GMA authorizes counties to adopt impact fees for schools, parks, transportation, and fire. Two school districts, Lynden and Ferndale, have asked the county to adopt impact fees for development in the unincorporated portions of their district, which will be considered for the docket next week.

Elenbaas asked why the policy wasn't recommended by PDS staff.

Personius stated that there are distinctions between impact fees authorized by the GMA and other fees that may be assessed based on impact of a proposal through the State Environmental Policy Act (SEPA). He stated that service providers would need to bring forward impact fee proposals, not PDS.

Councilmembers continued to discuss the proposed policy.

Galloway turned discussion to Item 10, which proposes a new Policy 2D-11 that would require disclosure of potential impacts from lawful maritime and industrial activity to people buying or obtaining a permit on property within one mile of industrial-zoned lands.

Elenbaas asked if the county would have to produce a right to operate lawfully within the heavy industrial zone as a result of this policy.

Galloway stated that an ordinance is in process and this proposed comprehensive plan language would just add enabling language.

Boyle stated that she had heard concerns regarding House Bill 2679, which is similar to the proposed policy, regarding whether it would limit pushback or keep people from having input on their neighborhood.

Perry Eskridge provided an explanation for why House Bill 2679 failed.

Galloway turned discussion to Items 19, 20, and 21 and Councilmember Elenbaas' concerns with the use of the word "enhance."

Elenbaas moved to strike "and enhancement" from Item 19, "and enhance" from Item 20, and "and enhancement" from Item 21, and accept Item 21. Stremmer seconded the motion.

Rienstra asked if legal counsel has input on the use of "enhance" or "enhancement" in these items.

Tom Seguire, Prosecuting Attorney's Office, stated that there are volumes in the library about how to interpret these terms, and all councilmembers' interpretation could be selected as an applicable meaning.

The motion failed by the following vote:

Aye: 2 - Stremler and Elenbaas

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

Elenbaas moved that "enhancement" be defined in Items 19, 20, and 21. Stremler seconded the motion.

Galloway asked Personius if a definition could be included in the definition section of the document.

Personius stated that it could.

The motion carried by the following vote:

Aye: 5 - Boyle, Galloway, Rienstra, Stremler, and Elenbaas

Nay: 2 - Scanlon and Buchanan

Galloway turned discussion to Item 29, which was brought up during public comment.

Personius clarified that PDS does not have a problem with the proposal.

Peter Condyles stated that the language is meant to protect from encroachment of incompatible uses.

Personius stated that adding "where applicable" at the start would provide flexibility.

Boyle moved to add "where applicable" to the start of the second sentence of Policy 2N-6 (Item 29) so that it reads:

Where applicable within urban growth areas, preserve existing zoning designations for properties with operating industries and protect existing industrial and maritime developments and industrially zoned areas from encroachment by incompatible uses and developments on adjacent lands.

Rienstra seconded the motion.

Rienstra seconded the motion.

Councilmembers discussed Item 29 and Policy 2N-6.

Boyle asked for clarification about "protective measures" referenced at the end of Policy 2N-6.

Condyles stated that protective measures are for any business whose zoning may change.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Abstain: 1 - Scanlon

Elenbaas asked for clarification about Item 28.

Galloway stated that the intended outcome is to work with cities to align land use goals. She turned discussion to Goal 2P (Item 31).

Matt Aamot, PDS, stated that those densities have been in the comprehensive plan for a while, and cities were asked to make changes. Blaine and Bellingham both had changes that are incorporated.

Elenbaas asked why Lynden would not want a higher number.

Aamot stated that these are overall citywide averages, so higher density is allowed in the city, and this is just a target range.

Galloway turned discussion to Item 40 on Policy 2U-9.

Boyle moved to retain Planning Commission's recommendation for 2U-9. Rienstra seconded the motion.

Personius provided background information about Policy 2U-9. He clarified that no rezone is proposed to the Bellingham UGA as part of this comprehensive plan update.

Scanlon asked what would change if the Galloway proposed language was incorporated.

Personius stated that there is no real difference and they would coordinate with the city on the best steps forward.

The motion carried by the following vote:

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

Nay: 2 - Stremler and Elenbaas

Elenbaas turned discussion to Item 49 and its requirement for evidence of an adequate and legal water supply prior to issuance of any building permit. He stated that water adjudication complicates the question of legal water rights, and an addendum is currently required for real estate transactions today to acknowledge ongoing litigation related to water adjudication.

Elenbaas moved to strike "and legal" from Policy 2DD-2(C)(8) (Item 49). Stremler seconded the motion.

Scanlon asked how PDS currently assesses evidence of adequate water supply and how adding "and legal" would change that assessment.

Personius stated that the health department determines adequate water availability. He said that, according to the courts, adequate means physical availability of water and legal right to access it. He stated that the health department conducts assessments on a case-by-case basis.

The motion carried by the following vote:

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

Nay: 0

Elenbaas moved to not include Item 47. Stremler seconded the motion.

Councilmembers discussed the motion and the intent of Item 47, which would amend the section in Comprehensive Plan Chapter 2 on rural character and lifestyle.

The motion carried by the following vote:

Aye: 4 - Scanlon, Stremler, Elenbaas, and Buchanan

Nay: 3 - Boyle, Galloway, and Rienstra

Elenbaas turned the discussion to Items 51 and 59 and the establishment of a climate overlay district.

Personius stated that Item 51 might fit better in Chapter 12 Climate and E(1) could be its own policy.

Galloway moved to make Policy 2DD-2(E)(1) its own policy in Chapter 2.

Boyle seconded the motion.

The motion carried by the following vote:

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

Nay: 0

Elenbaas moved to remove new Policy 2QQ-3 (Item 59). Stremler seconded the motion.

Councilmembers discussed the motion and the intent of proposed new Policy 2QQ-3.

The motion failed by the following vote:

Aye: 2 - Stremler and Elenbaas

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

Galloway turned discussion to Item 42.

Personius asked Council to consider inserting the words "increasing building" before "elevation" in Items 42, 43, and 45.

Galloway moved to insert the words "increasing building" before "elevation" in Policy 2W-1 (Item 42), Policy 2Z-1 (Item 43), and Policy 2AA-2 (Item 45) so that it reads:

Development that does occur should take mitigative measures like increasing building elevation to reduce risk of harm and damage from flooding.

Rienstra seconded the motion.

The motion carried by the following vote:

Aye: 6 - Boyle, Galloway, Buchanan, Rienstra, Stremler, and Elenbaas

Nay: 0

Abstain: 1 - Scanlon

Scanlon stated that there are additional items to consider in Item 42, which he will propose at the next meeting.

Elenbaas stated he would also like to propose additional changes to Item 42 and will work with staff prior to the next meeting.

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

MOTION 1:

Motion approved to begin review of Chapter 2 using the Substitute Preliminary Council Draft dated March 3, 2026, which is the current version of the chapter with Planning Commission recommendations from January 2026 and additional edits proposed by councilmembers as listed in the Chart of Proposed Council Changes.

MOTION 2:

Motion approved to strike "and housing" from Item 3.

MOTION 3:

Motion approved to add "where applicable" before "retain existing light and heavy industrial zoning" in new Policy 2A-8 (Item 6).

MOTION 4:

Motion approved to reconsider the vote to add "where applicable" before "retain existing light and heavy industrial zoning" in new Policy 2A-8 (Item 6).

MOTION 5:

Motion approved to add "where applicable" before "retain existing light and heavy industrial zoning" in new Policy 2A-8 (Item 6).

MOTION 6:

Motion approved to define "enhancement" in Items 19, 20, and 21.

MOTION 7:

Motion approved to add "where applicable" to (the start of the second sentence of) Policy 2N-6 (Item 29) so that it reads:

Where applicable within urban growth areas, preserve existing zoning designations for properties with operating industries and protect existing industrial and maritime developments and industrially zoned areas from encroachment by incompatible uses and developments on adjacent lands.

MOTION 8:

Motion approved to retain Planning Commission's recommendation for Policy 2U-9.

MOTION 9:

Motion approved to strike "and legal" from Policy 2DD-2(C)(8) (Item 49).

MOTION 10:

Motion approved to not include Item 47.

MOTION 11:

Motion approved to make Policy 2DD-2(E)(1) (Item 51) its own policy in Chapter 2.

MOTION 12:

Motion approved to insert the words "increasing building" before "elevation" in Policy 2W-1 (Item 42), Policy 2Z-1 (Item 43), and Policy 2AA-2 (Item 45) so that it reads:

Development that does occur should take mitigative measures like increasing building elevation to reduce risk of harm and damage from flooding.

3. [AB2026-188](#) Discussion and preliminary Council direction on Whatcom County Comprehensive Plan Chapter 3, Housing

Clerk's Note: Proposed councilmember edits to Comprehensive Plan Chapter 3 are listed in the Chart of Proposed Council Changes (on file).

Galloway introduced discussion of Comprehensive Plan Chapter 3.

Rienstra moved to begin review of Chapter 3 using the Preliminary Council Draft dated 3.3.2026, which is the current version of the chapter with Planning Commission recommendations from January 2026 and additional edits proposed by councilmembers as listed in the Chart of Proposed Council Changes. Boyle seconded the motion.

The motion carried by the following vote:

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

Nay: 0

Councilmembers stated which items they would like to discuss.

Galloway stated that real estate is moving away from the term "family" for official documents. She asked whether the county is having similar discussions.

Mark Personius, Planning and Development Services (PDS), stated that the county is having similar discussions regarding code language.

Galloway asked if there is another term that might be inserted into the comprehensive plan to reflect that work.

Personius said sure.

Galloway asked a question about moderate density in Item 4.

Matt Aamot, PDS, stated that the zoning code does not include rural zoning in UGAs. Rather, it has urban residential zoning, which allows for four or

six units per acre if water and sewer are available. If no water and sewer are available, one dwelling is allowed per ten acres.

Personius stated that there is a bit of a conflict because Council recently adopted ADU provisions that allowed two ADUs in unincorporated UGAs even without sewer.

Galloway turned discussion to Item 12, asking the reason for the proposed strike.

Aamot stated that updated information for all cities' housing needs is available in the appendices of the comprehensive plan, so the paragraph about Bellingham is not needed in Chapter 3.

Galloway turned discussion to Item 23 and asked how public concerns are being addressed.

Aamot stated that House Bill 1220 changed the framework for county and city planning as it basically says the county needs to upzone and allow more housing types. The public can have a say when public hearings are held regarding proposed rezonings.

Stremmer asked about Item 28.

Bill Geyer, who proposed the amendment, stated that his review was focused on what Whatcom County can do to incentivize affordable housing in the county.

Aamot stated that Council may want to consider amending Policy 3C-9 (Item 28) to add "and other GMA requirements are met."

Galloway moved to amend Policy 3C-9 (Item 28) to add "and other GMA requirements are met" to the end of the final sentence so that it reads:

In areas adjacent to UGAs with proximity to urban utilities, include sites into the UGA when accompanied by a property owner commitment to produce affordable housing and other GMA requirements are met.

Boyle seconded the motion.

Geyer provided context for the proposal.

The motion carried by the following vote:

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

Nay: 0

Galloway asked whether Personius would be willing to come to an upcoming committee meeting to speak about House Bill 5290.

Personius stated that he is presenting PDS' annual report to Council March 10, so he will be available to speak about 5290 as well.

Galloway asked whether there should be reference to the Buildable Lands Analysis in the quantifiable targets section (Item 42).

Aamot stated that he does not believe it is necessary.

Galloway asked whether Policy 3G-4 should distinguish between rural UGAs and unincorporated UGAs.

Aamot stated that he does not believe it is necessary.

Stremler asked about the intentions of proposed new Policy 3J-6 (Item 45).

Stremler moved to strike new Policy 3J-6 (Item 45). Elenbaas seconded the motion.

Galloway asked staff to talk about the racially disparate impacts report.

Aamot stated that a consultant conducted a racially disparate impact report and made recommendations. He said new Policy 3J-6 was not a recommendation from the consultant. He stated that the Whatcom Racial Equity Commission (WREC) wrote a letter attached as Appendix B to the racially disparate impact report that references buyback of reservation land.

The motion failed by the following vote:

Aye: 2 - Stremler and Elenbaas

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

Galloway moved to move Policy 3J-6 (Item 45) under Goal 3K as Policy 3K-10. Boyle seconded the motion.

The motion carried by the following vote:

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

Nay: 2 - Stremler and Elenbaas

Elenbaas moved to strike all of new Goal 3K and associated policies (Item 46). Stremler seconded the motion.

Scanlon asked Galloway and Rienstra to explain the meaning of "right-to-return" under Goal 3K.

Galloway stated that it refers to opportunities for tenants who are temporarily displaced to move back into their unit or a similar unit.

Elenbaas stated that he sees potential problems for rural areas with Policy 3K-3, which calls for the removal of policies aimed at maintaining "neighborhood character." He said the wording of new Policy 3K-2 may create a misapprehension that the county has allowed racial covenants.

Stremler asked a question about the reference to racial covenants in proposed new Policy 3K-2.

Personius stated that this policy alludes to the days of redlining, a practice which is now illegal. He said that some jurisdictions are scrubbing references to this past practice from their deeds and code.

The motion failed by the following vote:

Aye: 2 - Stremler and Elenbaas

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

Boyle moved to add the word "continued" to Policy 3K-2 (Item 46) to read "continued elimination of racial covenants." Rienstra seconded the motion.

The motion carried by the following vote:

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

Nay: 0

Elenbaas stated that he drafted a few amendments to Chapter 3 that he would like to consider at the next meeting.

Personius stated that the term "industrial" in Item 20 should be changed to "commercial."

Galloway moved to amend Item 20 to strike "industrial" and insert "commercial" so that it reads:

Where feasible, compatible mixed land uses should be encouraged in an effort to balance the need for both residential and commercial growth and development.

Rienstra seconded the motion.

The motion carried by the following vote:

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

Nay: 0

Rienstra moved to amend new Policy 3K-9 to change "government-to-government" to "Whatcom County government-to-Tribal government" in Item 47. Stremler seconded.

The motion carried by the following vote:

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

Nay: 0

Galloway turned discussion to next steps. She stated that, pursuant to the proposed schedule, Council will spend several hours on Comprehensive Plan Chapters 1-3 during the Committee of the Whole meeting on March 10. The deadline for councilmembers to submit additional proposed amendments is March 6. Galloway encouraged councilmembers to work with staff on distributing proposed amendments to keep things orderly.

Cathy Halka, Clerk of the Council, stated that the deadline for amendments to Chapters 4-7 is March 9.

Galloway stated that Chapters 4-7 will be discussed on March 17.

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

MOTION 1:

Motion approved to begin review of Chapter 3 using the Preliminary Council Draft dated 3.3.2026, which is the current version of the chapter with Planning Commission recommendations from January 2026 and additional edits proposed by councilmembers as listed in the Chart of Proposed Council Changes.

MOTION 2:

Motion approved to amend Policy 3C-9 (Item 28) to add "and other GMA requirements are met" to the end of the final sentence so that it reads:

In areas adjacent to UGAs with proximity to urban utilities, include sites into the UGA when accompanied by a property owner commitment to produce affordable housing and other GMA requirements are met.

MOTION 3:

Motion approved to move new Policy 3J-6 (Item 45) under Goal 3K as Policy 3K-10.

MOTION 4:

Motion approved to add the word "continued" to Policy 3K-2 (Item 46) so that it reads "continued elimination of racial covenants."

MOTION 5:

Motion approved to amend Item 20 to strike "industrial" and insert "commercial" so that it reads:

Where feasible, compatible mixed land uses should be encouraged in an effort to balance the need for both residential and commercial growth and development.

MOTION 6:

Motion approved to amend new Policy 3K-9 to change "government-to-government" to "Whatcom County government-to-Tribal government" in Item 47.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:32 p.m.

The County Council approved these minutes on March 24, 2026.

ATTEST:



Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Kaylee Galloway
Kaylee Galloway, Council Chair

Meeting Minutes prepared by Jenna Gernand