

Whatcom County Council Special Committee of the Whole

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



Committee Minutes - Final

ESTIMATED TIME - MEETING MAY BEGIN EARLIER/LATER THAN 2:30 P.M.

Tuesday, January 28, 2020

2:30 PM

Council Chambers

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 3:10: p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Roll Call

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

Absent: None

Committee Discussion

1. [AB2020-038](#) Discuss proposed Interlocal Agreement between Whatcom County and cities relating to interim procedures for amending the Countywide Planning Policies

Matt Aamot, Planning and Development Services Department, gave a brief history of the previous discussion on this item. He and Mark Personius, Planning and Development Services Department Director, discussed with Councilmembers why this process is not done through Comprehensive Plan amendments, the city approval process (item 7) and what percentage of the Cities approving should be required, having language stating that the Cities be in agreement with a proposed amendment before it goes to the County Council, and what the process for amendments would be if this interlocal agreement is not agreed upon.

Elenbaas moved to amend Section 1, Item 1 ("Authority to Initiate Amendment") to combine Sub-items "c," "d," and "e" (c. the City Council, d. City Mayor, and e. City Manager) so that the City Council, Mayor, and Manager need to be in agreement before a proposed amendment to the countywide planning policies is moved forward.

Byrd suggested a friendly amendment to delete subitems "d" and "e" so that only the City Council can move an amendment forward.

The motion was seconded.

Elenbaas accepted the friendly amendment and *moved* to amend Section 1, Item 1 ("Authority to Initiate Amendment") to remove Sub-items "d," and "e" (d. City Mayor, and e. City Manager) so that the Whatcom County Executive, the Whatcom County Council, and any City Council may initiate a proposed amendment to the countywide planning policies.

Section 1. Interim Procedures for Amending the Countywide Planning

Policies

The Cities and the County agree to the following interim procedures for amending the countywide planning policies:

1. Authority to Initiate Amendment - Any of the following may initiate a proposed amendment to the Countywide Planning Policies by submitting a written

proposal to the County Planning Director:

- a. The Whatcom County Executive;
- b. The Whatcom County Council;
- c. Any City Council;
- ~~d. Any City Mayor;~~
- ~~e. Any City Manager.~~

The discussion continued about how the process would work with this amendment.

The motion failed by the following vote:

Aye: 2 - Elenbaas and Byrd

Nay: 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

Byrd moved to only remove Section 1, Item 1, Sub-item "e."

Section 1. Interim Procedures for Amending the Countywide Planning Policies

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1. Authority to Initiate Amendment - Any of the following may initiate a proposed amendment to the Countywide Planning Policies by submitting a written

proposal to the County Planning Director:

- a. The Whatcom County Executive;
- b. The Whatcom County Council;
- c. Any City Council;
- d. Any City Mayor;
- ~~e. Any City Manager.~~

The motion was seconded.

Discussion continued and Tyler Schroeder, Executive's Office, answered questions about the makeup of the City governments.

The motion carried by the following vote:

Aye: 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Frazey

Nay: 1 - Kershner

Byrd moved to strike Section 1, Item 8.

~~8. Whatcom County Council Adoption—Following approval of the countywide planning policy amendments by the cities under section 7 above, the County Council may, after conducting a public hearing, adopt the countywide planning policy amendments. Final draft countywide planning policy amendments may not be modified during the County Council adoption process. Countywide planning policies become effective upon adoption by the County Council.~~

The motion was seconded.

Byrd withdrew his motion.

Byrd moved to remove Section 1, Item 7, Sub-item "b" and to amend Section 1, Item 7, Sub-item "a:"

7. City Approval Process - The respective city legislative authorities must act upon final draft countywide planning policy amendments within 90 days of the County Council vote to send the amendments to the cities for review and approval. City approval of the countywide planning policies must be by:

a. Cities representing at least 51 percent of the total population of Whatcom County. ~~65 percent of the total population living inside the 7 incorporated cities; and~~

~~**b.** At least 55% of the cities (for example, 4 of the 7 existing cities).~~

The motion was seconded and Councilmembers discussed the motion.

Kershner suggested a friendly amendment to amend the 65 percent of the total population living inside the 7 incorporated cities.

Kershner withdrew her suggested friendly amendment.

Councilmembers discussed the wording of Item 7 and the ability of one jurisdiction to impose their will on another.

Browne moved to call the question.

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

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

Nay: 0

Byrd's motion failed by the following vote:

Aye: Byrd

Nay: Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

Browne moved to accept the document as amended with the removal of Section 1, Item 1, Sub-item "e."

The motion was seconded and Councilmembers discussed the motion.

The motion failed by the following vote:

Aye: Browne and Donovan

Nay: Buchanan, Byrd, Elenbaas, Frazey, and Kershner

Buchanan moved to hold in Committee and request staff to bring back a recommendation especially for Item 7 so that the language would include a percentage that the small cities can achieve and would not allow any jurisdiction to be able to impose its will on another.

The motion was seconded.

Councilmembers discussed the motion and possibly amending Item 7 to change the "and" to an "or," on Sub-item "a" and increasing the percentage in that same item so that the City of Bellingham would have to get at least one other small city on board, or four small cities could agree to approve, and no one city could veto.

Buchanan's motion that the Discussion be HELD IN COMMITTEE carried by the following vote:

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

Nay: 0

Absent: 0

Other Business

Adjournment

The meeting adjourned at 4:35 p.m.

The County Council approved these minutes on February 11, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE