

Whatcom County Council

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



Action Summary

Tuesday, October 12, 2021

6 PM

Virtual Meeting

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010)**

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.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2021-076](#) Committee of the Whole Executive Session for September 28, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2021-077](#) Committee of the Whole for September 28, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2021-078](#) Regular County Council for September 28, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2021-539](#) Ordinance adopting amendments to the Six-Year Capital Improvement Program for Whatcom County Facilities (2021-2026)

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-058

2. [AB2021-543](#) Ordinance adopting Zoning amendments relating to density credits in the UR4 zone in the Birch Bay UGA, density credits for accessory dwelling units, and modifying the minimum lot size, width, depth and other requirements in the Urban Residential zone

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-059

3. [AB2021-544](#) Ordinance adopting amendments to the Unified Fee Schedule relating to density credit fees for increasing the size of accessory dwelling units

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-060

4. [AB2021-185](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

ADOPTED

Aye: 4 - Browne, Byrd, Elenbaas, and Kershner

Nay: 3 - Buchanan, Donovan, and Frazey

Absent: 0

Enactment No: ORD 2021-061

5. [AB2021-414](#) Ordinance granting Cascade Natural Gas Corporation a franchise for the transportation of natural gas in Whatcom County

HEARD PUBLIC TESTIMONY AND REFERRED TO COMMITTEE

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

Nay: 1 - Elenbaas

Absent: 0

Motion approved 6-1, with Elenbaas opposed, that the item be held until the second meeting in January in order for the Whatcom County Public Works Department to continue negotiating the franchise agreement with Cascadia Natural Gas in order to reconsider terms of the agreement including but not limited to the length of the agreement. Council requests that Public Works consult with members of the Climate Impact Advisory Committee during this process.

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2021-563](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Blaine for FY2020 Operation Stonegarden (OPSG), in the amount of \$31,923.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2021-564](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for FY2020 Operation Stonegarden (OPSG), in the amount of \$43,500.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2021-565](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale for FY2020 Operation Stonegarden (OPSG), in the amount of \$63,732.50

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2021-566](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for FY2020 Operation Stonegarden (OPSG), in the amount of \$65,000.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2021-567](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Sumas for FY2020 Operation Stonegarden (OPSG), in the amount of \$44,927.50

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2021-568](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington Department of Fish and Wildlife for FY2020 Operation Stonegarden (OPSG), in the amount of \$27,335.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2021-558](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Bennett Engineering to perform environmental monitoring and sampling of closed landfills, in the amount of \$62,683 for a total amended contract amount of \$168,517

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2021-589](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to provide housing case management services in the amount of \$33,977 for a total amended contract amount of \$212,748

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2021-527](#) Request approval for the County Executive to enter into an agreement with Cascadia Policy Solutions, LLC, for the purpose of developing and implementing a collaborative water solutions table in the amount of \$190,000 (Council acting as the Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2021-547](#) Ordinance amending the 2021 Whatcom County Budget, request no. 15, in the amount of \$859,440

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2021-062

3. [AB2021-549](#) Ordinance establishing the Central Plaza Tenant Improvements Fund and establishing a project based budget for the Central Plaza Tenant Improvements Project

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2021-063

4. [AB2021-579](#) Request approval for the County Executive to enter into an interagency agreement between Whatcom County Flood Control Zone District and the State of Washington Department of Ecology for Whatcom Marine Resources Committee (MRC) Operations and Projects (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 0

Absent: 0

5. [AB2021-580](#) Request permission for the County Executive to enter into a Joint Funding Agreement between the Whatcom County Flood Control Zone District (FCZD) and the United States Geological Survey (USGS) (Council acting as the Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 0

Absent: 0

6. [AB2021-581](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the State of Washington Department of Health to provide funding to implement the Whatcom County Enhanced Pollution Identification and Correction Program in the amount of \$580,000 for a total amended contract amount of \$1,627,732 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 0

Absent: 0

7. [AB2021-587](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham, in the amount of \$250,000 for Whatcom County's share of this reimbursement for the design of West Horton Road extension

AUTHORIZED

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

Nay: 0

Absent: 0

Abstain: 1 - Browne

(From Council Committee of the Whole)

8. [AB2021-561](#) Ordinance amending Ordinance No. 2021-045 (Review of Response to COVID-19 Pandemic)

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2021-064

9. [AB2021-209](#) Resolution regarding permanent affordability of childcare in Whatcom County
REFERRED TO COMMITTEE

(No Committee Assignment)

10. [AB2021-538](#) Resolution setting regular Whatcom County Council meeting dates for 2022
APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-043

(Approved Option 3)

INTRODUCTION ITEMS

1. [AB2021-582](#) Ordinance amending the 2021 Whatcom County Budget, request no. 16, in the amount of \$411,953

INTRODUCED

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

Nay: 0

Absent: 0

2. [AB2021-572](#) Ordinance amending Whatcom County Code 12.20 Road Vacations to update procedures for processing petitions

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

3. [AB2021-590](#) Ordinance imposing a second interim moratorium on the acceptance and processing of permit applications for new or expanded recreational cannabis growing and/or processing facilities which are proposed to operate outdoors or in greenhouses

This item was considered separately. See motion and vote on item below.

4. [AB2021-576](#) Resolution adopting the 2022 Annual Construction Program (ACP)

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

5. [AB2021-583](#) Resolution amending the Flood Control Zone District & Subzones 2021 budget, request no. 4, in the amount of \$855,502 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

INTRODUCED

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

Nay: 0

Absent: 0

3. [AB2021-590](#) Ordinance imposing a second interim moratorium on the acceptance and processing of permit applications for new or expanded recreational cannabis growing and/or processing facilities which are proposed to operate outdoors or in greenhouses

INTRODUCED FOR PUBLIC HEARING

Aye: 5 - Browne, Buchanan, Byrd, Donovan, and Frazey

Nay: 2 - Elenbaas, and Kershner

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Motion approved to reconvene on the subject of Superior Court vaccine mandates when the Council has legal counsel available on October 19, 2021.

1. [AB2021-597](#) Resolution requesting a Presidential Executive Order to open the border to allow access to Canadian property owner in Point Roberts USA

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-044

ADJOURN