

# **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, March 8, 2022  
1:50 PM  
Council Chambers**

**HYBRID MEETING - ADJOURNS BY 4:15 P.M. (PARTICIPATE IN-PERSON OR  
SEE VIRTUAL MEETING 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 1:50 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

1. [AB2022-132](#) Discussion regarding broadband internet access

Galloway and Byrd briefed the Councilmembers and Councilmembers discussed whether other counties are doing this, which counties Whatcom County would emulate, and how the underground fibers would connect to areal fibers on power poles.

Jon Hutchings, Public Works Department Director, answered how many miles of road the County constructs or maintains per year that would involve digging where they would be able to pull fiber, whether they could just put in conduit at a minimum and fiber could be put in later or whether they have to be committed to having the fiber there and adding to the cost.

Councilmembers and staff continued to discuss whether they should request County or Port of Bellingham staff to figure out the cost of these things, who they would turn to for more information about the costs, how this would get service to the community faster and reduce broadband cost, whether other entities are currently using Wireless Access Points (WAPs), coordinating efforts with the Public Utility District and Port of Bellingham, how Realtime Response Under Load (RRUL) tests would help rural and disadvantaged communities, and whether conduit line could be leased out.

*Clerk's note:* See further discussion on this item below.

**This agenda item was DISCUSSED.**

2. [AB2021-548](#) Discussion and status update of proposed amendments to the Whatcom County Code regarding short-term rentals

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers and stated he is trying to get a sense of whether Council would like to continue with this project or not and whether they would

support hiring a vendor to provide software that would handle a lot of the registration issues that the Council wanted at one time. He answered how it will change how people will be able to continue converting single-family homes into businesses that are vacation rentals if it is an accessory use.

Councilmembers discussed the request, how they anticipate spending the funds in excess of the costs, whether they could be used to promote affordable housing, whether this is coming up with a solution to a problem the County does not really have, just having something in place that would encourage health and safety standards as well as behavior standards, and whether they have considered the positive aspects of having vacation rentals in the community.

Strong answered why fees would be collected in excess of what the program might cost to administer, what the Planning Department staff would need to get going if there was a sense that the Council was willing to pursue this, whether the County has reached out to vacation rental owners to tell them this may be coming down the pike, whether they could have a public hearing and invite the affected parties to come and review this and let the Council know what they think of it, and whether the Planning Commission previously had a hearing and got feedback on this issue.

Councilmembers and staff discussed whether they could have a public hearing without a formal ordinance in order to hear from the public, and how people responded in the public hearing that was before the Planning Commission. They concurred that they would like to schedule a public hearing.

Strong answered a question about time sensitivity in regards to coordinating with the Shoreline Management Program (SMP) deadlines.

**This agenda item was DISCUSSED.**

3. [AB2022-141](#) Report on progress and next steps for the COVID-19 Pandemic Response Review project

Cathy Halka, Council Legislative Analyst, briefed the Councilmembers and answered whether the independent reviewers are contacting people, such as the incident commander, who do not work for the County or just current County staff members.

**This agenda item was REPORTED.**

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

1. [AB2022-087](#) Ordinance amending Whatcom County Code 2.02.075, Standing Committees, to

rename Natural Resources Committee

Donovan read AB2022-087 but Galloway asked if Commissioner Atul Deshmane, Public Utility District (PUD), could address the Council on AB2022-132 so they allowed him to speak and went back to that item.

See discussion of this item below.

1. [AB2022-132](#) Discussion regarding broadband internet access

Atul Deshmane, Public Utility District (PUD), briefed the Councilmembers on the work of the PUD on broadband in the county and stated he supports the language of the memo presented by Councilmember Galloway.

Discussion continued from above.

1. [AB2022-087](#) Ordinance amending Whatcom County Code 2.02.075, Standing Committees, to rename Natural Resources Committee

Galloway briefed the Councilmembers and Councilmembers discussed the item.

**Frazey moved and Byrd seconded that the Ordinance be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2022-131](#) Ordinance amending Whatcom County Code 2.126 (Whatcom County Climate Impact Advisory Committee)

**Galloway** briefed the Councilmembers and **moved** to amend Whatcom County Code Section 2.126.030 Subsection C to strike/remove “to seven” so that it would read:

C. Update the Climate Action Plan, at a minimum every five ~~to seven~~ years, or as needed to meet targets; and

The motion was seconded by Frazey.

The motion to amend carried by the following vote:

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

**Nay:** 1- Elenbaas

Councilmembers discussed the ordinance and the following people spoke and answered questions:

- Ellyn Murphy, Climate Impact Advisory Committee
- Chris Elder, Public Works Department

Councilmembers and the speakers discussed whether there is interest in expanding this group to help with some of the impacts of the climate change events we have been experiencing, and how the Council can help the advisory group help them to deal with the actual impacts that are caused by climate change.

*Frazey moved* and Buchanan seconded that the Ordinance be **RECOMMENDED FOR ADOPTION WITH PROPOSED AMENDMENT(S)**.

Councilmembers discussed the motion.

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 3:05 p.m.

The County Council approved these minutes on March 22, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

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Todd Donovan, Council Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE