

# **Whatcom County Council (Special)**

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



## **Minutes - Final**

**Tuesday, November 12, 2024**

**1 PM**

**Hybrid Meeting - Council Conference Room**

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE 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  
Kaylee Galloway  
Jon Scanlon  
Mark Stremler

### **CLERK OF THE COUNCIL**

Cathy Halka, AICP, CMC

## Call To Order

Council Chair Barry Buchanan called the meeting to order at 1 p.m. in a hybrid meeting.

## Roll Call

**Present:** 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremler

## Announcements

### Special Presentation

1. [AB2024-718](#) Presentation from Washington State Association of Counties (WSAC) regarding 2023-2024 activities and upcoming work program

The following people read from a presentation (on file) and answered questions:

- Derek Young, Interim Executive Director for the Washington State Association of Counties (WSAC)
- Lisa Janicki, WSAC Executive Committee President

They spoke about WSAC as an organization and its legislative priorities.

Satpal Sidhu, County Executive, spoke about the system of sales and property tax as a source of revenue and that it is outdated. He asked if there can be an overall change in the system and spoke about an idea of funding local governments with State or Federal grants and giving them discretion on how they spend.

Janicki encouraged Councilmembers to participate in the state legislative process.

They discussed with Councilmembers and the Executive what issues should be directed to WSAC and which should be directed to the Municipal Research and Services Center (MRSC), what WSAC can do to advocate for housing affordability, and opportunities to be more involved in the legislative process.

*Clerk's note:* Councilmembers took a short break before going to the next item.

**This agenda item was PRESENTED.**

**Items Added by Revision**

1. [AB2024-774](#) Discussion of an ordinance adopting amendments to WCC Titles 20 and 22 to enact SSB 5290 regarding local project review

The following people spoke and read from a presentation (on file):

- Mark Personius, Planning and Development Services Department Director
- Amy Keenan, Planning and Development Services Department

Keenan stated one of the things they heard the most was how uncomfortable people were with the critical areas review and the Health permits being linked. She stated they would be OK with proposing to remove septic system or water availability approvals for the Health Department from Planning's critical area review and going back to the status quo. When the Health Department is linked with Planning in Intergove (Planning's permit tracking system) they can link to each other's permits, so onsite sewage system (OSS) permits could be reviewed by Planning's critical areas staff. But they are OK with working it out in the interim. She spoke about the permitting process in the last few years, what they are hoping to accomplish with the new code, and how it would compare to the current process. She answered questions.

Galloway stated it has been a tight turnaround to be able to engage in a stakeholder process, but she and Elenbaas met with stakeholders to work through some of the concerns and to develop potential amendments to be considered in a substitute version. She stated it strikes the mention of septic systems and water availability approvals to the Health Department from Whatcom County Code (WCC) 22.05.022(1) since it is not actually a requirement to be in compliance with SSB 5290, adds language in WCC 22.05.022(2) that would clarify that the critical area review will fall within the State-prescribed permit review timelines, and adds language in WCC 22.05.022(4) around setting some parameter for issuing a critical area review within a certain time period. She stated Council needs to have a conversation about how to build capacity in Planning and Development Services to ensure that these permit timelines are being met.

Personius answered whether this needs to be done by the end of the year and stated the State law goes into effect on January 1st.

Aly Pennucci, Executive's Office, Councilmembers, and staff discussed why the Planning Department was not part of the stakeholder meetings, when a new ordinance would need to be introduced, whether just striking the

language in WCC 22.05.022(1) would remove a lot of the concern from the community, that Planning will need to review and respond to the proposed substitute ordinance, what stakeholders were in the stakeholder meeting to give feedback, whether this would be solving the tug of war that can happen between Planning and Health and Community Services, the fact that it is the processes (not people) that do not talk to each other between the departments, and that getting Health on the Intergov software will solve that.

Pennucci stated that the Executive's recommended budget includes the resources to do that work to integrate Health and Planning.

**This agenda item was DISCUSSED.**

2. [AB2024-510](#) Discussion regarding membership of Council standing committees and other potential changes to meeting logistics

Cathy Halka, Clerk of the Council, updated the Councilmembers on a history of the item. She stated on July 23, 2024 the Council held an ordinance in committee that would increase the members of the Council's committees from three to seven, and in the course of that discussion, there was also interest in discussing broader meeting logistics. She referred to the staff memo on file.

Councilmembers discussed challenges around Councilmembers not being able to attend events classified as private (that would not be noticed as a meeting) because of quorum rules.

George Roche, Prosecuting Attorney's Office, stated if there is intersection with Council business at an event it is considered to be subject to the Open Public Meetings Act (OPMA).

Councilmembers discussed potential benefits of and other concerns about seven-member committees, meeting efficiencies around making recommendations in committee and then having to vote again in Council, and the possibility of not having to do that with seven members.

Roche answered what the code requirements are for readings of an ordinance and spoke about the role of committees, and that Council could look at the way they are utilizing them to find improvements, such as not making recommendations to themselves.

Councilmembers discussed the use of committees, the idea of having committees on the "off-Tuesdays" when there is not a regular Council meeting, what changes they could potentially package together with a seven-member-committees ordinance, the number of Council staff

members it takes to staff a meeting, the idea of having meetings on Tuesday and Wednesday as opposed to every Tuesday, and the idea of taking final action in Finance and Administrative Services Committee every week.

Roche answered whether public comment in a Finance meeting could only be allowed on Finance Committee agenda items as in a public hearing. He spoke about avoiding free speech issues and the challenge of having to determine what comments are appropriate or not if they went that route.

Councilmembers discussed whether they would be negating efficiency if they had hours of open public comment during a committee, whether an off-Tuesday meeting would be during the day, an idea of no longer having the Water Work Session meetings but instead having regular committee meetings on those Tuesdays and having the regular evening Council meeting on the standard Tuesdays, an idea of allowing for final action just in Committee of the Whole, and whether they need to work on a proposal to bring before the Council.

Halka stated Council could make a motion to schedule an “x” number of Special Committee of the Whole meetings during the year and make a motion to move all the Water Work Session items into those meeting dates.

Councilmembers discussed that idea.

***Scanlon moved*** to request that staff prepare a proposal to add six Committee of the Whole meetings, at one hour each, to their 2025 agenda.

The motion was seconded by Donovan.

Councilmembers discussed trying that just for the first quarter, whether these meetings would be held prior to the Health Board meetings, whether an hour is enough time, holding the Council retreat earlier in the year to do some strategic planning, learning about big topics they will be facing each year in advance so they can build strategy around those, and what additional workload the Charter Review and Comprehensive Plan will bring to staff and Council.

***Scanlon amended*** his motion ***and moved*** to request that staff prepare a proposed calendar that includes three one-hour Committee of the Whole meetings between quarter one and quarter two and propose a council retreat in quarter one.

***Scanlon restated*** his motion ***and moved*** to request that staff prepare a

proposal for Council's 2025 calendar that includes three one-hour Committee of the Whole meetings between quarter one and quarter two and a Council retreat in quarter one.

Councilmembers discussed the motion and that they should be scheduled as special Committee of the Whole meetings at this point.

The motion carried by the following vote:

**Aye:** 6 - Buchanan, Byrd, Donovan, Galloway, Scanlon, and Stremler

**Nay:** 0

**Out of the Meeting:** 1 - Elenbaas

Halka asked if they are going to have the usual ten Water Work Session meeting dates and six Health Board dates, and Councilmembers discussed that and a request that they address Lake Whatcom issues in Committee of the Whole.

***Buchanan moved*** to instruct staff to not schedule Water Work Sessions and to have those items be moved into committees.

The motion was seconded by Byrd.

***Buchanan amended*** his motion ***and moved*** to not schedule Water Work Sessions, direct what would have been Water Work Session topics into their respective committees, and move all Lake Whatcom discussions into Committee of the Whole.

The motion carried by the following vote:

**Aye:** 6 - Byrd, Donovan, Galloway, Scanlon, Stremler, and Buchanan

**Nay:** 0

**Out of the Meeting:** 1 - Elenbaas

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

Motion Approved 6-0 (with Elenbaas out of the meeting) to request that staff prepare a proposal for Council's 2025 calendar that includes three one-hour Committee of the Whole meetings between quarter one and quarter two and a Council retreat in quarter one.

Motion approved 6-0 (with Elenbaas out of the meeting) to not schedule Water Work Sessions, direct what would have been Water Work Session topics into their respective committees, and move all Lake Whatcom discussions into Committee of the Whole.

### **Other Business**

Donovan asked what process they might be able to set up in which Council

is given opportunities to give policy direction on Growth Management Act (GMA) issues like population projections.

Matt Aamot, Planning and Development Services Department, stated if Council wants to set up regular meetings to give direction that would great for them. He spoke about what is involved in the process for determining population and employment projections.

Councilmembers discussed maybe having regular meetings monthly for the first quarter of 2025 and having more as they get closer to the end of the year, how a legislative analyst might help in the process, and whether Councilmembers would like to have further discussion regarding the code regulations in the Heavy Impact Industrial (HII) zone on November 19th.

**Adjournment**

The meeting adjourned at 4:13 p.m.

The County Council approved these minutes on December 3, 2024.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Cathy Halka, Council Clerk

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Barry Buchanan, Council Chair

Meeting Minutes prepared by Kristi Felbinger

SIGNED COPY ON FILE