

# **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, January 28, 2025**

**1:40 PM**

**Hybrid Meeting - Council Chambers**

**AGENDA REVISED 1.28.2025 - HYBRID MEETING - MAY BEGIN EARLY -  
ADJOURNS BY 4:30 P.M. (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 Kaylee Galloway called the meeting to order at 1:44 ap.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 (motion to enter executive session)**

Galloway stated that due to some urgent time-sensitive business, she would like to entertain a motion that they enter executive session pursuant to RCW 42.30.110(1)(i)(1)(iii) to discuss proposed agency employment action and Loudermill hearing processes, with executive session going no later than 2:15 p.m.

*Donovan moved* to enter executive session pursuant to RCW 42.30.110(1)(i)(1)(iii) to discuss proposed agency employment action and Loudermill hearing processes.

The motion was seconded by Buchanan.

Councilmembers discussed that this is not related to the Planning and Development Services topics that are on their agenda right now.

The motion carried by the following vote:

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

Galloway stated the attorney present will be George Roche and they will conclude the executive session no later than 2:15 p.m. If they need to extend the time of the executive session beyond the stated conclusion time, she will come back out to the dais and make that announcement.

Councilmembers entered executive session at 1:45 p.m.

Galloway announced at 2:16 that the executive session was adjourned and she called the regular meeting back to order at 2:17 p.m.

Motion approved 7-0 to enter into executive session.

**Special Presentation**

1. AB2025-118 Update from County Executive's Office on 2025 state legislative session  
Galloway stated she requested that the Executive's Office transmit this legislative update to the Council via email and maybe brief them at the next Council meeting.

**This agenda item was NOT ACTED UPON.**

### **Committee Discussion**

1. AB2025-075 Discussion about councilmembers in the community events at library locations  
Galloway stated Councilmember Scanlon is going to bring this up this evening during Councilmember reports.

**This agenda item was NOT ACTED UPON.**

2. AB2025-128 Discussion regarding the 2025 Comprehensive Plan  
Donovan stated this discussion is an update from Council to Council on what some of them have been talking about with other elected officials and the Executive around the Comprehensive Plan and about how Council can better engage with the Executive and the Planning and Development Services Department (PDS) on things such as:

- Council's role in the population projections
- Council's role in defining what the EIS would scope in terms of information they need as policy makers
- Coordination for the non-binding resolution

He stated he hopes they can discuss dedicating some time of the new Legislative Analyst to help coordinate between Council and PDS. He spoke about Council not having given formal responses to PDS about wanting a population allocation of 9,000 in rural areas or about the EIS scope, and not having met formally with the Planning Commission. He spoke about the letters from the cities (See **AB2025-081**) and a Ferndale request for a moratorium on all projects within the unincorporated UGAs and UGA Reserves for both residential and employment properties, and asked what the Council should do with that.

**Donovan moved** that the Council allocate some proportion of their Legislative Coordinator/Policy Analyst's time to represent the Council's interest in the Comprehensive Plan. He stated he did not know what proportion of time that would be.

The motion was seconded by Byrd.

Cathy Halka, Clerk of the Council, confirmed that Donovan's motion is referring to the Legislative Coordinator/Policy Analyst position in the Council Office.

Councilmembers and staff discussed whether the motion should set a percentage of the Council staff member's time, and Donovan stated he would entertain starting with .25 of their time. He would like someone to coordinate with PDS before Comprehensive Plan chapters come to Council, potentially attend Planning Commission meetings, and coordinate with entities such as the cities when they send a letter to Council. Councilmembers also discussed the Council getting monthly staff-driven updates on the Comprehensive Plan, and carving out more time for Council-driven discussions.

Aly Pennucci, Executive's Office, stated County staff has been working hard to follow the direction and guidance previously set by the Council, and that specific policy goals and advance input from them would be helpful. She spoke about Council staff having flexibility in their time allotment.

Councilmembers discussed defining the staff time allocation.

***Donovan clarified*** his motion ***and moved*** that Council allocate staff time of the Legislative Coordinator/Policy Analyst to assist with work on the Comprehensive Plan and liaison between the Council, Planning and Development Services, and the Planning Commission.

The motion carried by the following vote:

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon and Stremler

**Nay:** 0

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

Motion Approved that Council allocate staff time of the Legislative Coordinator/Policy Analyst to assist with work on the Comprehensive Plan and liaison between the Council, Planning and Development Services, and the Planning Commission.

3. AB2025-081 Discussion relating to population and employment projections for the County as a whole, Urban Growth Areas, and the Rural & Resource Lands associated with the 2025 Comprehensive Plan Update

Mark Personius, Planning and Development Services Department Director, spoke about the following:

- The Planning Department having more to do in this Comprehensive

Plan cycle with less time

- Having presentations on the preferred growth scenarios of the ten Urban Growth Areas (UGAs) at two upcoming meetings in February
- The Letters from the city planners (on file) explaining how they got to their growth projections
- The current proposals for non-UGA and city population allocations and the concerns of the cities

Donovan spoke about the concern of the cities about needing numbers now so they can do capital facility planning, and that it seems to be putting the cart before the horse to pass the non-binding resolution (that may change anyway) before seeing the environmental impact statement (EIS) and the UGA proposals.

Personius stated Council ultimately has the authority to adopt UGA boundaries, but there have to be capital facility plans, adopted by the cities, in place for their UGAs that can demonstrate that they can provide adequate urban facilities and services for that UGA and for that particular population target. That is why it is important to know what the target is first.

Donovan stated Council is being asked to adopt numbers before knowing about things such as city annexation.

Scanlon asked whether the non-binding resolution is the only mechanism the Council is able to use to signal to the cities to move ahead with their plans, and Personius stated he thinks they would be fine with a motion from the Council with numbers. He asked whether some type of signal is needed in order for the cities to move forward with planning boundaries and UGA swaps, and Personius stated the numbers are needed.

Councilmembers and Personius discussed hearing more from the cities on their projections and topics addressed in their letters to Council (on file), and an update on the last Planning Commission meeting last week.

**This agenda item was DISCUSSED.**

### **Items Added by Revision**

1. AB2025-137 Discussion of an ordinance adopting amendments to Whatcom County Code Titles 20 & 22 to enact SSB 5290 regarding local project review

Galloway stated the related ordinance in on the evening agenda for public hearing (**AB2025-059**) so this is only a discussion, and the intention is to be responsive to recent information received and to hear from Planning and Development on those concerns.

The following people spoke:

- Mark Personius, Planning and Development Services Department Director
- Amy Keenan, Planning and Development Services Department
- Aly Pennucci, Executive's Office
- Garrett Smith, Planning and Development Services Department

They addressed the concern regarding the site plan review and building permit being independent permits and answered questions. They discussed with Councilmembers the timelines proposed for each, that Planning may need more staff, that Planning can come back and report on the process after they have tried it and propose more code changes if needed, the need for both a paid professional and Planning Department review and verification, how often the on-call consultants are used, how much time is needed to make any changes to the ordinance if Council decides to hold this for two more weeks, how other counties are handling the site plan review, and the distinction between planning and land use permits versus building permits when it comes to site plan processes as discussed in WCC 22.05.023.

Dan Dunne, Building Industry Association of Whatcom County (BIAWC), spoke about the interpretation of the law, the efficiency of submitting a site plan in conjunction with an application for a permit, and the point of the law to streamline the permitting process.

Councilmembers and Council staff discussed which version of the ordinance (Substitute Ordinance and Ex A) they would be considering tonight (AB2025-059).

**This agenda item was DISCUSSED.**

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

1. AB2025-082 Resolution adopting the Lake Whatcom Management Program (LWMP) 2025 - 2029 Work Plan

Gary Stoyka, Public Works Department, read from a presentation (on file).

***Donovan moved*** and Scanlon seconded that the Resolution be RECOMMENDED FOR APPROVAL.

Stoyka answered questions about whether there is a way to come back to questions and comments after approving the plan, and discussions about

approving the plan at the Annual Lake Whatcom Joint Councils and Commission (JCC) meeting. He stated they decided to do the approvals *before* the joint meeting, and that the comment matrix has been updated to address later comments. He answered if there are models they use to stay on track with meeting the total maximum daily load (TMDL) 50-year goal and he spoke about the stormwater runoff model and the lake circulation model. He answered whether they know the total population that the lake can serve for drinking water, and stated that is not something they have pursued.

Galloway stated it would be good for them as a County to sit down and think about what policies they would like to work on as it relates to this topic.

**Donovan's motion that the Resolution be RECOMMENDED FOR APPROVAL carried by the following vote:**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 4:21 p.m.

The County Council approved these minutes on February 11, 2025.

ATTEST:

  
  
Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

  
Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger