

# **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, December 7, 2021**

**3:25 PM**

**Virtual Meeting**

**VIRTUAL MEETING - ADJOURNS BY 4:45 P.M.; MAY BEGIN EARLY (TO PARTICIPATE, SEE INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://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.

## Call To Order

### Roll Call

**Present:** 6 - Rud Browne, Barry Buchanan, Todd Donovan, Ben Elenbaas, Carol Frazey, and Kathy Kershner

**Absent:** 1 - Tyler Byrd

### Announcements

### Special Presentation

1. [AB2021-695](#) Presentation by the Whatcom Racial Equity Commission on project status

The following people presented:

- Heather Flaherty, Racial Equity Commission
- Shu-Ling Zhao, Racial Equity Commission
- Kristina Michele Martens, Racial Equity Commission

They answered questions about getting a tangible list of specific things that Whatcom County government can do that can remove racial barriers, and what would be the top three things on that list.

**This agenda item was PRESENTED.**

### Committee Discussion

1. [AB2021-714](#) Discussion of an ordinance granting Zayo Group, LLC, a franchise for the provision of telecommunications services

Andrew Hester, Public Works Department, briefed the Councilmembers and answered whether there is a point that we hit the capacity of how many different providers can have right-of-way agreements like this, whether this is a new agreement, whether ten years is a standard period of time for these types of agreements, what the thought process is for reducing the term to ten years, whether the 25 year term is listed on the County's application, and whether it should be changed to ten years on the application by default.

Roger Simpson, Zayo Group, LLC, addressed the ten year term and whether it is standard.

**This agenda item was DISCUSSED.**

2. [AB2021-395](#) Discussion and periodic update of the Shoreline Management Program

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers, spoke about amendments that were made at the last

Council meeting, and read from the staff memo (SMP Memo (dated 11.24.2021)), addressing the following previous amendment:

3. Amend Exhibit F (WCC Ch. 16.16) §16.16.900 (Definitions), definition of “Qualified professional” or “qualified consultant,” subsection (7) (pg. 128) to read: “Anyone who’s professional license is currently revoked or has had two (2) or more reports denied by the Hearing Examiner within a 12-month period does not meet the definition of a qualified professional or qualified consultant.”

He stated that staff recommends that Council revert the language of subsection (7) to its existing language to read:

“Anyone who has had their professional licensure or certification revoked for violations of the provisions of their profession does not meet the definition of a qualified professional or qualified consultant.”

***Donovan moved*** to revert to the original language as noted in section 3 of the memo. The motion was seconded by Browne.

Councilmembers discussed the motion and Kershner stated she would like to remove the entire subsection.

Staff answered questions about the language of subsection seven.

The motion carried by the following vote:

**Aye:** 5 - Frazey, Browne, Buchanan, Donovan, and Elenbaas

**Nay:** 0

**Abstain:** 1 - Kershner

**Absent:** 1 - Byrd

Strong requested the Council also acknowledge the two deletions (“Additional Staff Recommendations” items four and five as listed on the memo) proposed by staff at a previous meeting.

***Browne moved*** to amend the resolution as listed on the staff memo as items four and five as follows:

4. Amend Exhibit D (WCC Title 23), §23.60.190, by deleting subsection 17, definition of “short-term rental.”

5. Amend Exhibit D (WCC Title 23), §23.60.030 to replace the term “short-term rental” with “vacation rental.”

The motion was seconded by Donovan.

The motion carried by the following vote:

**Aye:** 6 - Kershner, Browne, Buchanan, Donovan, Elenbaas, and Frazey

**Nay:** 0

**Absent:** 1 - Byrd

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

3. [AB2021-648](#) Ordinance adopting amendments to WCC Title 20 (Zoning) regulating the production, processing, and retail sales of recreational marijuana in Whatcom County and repealing Ordinance No. 2021-066

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers.

*Kershner moved* approval *but withdrew* her motion since this is just a discussion.

Councilmembers and Strong discussed that a public hearing was previously held and the ordinance was already introduced.

Dana Brown-Davis, Clerk of the Council, answered a question about whether the ordinance should be considered at the evening meeting.

Councilmembers and staff discussed the ordinance and concurred that it should be scheduled for consideration on January 11, 2021.

**This agenda item was DISCUSSED.**

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

Alison Calder, Point Roberts Community Advisory Committee, briefed the Councilmembers regarding flood mitigation in Point Roberts and the use of Point Roberts Transportation Benefit District (TBD) funds for this project.

Jim Karcher, Public Works Department, responded to Calder's comments, stated TBD funds are specific about their use, and spoke about other issues and solutions.

Councilmembers and Karcher discussed what a “plan B” would be if TBD funds cannot be used.

Christopher Quinn, Prosecuting Attorney's Office, stated he would prioritize evaluating whether TBD funds can be used and stated there should be an answer for the Council soon.

Councilmembers discussed taking a year-end Council Photo.

**Adjournment**

The meeting adjourned at 4:39 p.m.

The County Council approved these minutes on January 11, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

\_\_\_\_\_  
Barry Buchanan, Council Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE