

CHAPTER 4 – Capital Facilities [Preliminary Planning Commission Version](#) July 24, 2025 (AB2025-552)

#	Page	Section/Policy	Proposed Amendment	Sponsor	Meeting
1	4-2	Policy 4A-2	“Provide County facilities and services in a manner that supports future urban growth in urban growth areas (UGAs) <u>and facilitates potential city annexation.</u> ”	Galloway	Approved 9/9/25 COTW
2	4-3	Goal 4D	“Goal 4D: Develop and implement a coordinated program of facility improvements and/or expansion for the departments and agencies which together carry out the county's law enforcement and corrections functions.” Question: Are the law enforcement/jail facilities related goal/policies consistent with the Justice Project?	Galloway	
3	4-4	Policy 4F-2	Seek non-capital opportunities to acquire, enhance and maintain park lands, trails, and other recreational facilities. Consider partnering with <u>tribes</u> , cities, school districts, park & recreation districts, <u>non-profit stakeholders</u> , and others when planning and implementing park and trail projects. <u>Make a good faith effort to consult with Lummi Nation and Nooksack Indian Tribe on relevant land acquisitions and the development of new trails and other recreational facilities that may have an impact on their cultural resources.</u>	Galloway	Approved 9/9/25 COTW
4	4-4	Goal 4G	Potential Amendment: “Coordinate with non-county facility providers such as cities, <u>tribes</u> , school districts, <u>fire districts</u> , and other special purpose districts...”	Galloway	Approved 10/7/25 COTW
5	4-6	Policy 4J-2	Potential Amendment: Policy 4J-2: Projects selected for the Six-Year Capital Improvement Program shall not degrade habitat for threatened and endangered species. <u>Where feasible, develop a strategy to mitigate harmful impacts and aim to achieve net ecological gain of salmon and other aquatic species habitat for all public projects and a voluntary incentive driven strategy for private projects.</u>	Galloway	
6	4-6	Add new policy	Potential Amendment: <u>Policy 4J-X: Develop an updated culvert inventory and prioritized list and proposed schedule for the removal of county owned fish passage barrier culverts (reference MOU with Tribes). Work with the cities, state, federal and tribal governments, and private landowners, to support investment in removal of fish passage barriers and installation of fish-friendly culverts and bridges.</u>	Galloway	
7	4-6	Goal 4K	Goal 4K: Enable school districts and fire districts to receive mitigation fees or impact fees to fund a proportionate share of system improvements reasonably related to new development by adopting into this plan their capital facilities plans. <u>Notwithstanding the above, recognize the mitigation and</u>	Donovan	Approved 9/9/25 COTW

		<p>impact fees will only apply to new construction and will result in new homes becoming even less affordable.</p> <p><i>The Planning Commission voted to add the following sentence to Goal 4K on 7/24/25: “...notwithstanding the above, recognize the mitigation and impact fees will only apply to new construction and will result in new homes becoming even less affordable.” Council voted to remove this sentence, restoring the original language.</i></p>		
8	4-6	<p>Potential Amendment:</p> <p>Goal 4K: Enable school districts and fire districts to receive mitigation fees or impact fees to fund a proportionate share of system improvements reasonably related to new development by adopting into this plan their capital facilities plans. Notwithstanding the above, recognize the mitigation and impact fees will only apply to new construction and will result in new homes becoming even less affordable. Establishing mitigation fees or impact fees must carefully balance the need to mitigate against the impacts of new development and fund critical capital facilities and infrastructure with the need for housing that is affordable to all economic segments of the community.</p> <p><i>The Planning Commission voted to add the following sentence to Goal 4K on 7/24/25: “...notwithstanding the above, recognize the mitigation and impact fees will only apply to new construction and will result in new homes becoming even less affordable.” This sentence was removed by Council on 9/9/25 (see above). This amendment seeks to reword the sentence the Planning Commission added instead of just deleting it.</i></p>	Galloway	

CHAPTER 5 – Utilities [Preliminary Planning Commission Version](#) October 10, 2025 (AB2025-733)

#	Page	Section/Policy	Proposed Amendment	Sponsor	Meeting
1	5-1 5-6	Purpose Electric Power... Policy 5C-10, 11	<p>Scrivener in nature: Replace few references to “broadband” with “internet”</p> <p><i>Rationale:</i> Internet is a broader term that encompasses technologies including but not limited to broadband and is more consistent with RES 2024-019 In Support of Expanding Access to Affordable and Reliable Internet for All Residents of Whatcom County.</p>	Galloway	
2	5-4	Locational Criteria	<p>Proposed Amendment It is the County’s preference that utility corridors must be located in areas of least impact to the public and environment as measured by proximity to populous and environmentally sensitive areas. <u>Furthermore, any construction activities within utility corridors should be done with proper notification and coordination.</u></p>	Galloway	
3	5-4	Goal 5A	<p>Proposed Amendment Specify a clear process for determining appropriate locations <u>and coordinating construction activities</u> for future needed utility facilities.</p>	Galloway	
4	5-4	Policy 5A-1	<p>Proposed Amendment Use existing permitting and environmental review processes to evaluate and determine the suitability of proposed locations for any new utility facilities <u>not under exclusive EFSEC jurisdiction or</u> above the distribution level.</p>	Galloway	
5	5-4	Policy 5A-2	<p>Proposed Amendment When expansion or improvements of utility systems <u>or generation facilities</u> are being considered, Whatcom County prefers the following in the order provided:</p> <ul style="list-style-type: none"> • upgrading of existing facilities in existing corridors; • <u>parcels where generation is currently sited, or in already disturbed sites;</u> • replacing facilities in existing corridors where appropriate; • sharing existing corridors. 	Galloway	
6	5-4	Add new Policy as 5A-2, adjust other numbers	<p>Proposed Amendment <u>Policy 5A-2: Any new construction, expansion, or improvements of utility systems located within the County’s Rights-of-Way should be done with proper notification to and coordination with Whatcom County Public Works, any co-located utility providers, and area businesses and residents, as applicable.</u></p>	Galloway	

7	5-5	Policy 5B-1	<p>Proposed Amendment Facilitate the use of new technologies by allowing flexibility in regulations and policies affecting utility facilities when it can be shown that a net benefit, <u>including net reliability benefits</u>, to the public is likely to result.</p>	Galloway	
8	5-5	Electric Power, Natural Gas, Petroleum, and Telecommunication	<p>Scrivener in nature: Acronym for Department of Labor and Industries (DLI) is more commonly <u>L&I</u></p>	Galloway	
9	5-6	Policy 5C-11	<p>Proposed Amendment Encourage utility purveyors to <u>coordinate their construction activities and</u> consider underground installation and co-location of <u>broadband facilities as a way to minimize ground disturbance and improve overall resiliency of utility infrastructure.</u></p>	Galloway	
10	5-7	Permitting Process Efficiency	<p>Proposed Amendment Time required for permitting processes can increase development costs and can impede the timely provision of electric power and other utilities to residential, commercial, and business users. Any new utility installation requires precisely designed and selected components to complete and bring a facility on line. Careful planning is necessary to ensure the proper components are available as needed. Delays in obtaining permits can disrupt planning cycles and can result in utility services not being available when needed. Local permit processing should not interfere with or cause long delays for the provision of utilities to residents, industry, or business. <u>However, permitting processes should also consider impacts to human and environmental health and facilitate mitigation measures when feasible.</u></p>	Galloway	
11	5-7	Policy 5D-1	<p>Proposed Amendment Maintain streamlined and simplified permitting processes relating to installation of utility facilities designed to serve existing or approved development, <u>while mitigating against associated harms to human health and environment.</u></p>	Galloway	
12	5-7		<p>Question: need help understanding and differentiating Goals 5D and 5E and their policies. Goal 5E seems very broad and its policies don't seem related.</p>	Galloway	
13	5-7	Policy 5E-3	<p>Scrivener in nature: Utility companies shall provide notification of proposed projects to abutting landowners consistent with <u>by</u>-County code.</p>	Galloway	

14	5-7	Policy 5F-1	<p>Proposed Amendment</p> <p>Periodically review existing regulations to identify <u>regulatory gaps</u> and <u>to</u> eliminate unintended or unreasonable constraints on the provision of necessary utilities as defined in this section.</p>	Galloway	
15	5-7/8	Add new Policy to 5F (or as new 5C-3?)	<p>Proposed Amendment</p> <p><u>Review and update Whatcom County Code to align with current state law RCW 80.50 Energy Facilities – Site Locations.</u></p> <p>Note: For example, WCC 20.68.060 is out of alignment with RCW 80.50.020 as it pertains to generating capacity thresholds for thermal power plants.</p>	Galloway	
16	5-8	Policy 5G-5	<p>Proposed Amendment</p> <p>The County <u>shall</u><u>should</u> <u>work with utility providers and</u> consider <u>funding opportunities for coordinated public</u> education and outreach <u>and</u> <u>promoting energy education services in order</u> to inform the public about energy efficiency and renewable energy sources.</p>	Galloway	
17	5-8/9	Policy 5H-2	<p>Proposed Amendment</p> <p>Encourage and support the development of renewable energy projects and technologies, such as anaerobic digesters, solar, battery energy storage systems, wind energy, <u>and</u> geothermal, <u>fusion</u>, and green hydrogen where applicable.</p>	Galloway	
18	5-10	Add policy to 5K	<p>Proposed Amendment</p> <p><u>Policy 5K-X: Coordinate with Cities on the development, expansion, or improvement of energy and utilities infrastructure within city adjacent UGAs in effort to accommodate future growth and maximize potential benefits.</u></p>	Galloway	
19	5-10	Natural Gas and Hazardous Liquid Transmission Pipelines	<p>Proposed Amendment</p> <p>Natural-Gas and Hazardous Liquid Transmission Pipelines</p> <p>Transmission of hazardous liquids and gases by pipeline is an efficient and convenient transportation mode for <u>transporting</u> these products. However, pipelines pose a risk of ruptures and uncontrolled leaks of products which are highly flammable, explosive, or toxic and therefore require careful consideration of pipeline siting, nearby land uses, and protection of pipelines from excavation damage. <u>The goal is to protect the health, safety and welfare of County residents, to provide predictability for future pipeline siting, and to encourage communication and coordination with pipeline operators, landowners, and county, state and federal agencies.</u></p> <p>The County is not able to control all issues regarding pipelines, as there are other agencies with jurisdictional authority (such as the Energy Facility Site Evaluation Council and the Federal Energy Regulatory Commission), as well as demand from areas outside of Whatcom County, which preclude the County from having the ultimate authority. Nonetheless, goals and policies for the County are appropriate and incorporated herein.</p>	Galloway	

			<p>The following goals and policies shall apply to all natural-gas and hazardous liquid transmission pipelines as defined by state and federal regulations. The goals and policies presented herein should be interpreted in conjunction with the general utility policies of this chapter where applicable, with priority and deference given to these policies which are specific to natural-gas and hazardous liquid pipelines where they appear contradictory. The Natural Gas and Hazardous Liquid Pipelines Background Report, Oct 2001, contains more detailed information regarding pipelines and related issues. Map 5-2 indicates a notification area of 1,000 feet (500 feet from each side of the pipeline) for natural-gas and hazardous liquid transmission pipelines, which may be of value to the public.</p> <p><i>Note: striking “natural” allows a broader application such as hydrogen, CO2, butane, and propane.</i></p>		
20	5-11	Policy 5M-2	<p>Proposed Amendment Carefully scrutinize new or updated franchise agreements. Review and evaluate model franchise agreements, if available, for provisions to be incorporated into negotiations regarding proposed provisions <u>and mitigations</u> in future franchise agreements. Consider the adoption of a franchise agreement ordinance for consistency and guidance if multiple new agreements are anticipated.</p>	Galloway	
21	5-12	Policy 5M-7	<p>Proposed Amendment Monitor transmission pipeline construction to ensure pipelines are installed in accordance with all applicable County, <u>state, and federal</u> regulations</p>	Galloway	
22	5-20, 5-21	Policies 5S-5, 5S-6, 5S-7	Strike policies 5S-5, 5S-6, 5S-7	Donovan	Approved 10/21/25 COTW
23	5-20	New Policy 5S-5	<p>Proposed Amendment <u>Policy 5S-5: Evaluate water management strategies to address insufficient instream flows and out-of-stream water needs</u> <i>(This policy replaces policies 5S-5, 5S-6, and 5S-7 that were proposed by the Planning Commission then stricken by Council on 10/21. This proposed policy is meant to be broad to allow for all possible solutions instead of one specific potential solution.)</i></p>	Donovan	
24	5-23	Goal 5V	<p>Proposed Amendment Support waste prevention for both solid waste, <u>including food waste</u>, and hazardous waste as a primary focus prior to waste management.</p>	Galloway	
25	5-23	Policy 5V-1	<p>Proposed Amendment Support solid waste source reduction activities, including <u>countywide</u> conservation education programs, source reduction technical assistance for small quantity generators through the Pollution Prevention Assistance Program, <u>and</u> home composting, <u>and</u> <u>education</u><u>and</u> commercial</p>	Galloway	

			waste reduction, <u>including reducing the volume of nonrecyclable single-use items and product packaging materials.</u>		
26	5-23	Policy 5V-2	<p>The County's waste diversion goal is to increase source-separated recycling, with additional diversion potentially available through waste processing of non-source-separated recyclables.</p> <p>Question: didn't we amend code to transition away from source-separated recycling to single stream?</p>	Galloway	
27	5-23	Policy 5W-1	<p>Proposed Amendment</p> <p>Reduce Whatcom County's share of food waste sent to landfills by 50%, consistent with the Use Food Well Washington Plan, <u>Whatcom County Food Systems Plan</u>, <u>Whatcom County Climate Action Plan</u>, and Comprehensive Solid and Hazardous Waste Management Plan.</p>	Galloway	