
PDS Suggested Edits for 6.16.26 Special COTW

Chapter 3—Housing

NEW Policy 3A-7 (See #58): The County ~~shall~~ **should** implement housing-related regulations through transparent and predictable procedures, defined review timelines, coordinated interdepartmental review, clear application-completeness standards, and consistent interpretation of adopted development regulations.

NEW Policy 3A-8 (See #59): The County ~~shall~~ **should** consider the effect of new regulations, fees, mitigation requirements, and permitting processes on housing affordability, housing supply, project feasibility, and the ability to deliver timely housing production.

NEW Policy 3A-9 (See #60): The County ~~shall~~ **should** encourage collaboration with municipalities, Tribal governments, agencies, community organizations, and stakeholders while maintaining clear decision-making authority consistent with applicable law.

[PDS Comment: PDS recommends replacing “shall” with “should” in these new proposed policies. There is always tension in the permitting process when different perspectives weigh in on an issue, whether it’s the interpretation of the wording in the development regulation itself or the application of a regulatory requirement to a specific proposed project or parcel. Regulatory interpretations can differ widely based on the perspective of the party and what interpretation they think is in their best interest (e.g., the proponent, the neighbor, project opponent, or the regulator). Similarly, there is no universal consensus on what “clear” standards mean. What is “clear” to PDS may not be “clear” to a permit applicant or an opponent to a proposed project. There may be tension between regulators and those being regulated—with interested parties arguing for regulatory “predictability” when it best serves their interests and for regulatory “flexibility” when the “clear” interpretation of a regulation doesn’t necessarily serve their particular interest. As proposed, these policies affirm the County’s intent to implement development regulations in as clear and predictable a manner as the County Council may approve compliant with state law.]

Chapter 7—Economic Development

Policy 7G-7 (See #59)

Support living wage job opportunities that are sustainable, responsible, and meet the future needs of the community and economy. This could include renewable energy industries such as manufacturing hardware for solar panels, batteries, heat pumps, biofuels, and hydrogen, professional services, technology, alternative transportation, green infrastructure, and affordable housing, childcare, and health care. Plan for ~~Ensure~~ the provision of adequate **fully serviced, shovel-ready, and permit-ready** retail, commercial, and industrial land to support investment in local business and workforce.

[PDS Comment: The County cannot “ensure” that adequate parcels are fully serviced, shovel-ready, and permit-ready since that requires the coordination and cooperation of other willing parties such as public and private utilities, service providers and property owners to help “ensure”. But we can (and do) “plan” to provide for an adequate supply of such lands through our growth management planning processes and coordination with such providers and parties.]

Policy 7I-2 (See #60)

Support economic development that recognizes and respects diversity and promotes inclusion and equity through workforce training, education, and access programs, without imposing additional regulatory workforce conditions, mandates, or costs on private development beyond existing law, in order to enhance and extend opportunities to participate and benefit from high wage employment.

[PDS Comment: PDS suggests adding the term “workforce” here to clarify the intent of the policy is about “workforce” diversity, equity and inclusion. We wouldn’t want someone to interpret this policy to mean that Whatcom County cannot ever impose any additional regulatory conditions....on private development beyond existing law”. That would seem to be an unrealistic expectation...certainly beyond the County’s control if such conditions...were to be mandated by the state or federal government.]

Chapter 10—Environment

Policy 10M-3 (See #62)

Biological functions of wetlands are complex and interwoven. In making land use decisions that impact wetlands, evaluate the full range of potential and immediate ~~economic~~ impacts including impacts to regional employment, industrial development capacity, housing affordability, long-term tax revenue, fisheries, wildlife, recreation, farmlands, sustainable resources, air and water quality, flood hazard management, real estate, cultural attributes, and other uses.

[PDS Comment: PDS suggested edits are intended to maintain the focus of this policy on the biological functions of wetlands which we are required to protect under the GMA. While acknowledging that environment protection regulations have an impact on development capacity, as proposed for revision, the policy could be interpreted to require PDS to conduct a rather extensive “evaluation of economic impacts” on a wide range of issues—not required by the GMA—as a component of making every “land use decision” (read “permit”). PDS issues thousands of permits every year. An economic impact analysis of every permit decision is not required under current statutes or our own county code. It would place an additional burden on staff, applicants and cost to the county to conduct as well as further challenge our ability to meet state-mandated permitting timeframes.]

Chapter 8—Resource Lands (See separate Ch. 8 attachment)

