



WHATCOM COUNTY

WASHINGTON

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226
PDS@co.whatcom.wa.us
360-778-5900

Memorandum

TO: Whatcom County Council

FROM: Maddie Schacht, Senior Planner and Lucas Clark, Planner II

THROUGH: Mark Personius, Director

DATE: November 6, 2025

SUBJECT: Proposed Code Amendments to ADU & Co-Living Housing Standards

In response to new State regulations established within Growth Management Act (RCW [36.70A.680/.681](#) and RCW [36.70A.535](#)), on Accessory Dwelling Units (ADUs) and Co-Living Housing in Urban Growth Areas, PDS has prepared amendments to Title 20 (Zoning) as summarized below.

The preemptive State regulations take effect on December 31, 2025, and will supersede existing Whatcom County development regulations if localized standards are not adopted before that time. The purpose of the preemptive regulations is to promote the creation affordable housing options.

ADU Code Amendment Summary

Per RCW [36.70A.681](#)(1)(c), “**The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes...**” as well as other standards. Below are those that affect current County ADU code:

- Removal of owner occupancy requirements - RCW [36.70A.681](#)(1)(b);
- Removal of design/siting standards that are more restrictive than those for principal units - RCW [36.70A.681](#)(1)(h);
- Allowance of ADUs on lot lines with adjacent to a public alley - RCW [36.70A.681](#)(1)(i);
- Allowance for conversion of existing structures, including garages, into ADUs even if the structure does not meet current setback or lot coverage standards - RCW [36.70A.681](#)(1)(j); and
- Allowance for sale or conveyance of ADUs a condominium unit independent of a principal unit- RCW [36.70A.681](#)(1)(k);
- May not require more than one off-street parking space on lots smaller than 6,000 sf - RCW [36.70A.681](#)(2)(ii);

To comply with State law, WC Comprehensive plan standards, and protect public health and safety as well as the environment, PDS is recommending **only allowing for the development of a second ADU per lot within UGAs, as a “Permitted” use, under the following circumstances:**

1. When the second unit is served by public sewer per RCW [36.70A.680](#)(5)(d); and
2. Only on residential lots within UGAs (UR, URM, UR-MX, RC) per RCW [36.70A.681](#)(1)(c);
 - a. Excluding lots within the Lake Whatcom Watershed Overlay District (LWWO); and
 - b. Excluding lots within the General Commercial (GC), Agriculture (AG), Rural (R), and Rural Forestry (RF) zoning districts when located within an UGA per RCW [36.70A.680](#)(5)(b), RCW [36.70A.680](#)(5)(e), and RCW [36.70A.681](#)(4).

Co-Living Housing Code Amendment Summary

Co-living is defined as, *“a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.”* (RCW [36.70A.535](#)(11)(a)).

Per [RCW 36.70A.535](#)(1), **“Cities and counties planning under this chapter must allow co-living housing as a permitted use on any lot located within an urban growth area that allows at least six multifamily residential units, including on a lot zoned for mixed-use development”** as well as other standards.

Below is a summary on standards affecting WC code:

- May not require co-living housing to:
 - o Contain room dimensional standards larger than that required by the state building code, including dwelling unit size, sleeping unit size, room area, and habitable space;
 - o Provide a mix of unit sizes or number of bedrooms; or
 - o Include other uses – RCW 36.70A.535(2).
- May not require co-living housing to:
 - o Provide more than 0.25 off-street parking spaces per sleeping unit – [RCW 36.70A.535](#)(3)(a).
- May not require through development regulations:
 - o Any standards for co-living housing that are more restrictive than those that are required for other types of multifamily residential uses in the same zone.