



WHATCOM COUNTY

WASHINGTON

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Memorandum

TO: Whatcom County Council

FROM: Lucas Clark, Planner II

THROUGH: Mark Personius, Director

DATE: November 14, 2025

SUBJECT: Compliance with Land Supply and Construction Cost Charter Amendment

The voters of Whatcom County approved an amendment to Article 9 of the Charter to include the following language:

Section 9.70 Reducing Compliance and Construction Costs

To reduce compliance and construction costs related to land use and development for housing not specifically authorized by the county code, the County Executive shall publish a credible analysis of how land supply and construction costs could be affected before amending any land use or construction section of the County Code.

To ensure compliance with the charter amendment, PDS has prepared this Memo with the following table.

Amendment	Potential Effects on Land Supply	Potential Effects on Construction Cost
Amendment No. 1: Revision of Chapter 20.71 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WCC 20.71.302), by removing the impervious surface limitations as it relates to public schools.	Increase. The amendment will increase the area available for development, allowing the school to adapt to changing needs and potential future enrollment growth.	The amendment removes an impervious surface limitation for public schools only and is not a substantive change that would affect housing construction costs.
Amendment No. 2: This amendment is to update the existing "Day Care Home" definition within WCC 20.97.040 to comply with State Child Care Facilities Standards.	The amendment could increase the land supply by allowing higher care density in some Day Care Homes.	This amendment clarifies WCC 20.97.040 and is not a substantive change that would affect housing construction costs.
Amendment No. 3: This amendment is to clarify well buffer distance standards within WCC 20.38.060(6) for clustered lots within a subdivision.	This amendment clarifies WCC 20.38.060 and is not a substantive change that would affect land supply.	This amendment clarifies WCC 20.38.060 and is not a substantive change that would affect housing construction costs.

Amendment No. 4: This amendment is to update open space standards within WCC 20.80.220(2) for structures located within rear yard setback areas to conform with current Washington State building code standards.	The amendment does not change lot size requirements and is not a substantive change that would affect land supply.	The amendment does not change construction standards and is not a substantive change that would affect housing construction costs.
Amendment No. 5: This amendment is to clarify the placement of electronic vehicle charging stations within front yard, side yard, and rear yard setback areas within WCC 20.80.220(1)(a).	The amendment clarifies existing code and is not a substantive change that would affect land supply.	The amendment clarifies existing code and is not a substantive change that would affect housing construction costs.
Amendment No. 6: This amendment is to clarify density requirements within the Resort Commercial zoning district within WCC 20.64.260.	The amendment will improve uniformity of density calculations across the code. It is not a substantive change that would affect land supply.	The amendment clarifies the Resort Commercial code and is not a substantive change that would affect housing construction costs.
Amendment No. 7: This amendment is to language within WCC 22.05.160(d) regarding Hearing Examiner standards to align with changes made by the County Council under AB2025-539.	The amendment clarifies WCC 22.05.160(d) and is not a substantive change that would affect land supply.	The amendment clarifies WCC 22.05.160(d) and is not a substantive change that would affect housing construction costs.
Amendment No. 8: This amendment amends the pre-application refund policy in WCC 22.05.040(2).	The amendment is related to permit application fees and is not a substantive change that would affect land supply.	The amendment will increase costs to the applicant only if they apply for a permit within one year of the pre-application date.
Amendment No. 9: This amendment is to amend reduced application fees policy within WCC 22.25.030.	The amendment is related to permit fees and is not a substantive change that would affect land supply.	The amendment may increase permitting costs if the applicant applies for multiple housing-related permits simultaneously. However, it will allow PDS to capture the full costs of permit reviews.
Amendment No. 10: This amendment is to clarify standards for transfer of Conditional Use Permits within WCC 22.05.026(2).	The amendment is related to existing permit transfers and is not a substantive change that would affect land supply.	The amendment is related to existing permit transfers and is not a substantive change that would affect housing construction costs.
Amendment No. 11: This amendment clarifies the standards for the transfer of Administrative Approval Use Permits under WCC 22.05.028(5).	The amendment is related to existing permit transfers and is not a substantive change that would affect land supply.	The amendment is related to existing permit transfers and is not a substantive change that would affect housing construction costs.