

TO: County Council
FROM: Matt Aamot, Planning and Development Services
DATE: May 29, 2026

Hi Council:

Recent State legislative changes to the Growth Management Act prohibit duplexes, triplexes, and fourplexes without public sewer service in limited areas of more intensive rural development (LAMIRDS) under RCW 36.70A.536. The County's original zoning code amendment proposal would have allowed duplexes, triplexes, and fourplexes in certain LAMIRDS served by on-site sewage systems. However, after consultation with legal counsel, it has been determined that the proposal should be amended to only allow these housing forms in LAMIRDS served by sewer. This results in Rural areas accommodating fewer housing units in the 80-120% area median income (AMI) category served by these middle housing forms, which are generally considered more affordable than single family housing.

This change creates a deficit in land capacity for the 80-120% AMI housing needs in Rural/Resource Lands. To address this deficit, PDS is proposing to reallocate 165 dwelling units needed (duplexes, triplexes, and fourplexes) from Rural areas to the Birch Bay UGA as follows:

- Reallocate 80 dwelling units in the 80-100% AMI category from Rural/Resource Lands to the Birch Bay UGA; and
- Reallocate 85 dwelling units in the 100-120% AMI category from Rural/Resource Lands to the Birch Bay UGA.

With these changes, both Rural areas and the existing Birch Bay UGA would have adequate land capacity to accommodate the housing allocations.

On May 28, the Planning Commission recommended zoning code changes to allow duplex, triplex, and fourplex development in LAMIRDS only when sewer is available (as recommended by Planning & Development Services, based upon RCW 36.70A.536). Therefore, Planning and Development Services recommends revising the Comprehensive Plan as follows:

Chapter 3 – Housing

Modify the housing unit allocations as shown in yellow in Table 1 below. These changes result in the total housing unit allocation to the Birch Bay UGA increasing by 165 units and the total housing unit allocation to the Rural and Resource Lands decreasing by 165 units. There are no other changes to the table.

Table 1. Whatcom County Housing Needs 2023-2045

	% of Total	Total	0-30% Non- PSH	PSH	>30- 50%	>50- 80%	>80- 100%	>100- 120%	>120%	Emergency Housing Needs
Bellingham City & UGA	52.20%	18,390	4,978	1,944	4,158	1,197	989	1,400	3,725	299
Birch Bay UGA	3.25%	1,146	244	103	216	68	136	165	213	17
Blaine City & UGA	5.04%	1,774	480	188	401	115	95	135	359	29
Cherry Point UGA	0.00%	0	0	0	0	0	0	0	0	0
Columbia Valley UGA	1.23%	433	95	46	92	33	27	38	102	8
Everson City & UGA	1.73%	610	165	65	138	40	33	46	124	10
Ferndale City & UGA	13.22%	4,659	1,261	492	1,053	303	250	355	944	76
Lynden City & UGA	10.03%	3,535	957	374	799	230	190	269	716	58
Nooksack City & UGA	1.23%	433	117	46	98	28	23	33	88	7
Sumas City & UGA	1.83%	643	174	68	145	42	35	49	130	10
Rural and Resource Lands	10.24%	3,606	0	0	0	731	145	141	2,589	45
Total	100.00%	35,229	8,472	3,325	7,101	2,788	1,923	2,631	8,989	559

Appendix I – Housing Needs Analysis

The Land Capacity Analysis section of Appendix I has been updated for the Birch Bay UGA and Rural/Resource Lands to reflect the above changes to the housing unit allocations (see Appendix I [updated 5.20.2026], pages 56 and 75). There are no other changes to Appendix I.

Thank you for your consideration of these amendments.