

Whatcom County Comprehensive Plan

Appendix K

Adequate Provisions Checklists

The checklists in this document comprise “Exhibits B1 through B4” of “[Appendix B: Adequate Provisions Checklists](#)” from the Washington State Department of Commerce’s “[Guidance for Updating Your Housing Element](#)”, updated January 2026. The purpose of this checklist is to document barriers and actions to achieve housing availability in accordance with RCW [36.70A.070](#)(2)(d) codified under the Washington State Growth Management Act (GMA), while meeting digital accessibility requirements pursuant to ADA Title II/WCAG 2.1 Level AA standards.

Moderate Density, Low-Rise, and Mid-Rise Housing Barrier Review Checklist ([Exhibits B1 & B2](#))

A. Development Regulations

Barrier #1: Unclear Development Regulations

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

Whatcom County Planning and Development Services (PDS) has heard from the development community that zoning regulations, in general, are difficult to interpret [and/or interpreted differently by different parties.](#)

Action Needed to Address Barrier

[Under the 2025-2026 Biennial Budget adopted by the County Council on December 2, 2025, \\$150,000 was allocated for a "Development Code Review & Update" \(pg. 7\). Additionally, PDS is proposing code amendments to implement the updated Goal & Policies of the 2025-26 Comprehensive Plan periodic update and measures identified in this checklist, \[requiring urgent and ongoing extensive consultation with the development community for their assistance in Code review and update.\]\(#\)](#)

Commented [AK1]: Motion #3 – Approved by PC on May 14, 2026.

Commented [MS2]: Motion# 2 - Stricken by PC on May 14, 2026.

Commented [AK3]: Motion #4 – Approved by PC May 14, 2026.

Barrier #2: Prohibiting Some Moderate Density Housing Types, such as:

- Duplexes
- Triplexes
- Four/five/six-plexes
- Townhomes
- Cottage housing
- Live-work units
- Manufactured home parks

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

Some forms of Middle Housing, as defined in RCW [36.70A.030](#)(28), are not permitted in all zoning districts that allow for residential uses within UGAs. Below is a list of said districts, specifying which forms of Middle Housing are currently allowed:

Urban Residential (UR) - WCC 20.20

- Single-Family Attached (Permitted Use)

Urban Residential Medium (URM) – WCC 20.22

- Single-Family Attached (Permitted Use)
- Duplexes (Permitted Use)
- Multifamily Dwellings (Permitted Use)
- Mobile Home Park (Conditional Use)

Urban Residential-Mixed (UR-MX) – WCC 20.24

- Single-Family Attached (Permitted Use)
- Duplexes (Administrative or Conditional Use depending on proposal)
- Multifamily Dwellings (Administrative or Conditional Use depending on proposal)
- Mobile Home Parks (Conditional Use)

General Commercial (GC) – WCC 20.62

- Single-Family Attached (Permitted Use)
- Duplex (Permitted Use)
- Multifamily Dwellings (Permitted Use)

Resort Commercial (RC) – WCC 20.64

- Duplex (Permitted Use)
- Multifamily Dwellings (Permitted Use)
- Mobile Home Parks (Conditional Use)

Small Town Commercial (STC) – WCC 20.61

- Duplexes (Permitted)

NOTES:

- The definition of "Mobile Home Parks" includes Manufactured Home Parks - WCC 20.97.130.
- The definition of "Multifamily Dwellings" includes Triplexes and Fourplexes - WCC 20.97.130.
- The definition of "Single-Family Attached Dwellings" includes Townhouses- WCC 20.97.190.

Action Needed to Address Barrier

The following are proposed code amendments, as part of the 2025-26 periodic update, relating to Middle Housing:

1. Allowance of Duplexes, Triplexes, & Fourplexes as a "Permitted" use in the three "urban" (UR, URM & UR-MX) zones, where not currently allowed, all of which are located within UGAs, limited to a maximum of 4 units per lot, subject to the underlying zoning of the district, & when served by public water, sewer, and stormwater management facilities.

2. Allowance of Mobile Home Parks in the UR zone, to match allowance in the URM & UR-MX zoning districts, as an "Administrative" use, subject to current development regulations for Mobile Home Parks.
3. Allowance of Duplexes, Triplexes, and Fourplexes in the Residential Rural-2 (RR-2), Residential Rural-3 (RR-3) zoning districts, in areas designated under the Comprehensive Plan as "Rural Community", restricting to Limited Areas of More Intensive Rural Development (LAMIRDs), with a maximum of 4 dwelling units per lot, subject to the underlying zoning of the district, and when served by public water, sewer, and stormwater management facilities.
4. Allowance of Triplexes and Fourplexes in the Small Town Commercial (STC) zoning district, in areas designated under the Comprehensive Plan as "Rural Community", restricting to Limited Areas of More Intensive Rural Development (LAMIRDs), with a maximum of 4 dwelling units per lot, subject to the underlying zoning of the district, and when served by public water, sewer, and stormwater management facilities.

Summary of Proposed New Middle Housing Types by Zone (Subject to Requirements Above):

Urban Residential (UR) - WCC 20.20

- Allow Duplexes (Permitted Use)
- Allow Triplexes (Permitted Use)
- Allow Fourplexes (Permitted Use)
- Allow Mobile Home Parks (Administrative Use)

Residential Rural (RR) – RR-2 & RR-3 & LAMIRDs ONLY - WCC 20.32

- Allow Duplexes (Permitted Use)
- Allow Triplexes (Permitted Use)
- Allow Fourplexes (Permitted Use)

Small Town Commercial (STC) – LAMIRDs ONLY - WCC 20.32

- Allow Triplexes (Permitted Use)
- Allow Fourplexes (Permitted Use)

NOTES:

- Live-Work Units can be permitted within UGAs through the Planned Unit Development (PUD) process authorized by a Conditional Use Permit.

Barrier #3: High Minimum Lot Sizes

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

In the UR, URM, and UR-MX zoning districts, where public utility services are available, minimum lot sizes are typically low, ranging from 2,000 to 4,500 sf, with the exception of a minimum lot size of 12,000 sf in the UR-3 zoning district near the Bellingham International Airport.

In the RC zone, the minimum lot size for duplexes is 6,000 sf; for multifamily dwellings, 8,000 sf, with a minimum of 2,000 sf per unit; and for mobile home parks, 3,000 square feet per unit.

The GC zone is the least restrictive, as it has no set minimum lot size. The requirement states, “minimum lot size shall be consistent with the area required to meet the building setback, lot coverage, and development standards of this district.”

Action Needed to Address Barrier

None identified at this time.

Barrier #4: Low Maximum Densities or Low Maximum Floor Area Ratio (FAR)

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

In the UR, URM, and UR-MX zoning districts, where public utility services are available, densities range from 3 dwelling units (du)/acre to 12 du/acre; with the exception of the URM zoning district, which can allow up to 24 du/acre (with transfer of development rights).

In the RC zone, where public utility services are available, densities range from 7 to 22 du/acre.

In the GC zone, densities range from 7 to 18 du/acre.

Required densities for zoning districts within UGAs that allow residential development are similar to those required in other Counties within UGAs, as detailed below.

For residential zones within Snohomish County’s UGAs, the minimum net density is 6 du/acre; [see code section 30.21.025\(1\)\(a\) linked here](#).

Thurston County’s density requirements for UGAs are similar, requiring a minimum of 6 du/acre with a maximum of 12 du/acre in their “Moderate Density Residential District” in the Lacey UGA; [see code section 21.15.020.A.1 linked here](#).

King County’s density standards for urban residential zones widely vary from 1 du/are (for lands with environmental constraints) to 48 du/acre (for lands in and next to established mixed-use areas); [as cited within code section 21A.04.080 linked here](#). King County’s 2024 Comprehensive Plan “Growth Targets and the Urban Growth Area” report noted, “98 percent of residential development was over four dwelling units per acre”; [see page 11 of the report linked here](#).

Action Needed to Address Barrier

None identified at this time.

Barrier #5: Low Maximum Building Heights

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

In the UR, URM, UR-MX, GC, and RC zones, the maximum height limits range from 35 to 45 feet, accommodating 3 to 4-story structures (low- to mid-rise developments). With a Conditional Use Permit, the height in the RC zone can be extended up to 75 feet.

Action Needed to Address Barrier

None identified at this time.

Barrier #6: Large Setback Requirements

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

Setbacks are determined by the road classifications given by the Public Works Department. Usually, the higher the classification, the greater the setback.

Within urban zones (UR, URM, UR-MX), front setback requirements range from 10 feet in the UR-MX zone and 20 feet in UR/URM zones (adjacent to Minor/Local Access Streets) to 45 feet (adjacent to Interstates, Highways, and Arterials).

The side and rear yard setback requirements are usually 5 feet, except when next to the Rural Forestry (RF) zone, which necessitates a 100-foot buffer.

Action Needed to Address Barrier

As part of the 2025-2026 periodic update, PDS proposes reducing the front setback requirement for the UR & URM zoning districts from 20' to 10' (adjacent to Minor/Local Access Streets) to align with the UR-MX zoning district standard. PDS sought input from Public Works Engineering on the proposal. In an email dated April 15, 2026, the Department stated it had no concerns about the proposal.

Barrier #7: High Off-Street Parking Requirements

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

Whatcom County requires a minimum parking stall size of 9 feet by 18 feet for conventional stalls and allows 8 feet by 15 feet for compact stalls. Below is a list of current parking stall requirements for residential uses:

Accessory dwelling unit:

- 2 for each unit, except: For lots smaller than 6,000 square feet, and located within a UGA, 1 parking stall per unit is required; this exception does not apply to the Lake Whatcom Watershed Overlay District.

Apartments:

- 3 for every 2 units.

Co-living:

- 0.25 off-street parking spaces are required per sleeping unit.

Duplexes:

- 2 for each unit, plus for any duplex development of more than 4 units within a UGA or LAMIRD: 1 overflow space for every 2 units.

Mobile homes:

- 2 for each unit.

Multifamily dwelling:

- 3 for every 2 units, plus for any multifamily development of more than 4 units within a UGA or LAMIRD: 1 overflow space for every 2 units.

Single-family dwelling (except accessory dwelling units):

- 2 for each unit, plus for any single-family development of more than 4 units within a UGA or LAMIRD: 1 overflow space for every 2 units.

These parking requirements are high for urban areas, given that many jurisdictions in the State are considering eliminating all residential off-street parking requirements, including the City of Bellingham.

Action Needed to Address Barrier

As part of the 2025-2026 periodic update, PDS has already addressed required parking standards for Accessory Dwelling Units ([RCW 36.70A.681](#)) and Co-Living Housing ([RCW 36.70A.535](#)).

Also, under the 2025-2026 periodic update, PDS is proposing updated residential parking regulations to comply with Senate Bill 6015, relaxing residential off-street parking standards to promote more residential development, codified in [RCW 36.70A.622](#). Proposal includes:

1. Reducing the minimum parking stall width from nine (9) feet to eight (8) feet.
2. Allowing for grass block pavers for all residential development projects.
3. Allow up to six (6) parking spaces in legally nonconforming gravel parking areas to count toward the minimum number of parking stalls required for a residential development.
4. Remove limitations on locational requirements for parking in the front yard setback, to explicitly allow tandem parking.

Whatcom County will be further amending its off-street residential parking standards, after completion of the Comprehensive Plan, as adoption is not required to be concurrent with the periodic update, to comply with:

- [RCW 36.70A.817](#)/HB 1183 (Off-Street Parking Requirements for Residential Projects);
- [RCW 36.70A.842](#)/SB 1491 (Transit-oriented development—Off-street parking); and
- [RCW 36.01.397](#)/SB 5184 (Minimum parking requirements).

Barrier #8: High Impervious Coverage Limits

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Whatcom County's definition of Lot Coverage only applies to the area covered by structures/buildings, not all impervious surfaces. As such, PDS has found that lot coverage requirements have not posed a barrier to housing production.

Within the UR, URM, and UR-MX zoning districts, lot coverage standards range from a maximum of 2,500 sf/35% of the lot area to 40%, whichever is greater.

The URM zoning district also includes an open space requirement of 20% for Multifamily Dwellings and 40% for Mobile Home Parks. These are relatively low, and PDS has not encountered them as barriers in past proposals.

Within the GC zoning district, maximum lot coverage is 30%, with at least 10% of the site shall be kept free of buildings, structures, hard surfacing, parking areas, and other impervious surfaces.

Within the RC zoning district, lot coverage for residential uses shall not exceed 35 percent of the parcel.

Action Needed to Address Barrier

None identified at this time.

Barrier #9: Lack of Alignment Between Building Codes & Development Codes

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

There does not appear to be a lack of alignment between building and development codes.

Action Needed to Address Barrier

None identified at this time. However, Whatcom County is currently operating under the 2021 International Building Code and plans to adopt the 2024 Code in 2026 as required by State law.

Barrier #10: Other (for example: complex design standards, tree retention regulations, historic preservation requirements).

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

In reviewing development regulations for Middle Housing types in zones within UGAs, PDS identified several barriers to the construction of Middle Housing types within the UR-MX zoning codified in WCC [20.24.132](#).

Barriers include a requirement to hold a neighborhood meeting, the permit pathway for the proposal depending on an evaluation of the surrounding neighborhood density, open space restriction specifically for Middle Housing types, and the order in which housing types may be constructed on site.

Action Needed to Address Barrier

As part of the periodic update, PDS proposes removing the referenced restrictions for housing developments in the UR-MX zoning district codified in WCC [20.24.132](#).

B. Process Obstacles

Barrier #1: Conditional Use Permit Process

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

Some forms of Middle Housing, as defined in RCW [36.70A.030\(28\)](#), are classified as "Conditional" uses within UGAs, a barrier that could affect housing production because of associated process requirements, such as increased permitting costs and extended processing timelines, since a public hearing is required for all "Conditional" uses.

Action Needed to Address Barrier

As part of the 2025-2026 periodic update, PDS is proposing to recategorize Middle Housing types to address regulatory barriers as follows:

Urban Residential Medium (URM) - WCC 20.22

- Recategorize Mobile Home Parks from "Conditional" use to "Administrative" use.

Urban Residential Mixed (UR-MX) – WCC 20.24

- Recategorize Duplexes from "Administrative/Conditional" use to "Permitted" use.
- Recategorize Triplexes from "Administrative/Conditional" use to "Permitted" use.
- Recategorize Fourplexes from "Administrative/Conditional" use to "Permitted" use.
- Recategorize Mobile Home Parks from "Conditional" use to "Administrative" use.

Resort Commercial (RC) – WCC 20.64

- Recategorize Duplexes from "Conditional" use to "Permitted" use.
- Recategorize Triplexes from "Conditional" use to "Permitted" use.
- Recategorize Fourplexes from "Conditional" use to "Permitted" use.
- Recategorize Mobile Home Parks from "Conditional" use to "Administrative" use.

Barrier #2: Design Review

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Whatcom County does not have design regulations for residential buildings.

Action Needed to Address Barrier

None identified at this time.

Barrier #3: Lack of Clear and Accessible Information about Processes and Fees

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes No.

Why or Why Not? (Provide Evidence)

In 2024, PDS hired its first Communication Specialist to improve internal and external communication regarding development regulations and the permitting process. PDS also met SB 5290 requirements by updating permit review processes in 2024.

Both of these measures have led to several improvements that clarify permitting processes and fees, including:

Commented [AK4]: Motion # 7 – Approved by PC on May 14, 2026.

- Updating and publishing the [PDS Administrative Manual](#) online, which includes detailed instructions for submittal of each type of land use application.
- Creation of complementary "Guides" to the new Administrative Manual, which list and link the requirements for each application type.
- Update of PDS webpages, including creation of a new [permitting webpage](#), that includes all Applications, Forms, & Guides in the same location; as well as links to required documents from other Departments.
- [In spite of these efforts, there is still room for improvement in communication on permit processes and fees.](#)

Action Needed to Address Barrier

- [Increase outreach to stakeholder groups and the public, and train staff to increase efficiency and consistency in staff communication to customers.](#)

None identified at this time.

Barrier #4: Permit Fees, Impact Fees & Utility Connection Fees

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

- PDS permitting fees, in general, are low compared to those in comparable counties in Washington state. In 2024, PDS conducted a fee comparison for land use and building permit applications, comparing Whatcom County's rates with those of Benton, Yakima, Skagit, Kitsap & Thurston counties. PDS found that permit fees for land use applications were substantially lower than those in other counties of comparable size and services offered. In addition, building permit fees are based on the valuation of the proposed structure. Lastly, PDS does not charge development impact fees.
- However, PDS does not exempt or reduce permit fees for affordable housing developments.

Action Needed to Address Barrier

- [Increase in permit fees could win community support, if it results in faster and more reliable permit issuance.](#)
- [The County could also create ~~ion of~~ a permit fee exemption or reduction for qualified affordable housing developments.](#)

Barrier #5: Processing Times and Staffing Challenges

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Commented [AK5]: Motion # 8 – Approved by PC on May 14, 2026.

Commented [AK6]: Motion # 8 – Approved by PC on May 14, 2026.

Commented [AK7]: Motion # 9 – Approved by PC on May 14, 2026.

Why or Why Not? (Provide Evidence)

Following the 2008 recession, PDS lost approximately 30% of its workforce. Due to funding shortages, these positions have never been replaced despite a substantial increase in population, and additional duties have been assigned to the Department without additional staff and/or funding.

This has resulted in a negative effect on permit processing timelines despite being technically fully staffed. In addition, several positions have been unbudgeted, frozen, or unfulfilled due to budgetary constraints.

[This information was presented at the March 10, 2026, County Council Planning and Development Meeting. See slide number nine \(9\) of the presentation linked here.](#)

Action Needed to Address Barrier

- Fulfillment of the five (5) identified positions from [PDS's March 10, 2026, presentation to County Council, linked here](#), and evaluation of other needed positions in conjunction with the County Council and the Executive's Office.
- [Increase in permit fees could win community support, if it results in faster and more reliable permit issuance.](#)

Commented [AK8]: Motion #11 – Approved by PC on May 14, 2026.

Barrier #6: SEPA Process

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Whatcom County SEPA regulations are codified in WCC 16.08 and adopt by reference the standards of the State Environmental Policy Act (SEPA), [RCW 43.21C.120](#), and the Washington Administrative Code (WAC), SEPA rules, WAC 197-11-904.

Action Needed to Address Barrier

None identified at this time.

C. Limited Land Availability and Environmental Constraints

Barrier #1: Lack of Large Parcels for Infill Development

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

PDS has heard from the development community that there is a shortage of large, undeveloped parcels not affected by critical areas, as regulated under the Whatcom County Critical Areas Ordinance (CAO), codified in WCC 16.16.

Action Needed to Address Barrier

Whatcom County is researching the establishment of a Mitigation Bank that could be used for residential development projects rather than requiring on-site mitigation for impacts to critical areas.

Barrier #2: Environmental Constraints

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

- Regulated critical areas exist countywide, including within UGAs. Mitigation often requires the conversion of large areas of nearby farmland, pushing future housing further away from urban areas.
- Public mitigation banks are difficult to establish in less than 10 years in Washington State, compared to 2 years elsewhere e.g. the State of Virginia.

Commented [AK9]: Motion #15: Approved by PC on May 14, 2026.

Commented [AK10]: Motion #16: Approved by PC on May 14, 2026.

Action Needed to Address Barrier

- Whatcom County is researching off-site mitigation options, including the creation of a Mitigation Bank and implementation of in-lieu fees to address environmental constraints associated with development. Whatcom County also plans to evaluate UGA Reserve boundaries, in association with the Cities, in 2026-2027.
- As part of the periodic update, PDS proposes upzoning other suitable areas in the County to address this barrier to housing.

Barrier #3: Infrastructure Investments in Underserved Areas

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes.

Why or Why Not? (Provide Evidence)

Whatcom County itself is not a provider of utility infrastructure. However, in general, the cost of extending infrastructure to incorporated UGAs is a barrier to housing production. As such, Whatcom County has only three Limited Areas of More Intensive Rural Development (LAMIRDS) with public sewer service available: Sandy Point, Sudden Valley, and Lake Samish.

In 2026, the Washington State legislature passed [House Bill 2269](#), updating utility service requirements for Middle Housing types within LAMIRDS codified in the GMA under [RCW 36.70A.536](#); effective June 11, 2026.

As part of the update, all forms of Middle Housing in LAMIRDS are now required to be served by “a publicly owned sanitary sewer system,” a.k.a. public sewer service.

Development of several duplex projects has occurred within the Small Town Commercial zoning district, which has historically allowed duplexes served by on-site sewage systems, in the Hinote’s Corner LAMIRD. PDS has also received frequent interest in developing Middle Housing types in other LAMIRDS, such as Deming and Kendall.

With this change in State law, opportunities to develop Middle Housing types are no longer available in counties that lack public sewer service in most of their LAMIRDS.

Action Needed to Address Barrier

Potential use of EDI funds to subsidize utility extension or a change in State law to remediate issues with the lack of public utility services within LAMIRDS.

Supplementary Barrier Review Checklist for Permanent Supportive Housing (PSH) & Emergency Housing [\(Exhibit B3\)](#)

A. Development Regulations

Barrier #1: Spacing Requirements (for example, minimum distances from parks, schools, or other emergency/PSH facilities)

Is This Barrier Likely to Affect Housing Production (Yes or No)?

N/A

Why or Why Not? (Provide Evidence)

This requirement is associated with RCW [35A.21.430](#), which does not apply to Counties.

Action Needed to Address Barrier

None identified at this time.

Barrier #2: Parking Requirements

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

- [The Whatcom County Code does not appear to include any development standards for Permanent Supportive Housing that differ from those for other housing types.](#)
- [Emergency Housing is considered a “Temporary Homeless Facility” and regulated under WCC 20.17.](#)
- "Temporary Homeless Facilities" are not mentioned under the standard parking regulations of WCC [20.80.500](#). The only specific parking requirements for the use are found in WCC [20.17.060\(7\)](#), which mandates onsite parking to meet the sponsor's needs but does not specify a set number of parking stalls. It also allows flexibility by not requiring onsite parking if sufficient off-site parking is available. As such, parking requirements are handled on a case-by-case basis, and final determination is left up to the Director under WCC [20.80.590](#).

Action Needed to Address Barrier

None identified at this time.

Barrier #3: On-Site Recreation and Open Space Requirements

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

- [The Whatcom County Code does not appear to include any development standards for Permanent Supportive Housing that differ from those for other housing types.](#)

Commented [AK11]: Motion #14 – Approved by PC on May 14, 2026.

- Emergency Housing is considered a "Temporary Homeless Facility" and regulated under WCC 20.17. There are no on-site recreation and open space requirements for "Temporary Homeless Facilities".

Commented [AK12]: Motion #14 – Approved by PC on May 14, 2026.

Action Needed to Address Barrier

None identified at this time.

Barrier #4: Restrictions on Support Spaces, such as Office Space, within a Transitional or PSH Building in a Residential Zone.

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

- The Whatcom County Code does not appear to include any development standards for Permanent Supportive Housing that differ from those for other housing types.
- Emergency Housing is considered a "Temporary Homeless Facility" and regulated under WCC 20.17. There are no restrictions on support/office spaces associated with "Temporary Homeless Facilities" under WCC 20.17.

Commented [AK13]: Motion #14 – Approved by PC on May 14, 2026.

Action Needed to Address Barrier

None identified at this time.

Barrier #5: Arbitrary limits on the number of occupants (in conflict with RCW 35A.21.314).

Is This Barrier Likely to Affect Housing Production (Yes or No)?

N/A

Why or Why Not? (Provide Evidence)

RCW 35A.21.430 does not apply to Counties.

Action Needed to Address Barrier

None identified at this time.

Barrier #6: Requirements for PSH or emergency housing that are different than the requirements imposed on housing developments generally (in conflict with RCW 36.130.020).

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

- The Whatcom County Code does not appear to include any development standards for affordable housing or Permanent Supportive Housing that differ from those for other housing types.

- [Emergency Housing is considered a “Temporary Homeless Facility” and regulated under WCC 20.17.](#)

Commented [AK14]: Motion #14 – Approved by PC on May 14, 2026.

Action Needed to Address Barrier

None identified at this time.

Barrier #7: Other Restrictions Specific to Emergency Shelters, Emergency Housing, Transitional Housing, & PSH.

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Temporary Homeless Facilities" standards codified in WCC 20.17 were amended in 2021 under Ordinance Number 2021-055 to comply with RCW [36.01.290](#) (Hosting the homeless by religious organizations). The requirements of RCW [35A.21.430](#) do not apply to Counties.

Action Needed to Address Barrier

None identified at this time.

Accessory Dwelling Unit Barrier Review Checklist [\(Exhibit B4\)](#)

A. Development Regulations

Barrier #1: Consistency with House Bill 1337 (2023):

- Must allow two ADUs on each lot in urban growth areas;
- May not require the owner to occupy the property, and may not prohibit sale as independent units, but may restrict the use of ADUs as short-term rentals;
- Must allow an ADU of at least 1,000 square feet;
- Must set parking requirements based on distance from transit and lot size;
- May not charge more than 50% of the impact fees charged for the principal unit;
- Must permit ADUs in structures detached from the principal unit;
- May not restrict roof heights of ADUs to less than 24 feet, unless that limitation applies to the principal unit;
- May not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for principal units;
- Must allow an ADU on any lot that meets the minimum lot size required for the principal unit;
- Must allow detached ADUs to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;
- Must allow conversions from existing structures, even if they violate current code requirements for setbacks or lot coverage; and
- May not require public street improvements as a condition of permitting ADUs.

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Whatcom County adopted Ordinance Number 2025-060, updating applicable development regulations under WCC 20.80.910 to comply with the requirements of [House Bill 1337](#)/RCW [36.70A.680/.681/.682](#).

Action Needed to Address Barrier

PDS plans to update its ADU definition as part of the 2025-2026 periodic update to comply with the updated definition under RCW [36.70A.696](#).

Barrier #2: Unclear Development Regulations

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Whatcom County adopted Ordinance Number 2025-060, updating applicable development regulations under WCC 20.80.910 to comply with the requirements of [House Bill 1337](#)/RCW [36.70A.680/.681/.682](#).

Action Needed to Address Barrier

None identified at this time.

Barrier #3: Large Setback Requirements

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Whatcom County adopted Ordinance Number 2025-060, updating applicable development regulations under WCC 20.80.910 to comply with the requirements of [House Bill 1337](#)/RCW [36.70A.680/.681/.682](#).

Action Needed to Address Barrier

None identified at this time.

Barrier #4: Off-Street Parking Requirements

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Whatcom County adopted Ordinance Number 2025-060, updating applicable development regulations under WCC 20.80.910 to comply with the requirements of [House Bill 1337](#)/RCW [36.70A.680/.681/.682](#).

Action Needed to Address Barrier

None identified at this time.

Barrier #5: Other (for example: burdensome design standards, tree retention regulations, historic preservation requirements, open space requirements, etc.)

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Whatcom County adopted Ordinance Number 2025-060, updating applicable development regulations under WCC 20.80.910 to comply with the requirements of [House Bill 1337](#)/RCW [36.70A.680/.681/.682](#).

Action Needed to Address Barrier

None identified at this time.

B. Process Obstacles

Barrier #1: Lack of Clear and Accessible Information about Processes and Fees

Is This Barrier Likely to Affect Housing Production (Yes or No)?

Yes No.

Commented [AK15]: Motion #17: Approved by PC on May 14, 2026.

Why or Why Not? (Provide Evidence)

- The County maintains clear information about the process and fees for [Accessory Dwelling Units on a new webpage linked here](#), which has been updated to include new regulations for ADUs in urban areas.
- [In spite of these efforts, there is still room for improvement in communication on permit processes and fees.](#)

Commented [AK16]: Motion #17: Approved by PC on May 14, 2026.

Action Needed to Address Barrier

- [Increase outreach to stakeholder groups and the public, and train staff to increase efficiency and consistency in staff communication to customers.](#)

Commented [AK17]: Motion #17: Approved by PC on May 14, 2026.

Barrier #2: Permit Fees, Impact Fees & Utility Connection Fees Not Proportionate to Impact

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

Under [Ordinance Number 2025-060](#), proposals for ADUs in UGAs no longer need to first obtain an Administrative Use Permit before submitting a Building Permit. This change will save applicants thousands of dollars in permitting fees. In addition, land use application fees in Whatcom County are low compared to other jurisdictions of similar size and services offered, and Building Permit fees are based on the valuation of the proposed structure.

Action Needed to Address Barrier

None identified at this time.

Barrier #3: Processing Times & Staffing Challenges

Is This Barrier Likely to Affect Housing Production (Yes or No)?

No.

Why or Why Not? (Provide Evidence)

While PDS has a limited number of planners who are able to process special land use applications like "Administrative Use Permits", under the new ADU regulations adopted under [Ordinance Number 2025-060](#), ADU applications in UGAs were recategorized from "Administrative" to "Permitted", meaning an application can directly apply for a Building Permit without first obtaining a land use permit. This reduces administrative processing time for these ADU applications.

Action Needed to Address Barrier

None identified at this time.