



# WHATCOM COUNTY

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## WASHINGTON

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### **Memorandum**

TO: Mark Personius, Planning and Development Director

FROM: Curtis Metz, Building Services Manager Deputy Fire Marshal

DATE: December 4, 2025

SUBJECT: Accessory Dwelling Unit (ADU) & Co-Living Housing Amendments

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#### **RE: Response to Proposed Accessory Dwelling Unit (ADU) & Co-Living Housing Amendments**

#### **Comments on Section (B) – Within Urban Growth Areas, part (c)**

The proposed language in Section (B)(c) states:

“Existing detached structures, including garages, barns, and any other accessory buildings may be converted into accessory dwelling units even if the structure does not meet current setbacks or lot coverage.”

While this provision addresses zoning nonconformities, it does not acknowledge the significant **Building Code** and **Fire Code** requirements that continue to apply to any such conversion. Even if an existing structure is permitted to remain out of conformance with setbacks or lot coverage, it must still fully comply with all applicable **Building, Fire, Mechanical, and Energy Codes** before it can be approved as a habitable ADU.

#### **1. Structural Concerns with Agricultural (Ag) Reduced-Design Buildings**

Many detached accessory structures—particularly barns or similar utility buildings—were originally designed under the **agricultural (Ag) reduction** allowed in structural design standards in the International Building Code (IBC). Under this design approach, the code permits greater allowable movement in structural components during wind, snow, or seismic events. As a result:

- Wall assemblies may flex or shift visibly during wind events.
- Roof members may exhibit significant deflection under snow loads.
- Floors may feel soft, springy, or excessively flexible.

These performance characteristics **do not meet the structural criteria for habitable residential occupancy** under the International Residential Code (IRC) or IBC. Converting such structures to ADUs would often require substantial structural reinforcement or even partial reconstruction to achieve compliance.

## 2. Proximity to Property Lines and Fire-Resistance Requirements

If an existing structure is located **within 5 feet of a property line**, both the IRC and IBC impose strict limits on:

- The number, size, and placement of openings (windows, doors)
- Required fire-resistant construction for exterior walls
- Restrictions on projections such as eaves

These requirements could significantly increase the cost or complexity of conversion and may limit the ability to add windows or doors necessary for emergency egress or natural light.

## 3. Fire Code Issues Related to Structure Size and Fire Flow

Under the Fire Code, larger detached accessory structures may currently qualify as **Type U (Utility/Agricultural)** occupancies and therefore **not require Fire Flow** if:

- They are **2,500 square feet or smaller**, or
- They exceed 2,500 square feet but maintain **60-foot yard setbacks** on all sides.

When such a structure is converted to include a **dwelling unit**, it no longer qualifies as an Agricultural use building. As a result:

- **Fire Flow requirements apply**, which may be substantial depending on water supply capacity.
- Fire Flow requirements **can be mitigated by installing a fire sprinkler system**, but this requires sprinkling the **entire structure**, not just the ADU portion.

This change in occupancy classification has significant implications for both feasibility and cost. When constructing a new ADU, however, these concerns are considerably easier to address. Thoughtful design can incorporate the required features from the outset, helping to minimize or even eliminate additional expenses.

## Co-Living Housing and Applicable Building/Fire Code Requirements

Under the International Building Code (IBC), *Co-living Housing* is classified as **Congregate Living**, which is defined as a building—or portion of a building—that contains sleeping units in which residents share bathroom and/or kitchen facilities. This classification applies when the building contains more than two dwelling units or townhouses, which would otherwise fall under the International Residential Code (IRC).

### **Occupancy Classification**

Co-living buildings fall under occupancy groups **R-2 or R-3**, depending on the number of non-transient occupants:

- **R-2:** More than 16 non-transient occupants
- **R-3:** Sixteen or fewer non-transient occupants

Because both classifications are subject to the IBC, each requires compliance with IBC fire-protection provisions.

### **Fire Flow and Fire Protection Requirements**

IBC-regulated residential occupancies must provide adequate **Fire Flow** (hydrant coverage) and must be **fully sprinklered**. If adequate Fire Flow is not available at the site, the project must provide:

- A fire-protection water tank,
- A fire pump, and
- An onsite fire hydrant system.

The required capacity, pressure, and hourly water supply depend on the size and fire-resistance characteristics of the proposed structure.

### **Feasibility Considerations in Whatcom County**

Because municipal fire-service water is available only in limited areas of Whatcom County, the need to install full fire-protection infrastructure can significantly increase development costs. In some cases, these requirements may render co-living projects technically or financially infeasible.

### **Summary Recommendation**

Although the proposed amendment appropriately addresses zoning nonconformities, the conversion of existing detached structures to ADUs and construction of co-living structures remains subject to significant **Building and Fire Code** constraints. These constraints can materially affect both feasibility and cost.

**Clarifying these limitations within the amendment or in associated guidance documents would establish more realistic expectations for property owners and help avoid misunderstandings or conflicts during the permit review process.**