



# WHATCOM COUNTY

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## WASHINGTON

### Planning & Development Services

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### Memorandum

TO: Whatcom County Council

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

THROUGH: Mark Personius, Director

DATE: November 17, 2025

SUBJECT: Compliance with Land Supply and Construction Cost Charter Amendment

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The voters of Whatcom County approved a charter amendment to Article 9 (General Provisions) of the Whatcom County 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.

This memo is regarding the new preemptive State regulations, which will take affect on December 31, 2025, regarding Accessory Dwelling Units (ADUs) and Co-Living Housing standards within Urban Growth Areas (UGAs). To ensure compliance with the charter amendment, Whatcom County Planning and Development Services PDS has composed this Memo with the following analysis.

#### **Preemptive ADU Code Analysis**

The new preemptive State regulations on ADUs allows for at least two (2) ADUs on all lots that are located in all zoning districts within a UGA that allow for single-family homes per RCW [36.70A.681\(1\)\(c\)](#), as well as the following standards which affect existing Whatcom County Code (WCC):

- 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\(2\)\(ii\)](#).

PDS is proposing to allow for the development of a second ADU, as a "Permitted" use, on all residential lots (UR, URM, UR-MX, RC) in UGAs, only when the second unit is served by public sewer service; excluding lots within the Lake Whatcom Watershed Overlay District per RCW [36.70A.680\(5\)\(b\)](#), RCW [36.70A.680\(5\)\(d\)](#), RCW [36.70A.680\(5\)\(e\)](#), RCW [36.70A.681\(1\)\(c\)](#); and RCW [36.70A.681\(4\)](#).

## **Land Supply**

By excluding lots within the Lake Whatcom Watershed Overlay District and non-residential zoning districts (General Commercial, Agriculture, Rural, and Rural Forestry) in UGAs, more land supply will remain for the intended primary purpose of the zoning district such as agriculture, forestry, commercial uses, or open space associated with protection of water quality.

In addition, by excluding all lots in UGAs not connected to public sewer service more land supply will be retained for future development, which will far exceed potential density achieved by allowing for development of a second ADU these lots. Once incorporated, these lots will be rezoned by the applicable jurisdiction to allow for development at urban levels with connection to public utilities possible. On-site septic systems can take up a significant amount of space, which could hinder available after for infill development once incorporated.

With the removal of design and siting standards, as well as allowance for conversion of existing structures, and reduction of setback and parking requirements, more area will be retained which could be used for infill development once incorporated.

Lastly, with the allowance for the sale or conveyance of an ADU as a condominium unit independent of a principal unit, land supply will increase within UGAs.

## **Construction Costs**

Currently, an Administrative Use Permit (ADM) application is required for all ADU proposals, which is a Type II application process requiring public noticing. As such, the ADM application fee can range in cost from approximately \$3,200 to \$4,000 based on site specific conditions, and can take up to 100 days to process per WCC [22.05.130](#)(1)(a)(ii). (Whatcom County, 2025)

The proposed amendment would change the use type from “Administrative” to “Permitted” for ADUs in the UR, URM, UR-MX, and RC zoning districts. The Type 1 application process does not require public noticing, and has a maximum review time period of 65 days per WCC [22.05.130](#)(1)(a)(i).

This means an applicant can apply directly for a Residential Building Permit without first obtaining a special land use permit, resulting in a savings of several thousand dollars in permitting costs and in time waiting to begin the project.

There could also be a savings associated with conversion of existing structures as retrofitting an existing structure could be less expensive in some circumstances compared to new construction. Lastly, the reduction in required number of parking stalls for lots less than 6,000 square feet will result in construction cost savings.

## **Conclusion**

Based on this information it appears the proposed code amendment will reduce compliance and construction related costs meeting the intent of Section 9.70 of the Whatcom County Charter.

## **Preemptive Co-Living Housing Code Analysis**

The new preemptive State regulations on Co-Living Housing allows for co-living housing as a “Permitted” use on any lot, within a UGA, that allows at least six multifamily residential units; including lots zoned for mixed-use development as well as other standards summarized below specific to WCC:

### May not require co-living housing to:

- 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 – RCW [36.70A.535](#)(2)(a);
- Provide a mix of unit sizes or number of bedrooms - RCW [36.70A.535](#)(2)(b);

- Include other uses - RCW [36.70A.535](#)(2)(c);
- Provide more than 0.25 off-street parking spaces per sleeping unit – [RCW 36.70A.535](#)(3)(a)(ii); and
- Any standards that are more restrictive than those that are required for other types of multifamily residential uses in the same zone – RCW [36.70A.535](#)(4).

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)).

### **Land Supply and Construction Costs**

In the November issue of *Zoning Practice*, published by the American Planning Association, planner Kelly Cousino, AICP discusses the benefits of co-living housing noting that shared housing and communal living can help counteract the numerous negative effects of an overreliance on large-lot, single-family housing. And for many communities, this will require at least a few zoning tweaks. (Kelly Cousino, 2022)

In addition, Municipal Research and Services Center (MRSC) has published several articles on co-living housing, sometimes referred to as micro-housing. In a 2019 article written by Sarah Bollard for MRSC, she notes, “According to a [2014 study conducted by the Urban Land Institute](#), micro-units have higher occupancy rates than regular apartment units. One in four renters living in traditional apartments have expressed interest in living in a micro-unit, and renters of micro-units seem to have a similar satisfaction level with their residences when compared to those living in traditional apartments. Micro-unit residents are happy with their housing situation, and the rent is usually more affordable than traditional apartments, making micro-apartments enticing to single households in many different careers (such as tech workers, service workers, teachers, and nurses).”

She also notes in the article that, “As rents and home prices across Washington continue to rise, smaller living becomes more enticing to both developers, who can create more units in the same amount of space, and residents, who are looking for more affordable rents close to where they work.” (Bollard, 2019)

Based on this information and with the preemptive State requirements allowing for development of “Co-Living Housing” projects as a “Permitted” use, as well as prohibiting unit design/dimensional standards and reduction of required parking stalls compared to single-family residences, it appears the proposed code amendment meets the intent of Section 9.70 of the Whatcom County Charter.

### **References**

Bollard, S. (2019, December 12). *Micro-Units: Another Tool in your Affordable Housing Toolbelt*. (M. R. Center, Producer) Retrieved from MRSC: <https://mrsc.org/stay-informed/mrsc-insight/december-2019-1/micro-units-another-affordable-housing-tool>

Kelly Cousino, A. (2022, November 1). *Don't Sleep on Coliving*. (A. P. Association, Producer, & Zoning Practice) Retrieved from American Planning Association: <https://www.planning.org/blog/9260099/dont-sleep-on-coliving/>

Whatcom County. (2025). *Current Planning Fees Administrative-Use---Type-II*. Retrieved from Whatcom County Washington: <https://www.whatcomcounty.us/DocumentCenter/View/96040/Administrative-Use---Type-II>