

ORDINANCE NO. 2025-12-033

AN ORDINANCE AMENDING THE BELLINGHAM MUNICIPAL CODE (BMC) TITLE 16 AND TITLE 20 TO ALLOW CO-LIVING IN ZONES WHICH ALLOW MULTIFAMILY, UPDATE AND ADD DEFINITIONS RELEVANT TO CO-LIVING, AND REPLACE REFERENCES TO THE WORD FAMILY WITH HOUSEHOLD.

WHEREAS, in 2024, the Washington State legislature passed Engrossed Substitute House Bill (ESHB) 1998 (chapter 180, Laws of 2024) related to co-living housing (RCW 36.70A.535); and

WHEREAS, in passing ESHB 1998 the State legislature found that Washington is facing a housing affordability crisis; and

WHEREAS, the State legislature further found that many communities throughout Washington face a severe shortage of workforce housing, and co-living housing provides housing opportunities to individuals in that income range and below, without public funding; and

WHEREAS, the State legislature further found:

Co-living housing is a residential development with sleeping units that are independently rented and provide living and sleeping space, in which residents share kitchen facilities with residents of other units in the building;

Co-living housing historically provided a healthy inventory of naturally occurring affordable sleeping units;

Co-living housing reduces pressure on the limited amount of publicly funded affordable housing by providing housing that is affordable to lower income residents who might otherwise wait years for subsidized housing;

Co-living housing provides options for people who: wish to lower their housing expenses by paying less for a smaller home; prefer a living arrangement with shared community spaces that facilitate social connections; wish to trade off location for space and, by living in a small home, also get to live in a high opportunity neighborhood they could not otherwise afford; or want a low-cost, more private alternative to having a roommate in a traditional rental;

Co-living housing provides a good option for seniors, especially those who want to downsize, or those who desire a living arrangement that is more social than a standard apartment and when located in walkable neighborhoods, co-living housing gives mobility options to seniors who can no longer drive;

Co-living housing is well-suited for people of diverse incomes, including low and very-low income households;

State building codes have established minimum sizes and other standards to ensure that co-living housing meets modern health and safety standards;

Creating co-living housing near transit hubs, employment centers, and public amenities can help the state achieve its greenhouse gas reduction goals by increasing walkability, shortening household commutes, curtailing sprawl, and reducing the pressure to develop natural and working lands; and

Co-living housing, because the units are small, is inherently more energy efficient than standard apartments, both saving residents money and reducing the state's energy demand; and

WHEREAS, A city or town may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit, except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, under RCW 35.21.682; and, .

WHEREAS, The municipal code contains an obsolete definition of "family" that appears to prohibit certain co-housing living opportunities and does not comply with RCW 36.70A.535; and

WHEREAS, Replacing the obsolete definition of "family" in the land use development code with "household" is necessary to implement RCW 36.70A.535 and comply with RCW 35.21.682; and

WHEREAS, On July 1, 2025, City Council approved Ordinance No. 2025-06-009 to include co-living housing as an eligible housing type for multifamily tax exemption; and

WHEREAS, the City's fees for sewer connections, known as system development charges, contained in BMC 15.12.175, are compliant with RCW 36.70A.535(8) because they are based upon water meter size (determined by fixture counts), not the number of dwelling units within the building; and

WHEREAS, on August 18, 2025, notice of the City's intent to adopt the proposed amendments was sent to the State of Washington Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, on August 15, 2025, the responsible official reviewed the proposed amendments under the procedure of the State Environmental Policy Act, and issued a non-project Determination of Non-Significance (SEP2025-0019); and

WHEREAS, on October 16, 2025, the Planning Commission held a properly noticed public hearing on the proposed amendments; and

WHEREAS, the Planning Commission considered the record, including public comments received, and by a vote of 5-0, recommended approval of the proposed amendments, as noted in the Findings, Conclusions and Recommendations; and

WHEREAS, on November 17, 2025, the City Council held a properly noticed public hearing on the proposed amendments; and

WHEREAS, the City Council considered the recommendation of the Planning Commission, the record including public comments, and by a vote of 7-0, hereby adopts the Findings, Conclusions and Recommendations of the Planning Commission; and

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. BMC 16.80.060(C), Residential Multi Permitted Uses within the Lake Whatcom Watershed, are hereby amended as follows:

- 1-8. [NO CHANGE]
- 9. Co-living housing

Section 2. BMC 20.08.020, Specific Definitions, are hereby amended as follows:

~~"Boarding and rooming house" means a structure used for the purpose of providing lodging or lodging and meals, for persons other than those under the "family" definition. This term includes dormitories, cooperative housing and similar establishments but does not include hotels, motels, medical care facilities or short-term rentals.~~

"Co-living housing" means a residential development with at least 24 co-living sleeping units that provide living and sleeping space, and residents share kitchen facilities with other co-living sleeping units in the building. A shared kitchen shall be provided for at least four (4) and at most 24 co-living sleeping units. Four (4) co-living sleeping units is equivalent to one dwelling unit for administration of

density and development regulations. Co-living housing may also be known as congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.

“Co-living sleeping unit” means a lockable, independently rented or owned room in co-living housing, meeting the minimum building code requirements for a bedroom and not exceeding 300 square feet in area. A co-living sleeping unit may contain a kitchenette but shall not include a kitchen. All co-living sleeping units must have access to a shared kitchen within the building. A co-living sleeping unit may contain a bathroom or have access to a shared bathroom within the building.

Density. A term used within the comprehensive plan and municipal code to regulate the intensity of development which may legally occur upon property within a land use area. Density regulates development according to one of the following three criteria:

1. Density may designate the square footage of land required per single-family cluster, infill housing or multifamily dwelling unit.
2. Density may designate the minimum lot size for single-family detached dwelling units.
3. Density may designate the maximum floor area size for retail establishments in urban village, neighborhood, or planned commercial areas.
4. Density may be described fractionally for co-living housing. Four (4) co-living sleeping units is equivalent to one dwelling unit for the purposes of administering density regulations.

“Dwelling unit” means a single residential unit providing complete, independent living facilities for one family-household including permanent provisions for living, sleeping, eating, cooking, and sanitation.

~~“Family” means one or more persons related by blood, marriage, or adoption, or not more than three unrelated persons, living together within a single dwelling unit. For purposes of this definition, children with familial status within the meaning of 42 U.S.C. 3602(k) and individuals with disabilities within the meaning of 42 U.S.C. 3602(h) will not be counted as unrelated persons. “Adult family homes,” as defined by RCW 70.128.010, are included within the definition of “family.” Facilities housing~~

~~individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition.~~

“Household” means an individual or collection of individuals occupying the entire dwelling unit.

“Kitchenette” means a room or part of a room which is used, intended, or designed to be used for basic food preparation, with a sink and at least one 120v electrical outlet.

“Kitchen” means a room or part of a room which is used, intended, or designed to be used for preparing food. The kitchen includes facilities, or utility hookups for facilities, sufficient to prepare, cook, and store food, and wash dishes, including, at a minimum, countertops, a kitchen-style sink, space and utilities sufficient for a gas or 220/240v electric stove and oven, and a refrigerator.

“Multiple-family dwelling unit” means a building or portion thereof, designed for or occupied by three or more ~~families~~ households living independently in separate dwelling units.

“Service care” means a group residence licensed by the state operated with full-time supervision for housing resident persons who, by reasons of their mental or physical disability, addiction to drugs or alcohol or family and social adjustment problems, require a transitional nonmedical treatment program for rehabilitation and social readjustment. For the purposes of this title, a nonmedical treatment program consists of counseling, vocational guidance, training, group therapy and other similar rehabilitative services but does not include drug and/or alcohol detoxification. Monitoring the taking of prescription medication shall be permitted. The use of medication by any resident shall be incidental to that person’s residence in the facility and shall not be a criterion for residence in the facility. Programs providing alternatives to imprisonment, including prerelease, work-release and probationary programs which are under the supervision of a court, state or local agency are included in this definition. ~~Residences occupied by persons qualifying under the definition of “family” and “s~~Secure community transition facilities” are excluded from this definition.

[ALL OTHER DEFINITIONS IN THIS SECTION REMAIN UNCHANGED]

Section 3. BMC 20.10.037., Short Term Rental Regulations is hereby amended as follows:

B. *Applicability.*

1-8. [NO CHANGE]

9. Short-term rentals are not permitted in co-living housing.

[NO FURTHER CHANGES TO THIS SECTION]

Section 4. BMC 20.12.010., Number of Spaces Required in Parking, is hereby amended as follows:

B. *Number of Spaces Required*

1. [NO CHANGE]

2. [NO CHANGE]

3. Any use clearly similar to the uses listed below shall meet the requirements specified. If the similarity is not apparent, then the planning director shall determine the standards which shall be applied.

USE	PARKING SPACE REQUIREMENT
(a) Residential	
	i-ii [NO CHANGE]
	iii. Boarding House One for every two bedrooms.

Section 5. BMC 20.16.020., Conditional Uses is hereby amended as follows:

B.

1. ~~Boarding and Rooming House.~~

~~a. *Definition.* A structure used for the purpose of providing lodging or lodging and meals, for persons other than those permitted under the “family” definition. This term includes dormitories, cooperative housing and similar establishments but does not include hotels, motels, medical care facilities, or short term rentals.~~

~~b. Conditional in residential multi general use type.~~

~~c. *Special Requirements.*~~

~~i. The maximum occupancy shall not exceed one person per 250 square feet of ground area.~~

~~ii. Parking shall be provided off an alley if one is available. Such alley must be improved to a standard where it is dust free, well drained, and at least 10 feet in width.~~

[NO FURTHER CHANGES TO THIS SECTION]

Section 6. BMC 20.25.020., Design Review Applicability is hereby amended as follows:

B. *Multifamily Residential Projects and Mixed Uses in Residential Multi Zones.*

1. The following development activities shall obtain design review approval when located in any use district except within an urban village design district listed in subsection (C) of this section, institutional general use types that are governed by an adopted institutional master plan, or when exempt by subsection (A) of this section:

- a. Single-family attached residential development consisting of three or more attached units;
- b. Residential development consisting of three or more dwelling units on a site or co-living housing;
- c. Projects involving any use that is allowed as a “mixed use” by the use qualifier in residential multi zones;

- d. All infill housing development pursuant to Chapter [20.28](#) BMC;
- e. Accessory buildings for any of the developments listed above;
- f. Any additions or exterior alterations to buildings of the types listed above and/or to their associated site improvements. The design standards apply only to the proposed additions or alterations to the extent feasible while allowing the flexibility to accommodate the design of the existing improvements.

Section 7. BMC 20.32.030 permitted uses in the multifamily development regulations is hereby amended as follows:

A. *Uses Permitted Outright.* No building or land shall be used within areas designated RM except as enumerated below corresponding to the applicable use qualifier:

Use Qualifier	Permitted Use
Transition	1-15. [NO CHANGE]
	<u>16.</u> <u>Co-living housing</u>
Multiple	1-3. [NO CHANGE]
Planned	1-18. [NO CHANGE]
	<u>19.</u> <u>Co-living housing</u>

B. *Conditional Uses.* The following uses may be allowed if approval can be obtained, based upon standards and requirements for conditional uses as specified in Chapter [20.16](#) BMC:

1-14. [NO CHANGES]

~~15. Boarding and rooming houses.~~

[NO FURTHER CHANGES TO THIS SECTION]

Section 8. BMC 20.37.120 Use Tables in the Samish Way Urban Village Development Regulations, are hereby amended as follows:

BMC 20.37.120 Samish Way urban village – Permitted uses.
A1-5. [NO CHANGE]

Table 20.37.120 Permitted Uses

P = Permitted # = See note C = Conditional use N = Not allowed					
Land Use Classification	Area				
	Commercial Core	Commercial Approach	Commercial Transition 1 and 2	Residential Transition 1	Residential Transition 2
1-28. [NO CHANGE]					
29. Boarding and rooming houses <u>Co-living housing</u>	P	P	P	C(7) <u>P(7)</u>	N
[NO FURTHER CHANGES TO THIS SECTION]					

Section 9. BMC 20.37.220 Use Tables in the Fountain District Urban Village Development Regulations, are hereby amended as follows

BMC 20.37.220 Fountain district urban village – Permitted uses.
A1-5. [NO CHANGE]

Table 20.37.220 Permitted Uses

P = Permitted # = See note C = Conditional use N = Not allowed				
Land Use Classification	Area			
	Commercial Core	Commercial Transition	Residential Transition 1	Residential Transition 2
1-31. [NO CHANGE]				
32. Boarding and rooming houses	N	N	C	N
<u>Co-living housing</u>	<u>P</u>	<u>P</u>	<u>N</u>	
[NO FURTHER CHANGES TO THIS SECTION]				

Section 10. BMC 20.37.320 Use Tables in the Fairhaven Urban Village Development Regulations, are hereby amended as follows

BMC 20.37.320 Fairhaven urban village – Uses.

A1-5. [NO CHANGE]

Table 20.37.320 – Permitted Uses	P = Permitted	(#) = See Notes	C = Conditional Use	N = Not allowed					
	AREA								
LAND USE CLASSIFICATION	CC(2)	RT-1 and RT-2	RT-3	RT-4	I-1(1)	I-2(1)	I-3(1)	P-1 and P-3	P-2

A. Residential

1-3. [NO CHANGE]

4. Boarding and Rooming Houses <u>Co-living housing</u>	P	<u>C</u>	N	<u>C</u>	N	N	N	N	N
---	---	----------	---	----------	---	---	---	---	---

[NO FURTHER CHANGES TO THIS SECTION]

Section 11. BMC 20.37.520 Use Tables in the Downtown District Urban Village Development Regulations, are hereby amended as follows

BMC 20.37.520 Downtown district urban village – Uses.

A1-5. [NO CHANGE]

Table 20.37.520 Permitted Uses

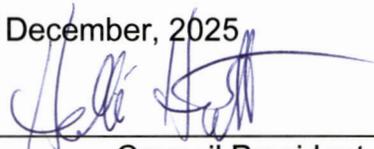
P = Permitted C = Conditional Use N = Not allowed (#) = See Notes

When multiple symbols and notes appear in a box such as P(2) or (4), C, they are interpreted as (P) Permitted (2) when located in a main building(s) on a site existing as of September 23, 2014 OR (4) on corner lots; (C) conditional elsewhere.

LAND USE CLASSIFICATION	AREA			
	CC (1) CT (1)	RT-1	RT-2	IT
A1-3. [NO CHANGE]				
4. Boarding and Rooming Houses	P	P	C	P(3)
<u>Co-living housing</u>			<u>P</u>	
[NO FURTHER CHANGES TO THIS SECTION]				

Section 12. Editorial corrections shall be made in accordance with BMC 1.01.110(B) for all affected numerical or lettered lists.

PASSED by the Council this 8th day of December, 2025

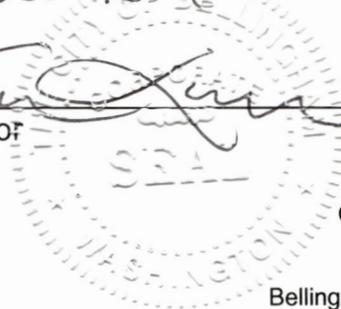


 Council President

APPROVED by me this 17th day of December, 2025



 Mayor

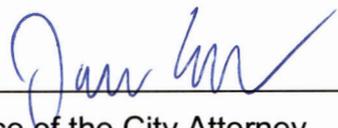


ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

PUBLISHED:

December 8, 2025