

WHATCOM COUNTY
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Mark Personius, AICP
Director

Memorandum

TO: County Council
FROM: Cliff Strong, Senior Planner
THROUGH: Mark Personius, Director
Steve Roberge, Asst. Director
DATE: January 22, 2024
SUBJECT: Abolishing the Appeals Board and Assigning its duties to the Hearing Examiner

Planning and Development Services is proposing amendments to abolish the Appeals Board and assign its duties to the Hearing Examiner. (As this is not a land use controls, Planning Commission review is not required.)

The Appeals Board (aka, Board of Appeals) was established in 1985 by Ordinance 85-12 and codified in WCC Chapter 2.80. Its purpose is to hear and decide appeals on decisions or building code interpretations made by the Building Official or Fire Marshal. The Board is comprised of five standing members, and up to two alternates, with the Building Official as an *ex officio* member. The standing members positions are represented by the following: One member from the fire prevention trade, one lay member and three from the construction trade. The alternates may be from any trade.

However, because the board does not meet regularly—convening only when there is an appeal to be heard—it is difficult to find volunteers to serve and maintain a quorum. The Board has not met in over 8 years, and currently only has 1 member in active status. Therefore, staff has researched how other Washington jurisdictions address appeals of this nature and most, including those neighboring us, have moved to the Hearing Examiner system. In the last couple of decades Whatcom County has also moved away from appeals being heard by citizen boards and elected officials towards a Hearing Examiner system, wherein appeals become quasi-judicial and are decided on as a matter of law (thus removing politics and biases from such decisions).

In this continuing effort (and Council's concurrent effort to reduce and/or consolidate the County's numerous boards and advisory committees), PDS is recommending that this board be abolished and its duties assigned to the Hearing Examiner, as shown in Exhibit A.