



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: AB2025-537

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|                |                |               |                          |         |         |
|----------------|----------------|---------------|--------------------------|---------|---------|
| File ID:       | AB2025-537     | Version:      | 1                        | Status: | Adopted |
| File Created:  | 07/15/2025     | Entered by:   | LBruner@co.whatcom.wa.us |         |         |
| Department:    | Council Office | File Type:    | Ordinance                |         |         |
| Assigned to:   | Council        | Final Action: | 09/09/2025               |         |         |
| Agenda Date:   | 09/09/2025     | Enactment #:  | ORD 2025-043             |         |         |
| Related Files: |                |               |                          |         |         |

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Primary Contact Email: lbruner@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code Title 22 to clarify the roles and duties of participants in the Hearing Examiner process

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attached

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### HISTORY OF LEGISLATIVE FILE

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| Date:      | Acting Body: | Action:                                                                   | Sent To: |
|------------|--------------|---------------------------------------------------------------------------|----------|
| 07/22/2025 | Council      | SUBSTITUTE INTRODUCED<br>FOR PUBLIC HEARING                               | Council  |
|            |              | Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier |          |
|            |              | Nay: 0                                                                    |          |
| 09/09/2025 | Council      | ADOPTED                                                                   |          |
|            |              | Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier |          |
|            |              | Nay: 0                                                                    |          |

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**Attachments:** Memo, Proposed Ordinance, Substitute Ordinance

PROPOSED BY: Hearing Examiner  
INTRODUCTION DATE: July 22, 2025

ORDINANCE NO. 2025 - 043

**ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 22 TO CLARIFY THE ROLES AND DUTIES OF PARTICIPANTS IN THE HEARING EXAMINER PROCESS**

**WHEREAS**, the Whatcom County Council has adopted the Hearing Examiner process and understands that clear and transparent ordinances and rules are needed and need to be updated from time to time to promote good governance; and

**WHEREAS**, the Whatcom County Council has the authority and proper interest in regulating administrative decisions through ordinances and ensuring such regulation is done in a logical manner with due process and without redundancy or ambiguity in the code; and

**WHEREAS**, the Council wishes to make clear in ordinance the Hearing Examiner's authority that has previously been approved by the Council through consistent rule promulgations as far back as 1986; and

**WHEREAS**, the Council wishes to update the appropriate codes and has duly considered the proposed revisions to Title 22, put forward by the Hearing Examiner, attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT ORDAINED** that the Whatcom County Council has reviewed the revised ordinance described above and finds the changes to be appropriate; and

**BE IT FINALLY ORDAINED** that the Council hereby adopts the revised sections of Title 22 as reflected in Exhibit A.

ADOPTED this 9th day of September, 2025.

ATTEST:

  
Cathy Halka, Clerk of the Council

APPROVED AS TO FORM:

approved by Kimberly Thulin /LB

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Kaylee Galloway, Council Chair

☒ Approved    ☐ Denied



Satpal Sidhu, County Executive

Date: 9.12.25

Exhibit A

22.05.090 Open record hearings.

...

(2) ...

(b) Except in the case of appeals, ~~W~~**within two days of the published notice the applicant shall be responsible for posting three copies of the notice in a conspicuous manner on the property upon which the use is proposed. Notices shall be provided by the hearing examiner.**

(c) Except in the case of appeals, ~~A~~**an affidavit verifying distribution of the notice must be submitted to the hearing examiner at least two working days prior to the open record hearing.**

~~(d) The hearing examiner shall send notice of an open record hearing to neighboring cities and other agencies or tribes that will potentially be affected, either directly or indirectly by the proposed development. The hearing examiner shall be responsible for such notification.~~

~~(d)~~**(e) Except in the case of appeals, the applicant shall pay all costs associated with providing notice.** In the case of appeals, the appellant shall pay all costs associated with providing notice.

22.05.110 Final decisions – Type I, II, and III applications.

...

(2) ...

(c) The hearing examiner shall render a final decision within 14 calendar days following the conclusion of all testimony and hearings, absent emergent circumstances or the issuance of a formal order from the Hearing Examiner specifying the reason for the need and the amount of additional time for a final decision to be issued. Each final decision of the hearing examiner shall be in writing and shall include findings and conclusions based on the record to support the decision.

22.05.120 Recommendations and final decisions – Type IV processes.

...

(4) ...

(b) The hearing examiner shall file the recommendation with the clerk of the county council within 21 calendar days following the conclusion of the open record hearing, absent emergent circumstances or the issuance of a formal order from the Hearing Examiner specifying the reason for the need and the amount of additional time for a final decision to be issued.

22.07.080 Expiration of shoreline permits.

...

(5) ~~The hearing examiner or director, as appropriate needed,~~ shall notify the Department of Ecology in writing of any change to the effective date of a permit with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized shall require a new permit application.