

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

ORDINANCE NO. 2025 - _____

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 _____ day of _____, 2025.

ATTEST:

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Cathy Halka, Clerk of the Council

Kaylee Galloway, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

approved by Kimberly Thulin / LB
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____

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, ~~T~~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.