



Memorandum

TO: County Council
FROM: Cliff Strong, Senior Planner
THROUGH: Mark Personius, Director
Steve Roberge, Asst. Director
DATE: January 11, 2024
SUBJECT: Amendments to Certain Administrative Functions (Appeals Board, Wildlife Advisory Committee, and Conservation Easement Program Oversight Committee)

Planning and Development Services is proposing amendments to the qualifications for serving on the Wildlife Advisory Committee (WAC), the composition of the Conservation Easement Program Oversight Committee (CEPOC), and abolishing the Appeals Board and assigning its duties to the Hearing Examiner. (As none of these are land use controls, Planning Commission review is not required.)

1. Amending the Qualifications for being Appointed to the Wildlife Advisory Committee (WAC)

The WAC would like to be able to have a Washington Department of Fish & Wildlife (or other such wildlife agency) representative as one of their members. However, the current qualification language precludes such a person if they don't live or vote in Whatcom County, many of whom don't as they cover territories larger than Whatcom County.

Therefore, they would like to amend WCC 2.118.040 to carve out an exception to this requirement for such a person, as shown in Exhibit A.

2. Cleaning up the Agricultural Advisory Committee code

No policy amendments are proposed. The AAC only wishes to clean up the language of their establishing code.

3. Amending the Composition of the Conservation Easement Program Oversight Committee (CEPOC)

The CEPOC would like to make a few changes to code regarding committee composition. They would like to:

- Add an additional position for a conservation easement-holding entity (such as the Whatcom Land Trust, who co-holds the majority of our conservation easements, though it could be another).
- Change one of the farmer positions to a farmer/forestry position to account for adding forestry to their program guidelines.
- Add a ninth position—a citizen with expertise in agricultural programs—to keep an odd number of members so as to prevent tie votes. Such a person could be from a variety of Whatcom County

organizations (e.g. Whatcom Family Farmers, Whatcom Conservation District, Sustainable Connections, etc.).

- Change the member ownership interest guidelines to allow members to participate in the Conservation Easement Program as long as they recuse themselves from voting if they have ownership interest in the land in accordance with the Whatcom County Code of Ethics.

Therefore, they would like to amend WCC 3.25A.060 as shown in Exhibit A.

4. Abolishing the County Appeals Board (and assigning its duties to the Hearing Examiner)

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.