

**AN ORDINANCE RELATING TO THE BOARD OF ADJUSTMENT AND LANDMARK REVIEW BOARD, AMENDING BELLINGHAM MUNICIPAL CODE CHAPTERS 2.54 AND 17.80 REGARDING DUTIES, NUMBER AND TERM OF MEMBERS AND NUMBER REQUIRED FOR A QUORUM.**

**WHEREAS**, Chapter 2.54.020 of the City of Bellingham (the "City") Municipal Code establishes the composition of the Board of Adjustment and Landmark Review Board; and

**WHEREAS**, the municipal code has been amended to assign most of the duties of the Board of Adjustment to the Hearing Examiner; and

**WHEREAS**, the Landmark Review Board consists of the Board of Adjustment plus four additional members, resulting in a total membership of nine; and

**WHEREAS**, a majority vote of the full nine-member Landmark Review Board is required for a decision; and

**WHEREAS**, the term of the Municipal Arts Commission member should conform with the member's tenure on the Municipal Arts Commission; and

**WHEREAS**, the Bellingham Municipal Code Chapter 2.54 should be revised to enhance consistency and interpretability;

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1.** The title of Bellingham Municipal Code Chapter 2.54 is hereby changed from "Board of Adjustment" to "Landmark Review Board and Board of Adjustment."

**Section 2.** Bellingham Municipal Code Chapter 2.54 is hereby amended as follows:

**2.54.010 - Created - Membership**

There is created a Landmark Review Board and Board of Adjustment (Board) with members appointed and serving in accordance with Section 7.03 of the Charter. The Board shall have the duties and responsibilities set forth in this chapter and such other duties as are set by City ordinance.

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**2.54.020 – Composition**

- A. The Board shall consist of 9 members, all of whom shall serve without compensation. No member of the Board shall be a member of the Planning Commission or an elected City official, or a City employee. The members shall be appointed by the Mayor and such appointment shall be confirmed by the City Council. Of the members first appointed, 2 shall be appointed for 1 year 3 shall be appointed for 2 years, 3 shall be appointed for 3 years and a Municipal Arts Commission Board member shall be appointed for the term identical to his or her Municipal Arts Commission term. Thereafter, the term of office shall be 3 years for all members who are not Municipal Arts Commission members. Board members may be re-appointed.
- B. All members of the Board shall have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgement.
- C. The Board should include at least two professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, planning, archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, or related disciplines. The Municipal Arts Commission member, if qualified, may also constitute one of the two professional members.
- D. Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment and the appointment shall be for the remainder of the unexpired term. Members may be removed by the Mayor, subject to approval by a two-thirds majority vote of the City Council, for such causes as he shall deem sufficient.

**2.54.030 - Organization - Meetings - Rules**

- A. Meetings of the Board shall be scheduled at least once a month, and at such other times as the chairman of the Board may determine. There shall be a fixed time and place for the meetings, and all regular Board meetings shall be open to the public.
- B. The Board shall adopt its own rules of procedure and keep a written record as well as transcripts of its proceedings, findings, and actions in each case. Such record and transcript shall be public. The presence of a majority of the members shall constitute a quorum.
- C. Decisions of the board shall require an affirmative vote of at least a majority of the members present provided, 1) there is a quorum, without which the meeting shall not proceed, and 2) there is a quorum at the time the decision is made.
- D. Written records of meetings, resolutions, transactions, findings, and determinations shall be kept and such records shall be public. The Planning and Community

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Development Director shall maintain and be custodian for all records of the minutes of Board meetings and findings of the Board. A secretary and other staff shall be provided by the Planning and Community Development Department to prepare minutes, keep records, and perform other duties as prescribed by the Director.

**2.54.040 - Powers And Duties**

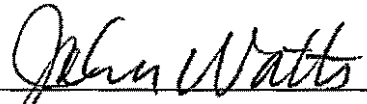
- A. The Board shall have the powers and duties assigned to the Landmark Review Board under Bellingham Municipal Code Chapter 17.80.
- B. The Board shall also be empowered to make any other decisions and/or recommendations delegated to it in accordance with the Bellingham Municipal Code.

**Section 2.** Bellingham Municipal Code Section 17.80.030 is hereby amended as follows:

A Landmark Review Board, consisting of nine members selected according to Bellingham Municipal Code 2.54.020, shall have the following powers and duties:

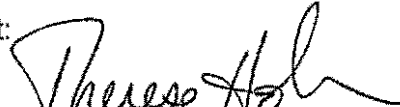
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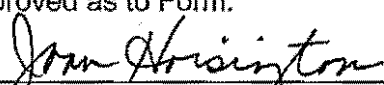
**PASSED** by the Council this 10th day of MAY, 2004.

  
\_\_\_\_\_  
Council President

**APPROVED** by me this 17th day of May, 2004.

  
\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
Finance Director

Approved as to Form:  
  
\_\_\_\_\_  
Office of the City Attorney

Published: MAY 14, 2004

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