

From: Horseshoe Bill

Sent: Saturday, June 8, 2024 9:22 AM

To: [awenger@cityofblaine.com](mailto:awenger@cityofblaine.com); [citycouncil@cityofblaine.com](mailto:citycouncil@cityofblaine.com); [mbeck@cityofblaine.com](mailto:mbeck@cityofblaine.com); DOH Office of the Chief of Staff <[COS@doh.wa.gov](mailto:COS@doh.wa.gov)>; DOH Office of Resilience and Health Security <[ORHS@doh.wa.gov](mailto:ORHS@doh.wa.gov)>; Rottell, Katherine (DOH) <[Kay.Rottell@doh.wa.gov](mailto:Kay.Rottell@doh.wa.gov)>

Cc: [Nieves-Munoz.Waleska@epa.gov](mailto:Nieves-Munoz.Waleska@epa.gov); [Molina.Alessandro@epa.gov](mailto:Molina.Alessandro@epa.gov); Cecale, Courtney (ECY) <[ccec461@ECY.WA.GOV](mailto:ccec461@ECY.WA.GOV)>; Chen, Jonathan T (EJC) <[Jonathan.Chen@ejc.wa.gov](mailto:Jonathan.Chen@ejc.wa.gov)>; Pineda, Rowena E (EJC) <[Rowena.Pineda@ejc.wa.gov](mailto:Rowena.Pineda@ejc.wa.gov)>; Rotakhina, Sierra D (EJC) <[Sierra.Rotakhina@ejc.wa.gov](mailto:Sierra.Rotakhina@ejc.wa.gov)>; Piazza, Millie (ECY) <[mpia461@ECY.WA.GOV](mailto:mpia461@ECY.WA.GOV)>; [grass.running@epa.gov](mailto:grass.running@epa.gov); Munro-Hernandez, Jonathan (ATG) <[jonathan.munro-hernandez@atg.wa.gov](mailto:jonathan.munro-hernandez@atg.wa.gov)>; [aurora.janke@atg.wa.gov](mailto:aurora.janke@atg.wa.gov); Myers, Holly R (DOH) <[Holly.Myers@doh.wa.gov](mailto:Holly.Myers@doh.wa.gov)>; Rottell, Katherine (DOH) <[Kay.Rottell@doh.wa.gov](mailto:Kay.Rottell@doh.wa.gov)>; Dennis, Derrick (DOH) <[Derrick.Dennis@DOH.WA.GOV](mailto:Derrick.Dennis@DOH.WA.GOV)>; [Title\\_VI\\_Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov); [Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)

Subject: Unreasonable Comment Time Period for PUDs, request for extension for public comment and record (City Council meeting, Planning Commission and CDS)

> External Email

> To Whom it may concern;

We the people of Blaine, Washington are sick of the management of the City of Blaine disregarding the civil rights of its citizens and steam rolling projects for developers at the expense of water supplies and infrastructure. There is no time to full assess the massive damage all of these projects are going to do to the environment much less the water supplies. We demand that the agencies in charge of all of this, step in and advocate for the civil rights of our citizens, including Birch Bay who gets 20% of their water from Blaine.

Sincerely,

Bill Becht

Subject: Unreasonable Comment Time Period for PUDs, request for extension for public comment and record (City Council meeting, Planning Commission and CDS)

Dear City of Blaine Community Development Services,

After reviewing the details provided about the Creekside and Avista development applications, it appears the City of Blaine is not providing adequate time for public review and comment as required under Washington state law.

The compressed 14-day comment periods on thousands of pages of highly technical documents for projects with major community impacts violate the spirit and letter of state statutes meant to ensure meaningful public participation in land use decisions.

We request you extend the public comment record period by 15 more days for both Creekside and Avista given the size, magnitude of community impact, CARA, and analysis that is required to review these projects. We have found mistakes in previous applications, and erroneous assumptions with very significant implications for the city and its residents. This is why it is necessary to have sufficient time to review developer paid for and submitted documents that require careful review and fact-checking by the city residents.

In less than a month, the City of Blaine has asked the public to review and comment on over 3,500 pages of very detailed technical documents with profound implications for residents.

Inline image

We do this without the asymmetrical resources of the developer or CDS. CDS has the benefit of ex parte communications and a review period from 2 months to over 9 months to prepare documents for Hearing Examiner public hearings and decisions without meaningful edits from citizens or state regulatory agencies. This is unreasonable and appears to violate RCW laws (see below).

We request you extend Avista and Creekside Comment Periods by 10 more calendar days. This allow us to submit comments for the record which are permissible under appeal or other legal mechanisms.

If the City of Blaine cannot permit such allowed time in a written response to this official notice or change its website notification for PUD application comment close dates by 1 pm PDT, 6.5.2024, we will immediately contact and refer this notice to appropriate state and county officials for review. We appreciate your consideration of this request. Potential City of Blaine violations are noted below given this notification process.

Thank you

Otto Pointer, et al

Blaine Water Coalition

City of Blaine Planning Department Public Notification Violations Specifically, the City's actions appear to violate the following provisions of the Revised Code of Washington (RCW) and Blaine Municipal Code (BMC):

RCW 36.70B.110 - Notice of application - Required elements. Requires a minimum 14-day public comment period, but also states the local government must provide "reasonable notice" and the comment period must be "not less than" 14 days, implying it can and should be longer for complex projects.

RCW 43.21C.030 - Guidelines for state agencies, and local governments - Certain purposes. Requires the city to support public involvement in decisions that significantly affect environmental quality.

RCW 43.21C.080 - Notice of action by a governmental agency - How publicized - Time limitation for commencing challenge to action. Requires agencies to make environmental documents like EIS's "available to public officials and interested persons" and allow "public input and comment."

BMC 17.06.100 - Public notice. Requires a minimum 14-day comment period for Type II applications, but the director has discretion to extend this "as otherwise provided in Section 7.6.2 of the city of Blaine shoreline program."

BMC 17.81.070 - Review criteria for all development. Requires the city to demonstrate that a project will "not result in unmitigated adverse impacts to the shoreline environment or other uses."

By providing the bare minimum 14-day comment period on massive, complex development applications, the City is effectively denying citizens their right to meaningfully review and provide input on decisions that will have major long-term impacts on the community and environment. This short comment window places an undue burden on residents and prevents the careful analysis needed, especially for developments in critical areas and the CARA.