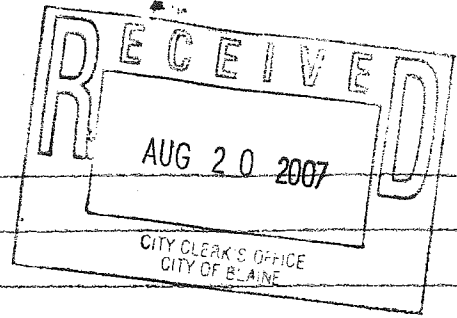


City Council
Public Hearing
Regarding Proposed Ordinance #07-
2663 – Code Amendments to Adjust
Hearing Examiner/Planning Commission
Responsibilities

Public Testimony

Submitted late
did not distribute.



Dear Sheri

Please know that I oppose replacing
the planning commission with the
hearing examiners. I like the idea of
having the people on the planning commission
working for us.

Thank you

Lynn Lamb (living here for 40 years)

1333 Blaine Ave.

Blaine WA 98230

360-332-6932

To: Blaine City Council
From: Jerry and Carole Peterson
1061 Peace Portal Drive
Subject: Hearing Examiner

I am opposed to installing a Hearing Examiner for the following reasons:

1. Expense - The budget is already stretched to the limit and adding a paid Examiner is not only foolish but counter productive. You indicated that part of the expense would be passed on to the applicant, and the applicants are already complaining of the cost, so how many applicants will this added fee discourage? We need to find a way to encourage businesses and residents to move in, not make it more expensive for them and us.
2. Power - I feel this puts too much power in the hands on one individual, what with the application approval and the appeals being handled by that one individual. This sets the stage for, however remote the possibility, favoritism, cronyism. Worst case is opens the opportunity for dishonesty with only an expensive Whatcom County Superior Court battle as recourse.
3. Complexity and Responsibility - We already have too many layers between the decision makers and the public that have to live with those decisions. This just add one more layer and makes shifting responsibility even easier. We already have a City Council and a Planning Commission. If some of them are not doing the job then remove them and replace them with others who will do it.

There may be times when an "expert" needs to be called in, but those should be few and far between and handled on an as needed basis. Meanwhile, maybe we need to establish better criteria for qualifications of candidates for City Council and Planning Commission members.

Sincerely,

Jerry and Carole Peterson

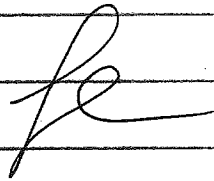
From Mr + Mrs Charrier
356 Cedar St
Blaine WA 98230

8/9/07

We are not in favor of a
Hearing Examiner/

We want to retain control of
some of our rights as to the
planning of the city

Thank You

A stylized handwritten signature, possibly reading 'R', written in dark ink.

Karen Calvert

From: Sheri Sanchez
Sent: Monday, October 08, 2007 8:17 AM
To: Thomas Black; Terry Galvin; Karen Calvert; Terry Galvin; City Council
Subject: FW: Planning Commission

Sheri Sanchez, CMC
City Clerk
City of Blaine, 344 H Street, Blaine, WA 98230
Tel: 360-332-8311, Fax: 360-332-8330
ssanchez@cityofblaine.com

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From: Steve Sanders [<mailto:steve.sanders@comcast.net>]
Sent: Sunday, October 07, 2007 9:24 AM
To: Sheri Sanchez
Subject: Planning Commission

Sheri,

On behalf of my Wife Julie and I, we again want to go on file as being opposed to replacing the Planning Commission with a Hearing Examiner. Neither of us will be able to attend Monday evenings meeting, but we would like our opinion voiced.

Thanks so much for passing this email along to the Blaine City Council.

Steve & Julie Sanders
1013 4th Street
PO Box 53
Blaine, WA
360-332-5577

10/8/2007

Karen Calvert

From: Sheri Sanchez
Sent: Monday, October 08, 2007 8:26 AM
To: Thomas Black; Terry Galvin; Karen Calvert; Planning Commission; City Council
Subject: FW: (no subject)

Sheri Sanchez, CMC
City Clerk
City of Blaine, 344 H Street, Blaine, WA 98230
Tel: 360-332-8311, Fax: 360-332-8330
ssanchez@cityofblaine.com

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From: LAMUNDSON1@aol.com [mailto:LAMUNDSON1@aol.com]
Sent: Sunday, October 07, 2007 1:30 PM
To: Sheri Sanchez
Subject: (no subject)

TO BLAINE CITY COUNCIL

I am very strongly against the City Council giving one person the authority suggested in your proposal for a "Hearing Examiner". And also against paying the large salary, etc. that it would entail. (Are we so wealthy in the City?). No? Again we would be asking builders and developers, regardless of size, to pay more fees and then not have any recourse without going through the courts, which are already overloaded. More cost to the builders.

Is there any question why people are not building and remodeling and improving our downtown? We have already driven out some of them.

Laura Amundson
1517 Bayview Avenue
Blaine, Wa.

See what's new at AOL.com and [Make AOL Your Homepage](#).

10/8/2007

Karen Calvert

From: Sheri Sanchez
Sent: Monday, October 08, 2007 8:27 AM
To: Thomas Black; Terry Galvin; Planning Commission; City Council; Karen Calvert
Subject: FW: Reassign Type II-PC Land Use Decisions from the Planning Commission to the Hearing Examiner

Sheri Sanchez, CMC
City Clerk
City of Blaine, 344 H Street, Blaine, WA 98230
Tel: 360-332-8311, Fax: 360-332-8330
ssanchez@cityofblaine.com

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From: Jeanette Davidson [<mailto:jhdwashington@gmail.com>]
Sent: Sunday, October 07, 2007 2:25 PM
To: Sheri Sanchez; Sheri Sanchez
Subject: Reassign Type II-PC Land Use Decisions from the Planning Commission to the Hearing Examiner

At this time we do not support the proposal to reassign planning reviews of of Type II-PC from the Planing Commission to a hearing examiner. A town this size does not need a HE, paid or not paid. Furthermore the planning commission has been doing an excellent job. Seven heads are better than one, especially when the seven heads have a vested interest in their community.

Eric and Jeanette Davidson
Residents of 590 G Street, Blaine and owners of two other Blaine/Birch Bay properties

10/8/2007

Karen Calvert

From: Sheri Sanchez
Sent: Monday, October 08, 2007 8:30 AM
To: Terry Galvin; Thomas Black; Karen Calvert; Planning Commission; City Council
Subject: FW: council

Sheri Sanchez, CMC
City Clerk
City of Blaine, 344 H Street, Blaine, WA 98230
Tel: 360-332-8311, Fax: 360-332-8330
ssanchez@cityofblaine.com

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From: Norma Smith [mailto:norma2001@comcast.net]
Sent: Sunday, October 07, 2007 4:37 PM
To: Sheri Sanchez
Subject: council

sheri, i would like to voice my opinion about the planning commission as i can't attend the meeting on monday night. i feel that replacing the planning commission with a single hearing examiner would not be a good move at this time. much too much power for one person, better to have a few heads to make a better decision.

thank you and hope the council will listen to all suggestions.

norma smith, ward three.

10/8/2007

Karen Calvert

From: Sheri Sanchez
Sent: Monday, October 08, 2007 8:33 AM
To: Terry Galvin; Thomas Black; Planning Commission; Karen Calvert; City Council
Subject: FW: replace the city's 7-person, volunteer Planning Commission with a single, paid Hearing Examiner

Sheri Sanchez, CMC
City Clerk
City of Blaine, 344 H Street, Blaine, WA 98230
Tel: 360-332-8311, Fax: 360-332-8330
ssanchez@cityofblaine.com

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From: sdougan@comcast.net [mailto:sdougan@comcast.net]
Sent: Monday, October 08, 2007 7:06 AM
To: Sheri Sanchez
Subject: replace the city's 7-person, volunteer Planning Commission with a single, paid Hearing Examiner

Blaine City Council

As residents of Blaine, we are against the City of Blaine replacing the 7 person volunteer planning committee. We have seen them firsthand and believe that this is the best system to ensure a neutral view. They are residents of Blaine that care about our city and volunteer to do so. They all have different views and insight as to the decisions they make. They carefully examine the information and discuss the plans that are brought before them. A hearing examiner will not have the heart of the community when making decisions. We will be unable to attend the meeting tonight but definitely want council to know that we are against this issue.

John & Suzanne Dougan
8831 Bald Eagle Drive
Blaine, WA 98230

10/8/2007

Karen Calvert

From: Sheri Sanchez
Sent: Monday, October 08, 2007 8:32 AM
To: Terry Galvin; Thomas Black; Karen Calvert; Planning Commission; City Council
Subject: FW: Planning Commission

Sheri Sanchez, CMC
City Clerk
City of Blaine, 344 H Street, Blaine, WA 98230
Tel: 360-332-8311, Fax: 360-332-8330
ssanchez@cityofblaine.com

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-----Original Message-----

From: Eric Davidson [mailto:ericjdavidson@yahoo.com]
Sent: Monday, October 08, 2007 12:11 AM
To: Terry Galvin; Sheri Sanchez
Subject: Planning Commission

Sherri,

I wanted to express my displeasure with the thought that the City Council may reduce or eliminate the structure and input that Blaine Planning Commission currently has. I feel that taking the input out of the hands of the people and increasing the bureaucracy is not only unfair to the people of this town but is a stepping stone to big, wasteful government. The need for the Planning Commission input on items big and small are greater now due to the ever changing environment in our community. To essentially strip a council that has done a fair and honest job of input is irresponsible of the City Council. I urge members of the City Council to vote against implementing a Hearing Examiner and decrease the Planning Commission input.

Thanks you,

Eric Davidson

Moody friends. Drama queens. Your life? Nope! - their life, your story.
Play Sims Stories at Yahoo! Games. <http://sims.yahoo.com/>

Karen Calvert

From: Sheri Sanchez
Sent: Monday, October 08, 2007 11:02 AM
To: Terry Galvin; Thomas Black; Karen Calvert; Planning Commission; City Council
Subject: FW: PlanningComm. vs. HearingExaminer debate

Sheri Sanchez, CMC
City Clerk
City of Blaine, 344 H Street, Blaine, WA 98230
Tel: 360-332-8311, Fax: 360-332-8330
ssanchez@cityofblaine.com

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From: Ted Angell [<mailto:tedelisangell@hotmail.com>]
Sent: Monday, October 08, 2007 10:59 AM
To: Sheri Sanchez
Subject: PlanningComm. vs. HearingExaminer debate

Dear Ms. Sanchez:

We have lived at 2100 H Street for 29 years and previously on 4th Street for 3 years. Ted has been on the planning commission and city council late '70 and early '80.

The 7-member Planning Commission has worked very well for all these years with unselfish hours of devotion to making hard decision with the already existing full time employees of our city as staff supplying data and guidance. Early evening meetings are nice for most citizens who work.

It seems to us that a PAID DECISION MAKER, will add an untouchable public layer of legalize whereby proponents will be forced to hire their own attorney to make their request or proposal known even in a minor variance situation. We can sense a costly expense NOT JUSTIFIED in our small city. OR ONE that will be any more efficient.

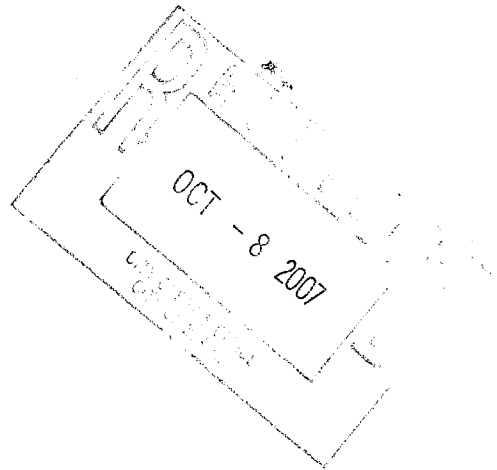
Respectively submitted: Ted and Elisabeth Angell
2100 H Street, Blaine, 360-332-8351

Help yourself to FREE treats served up daily at the Messenger Café. Stop by today!

10/8/2007

Jerry Tom

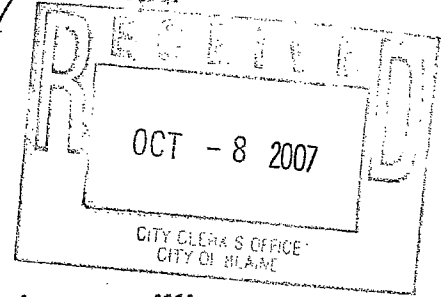
Blaine needs to keep the Planning Commission. Not another paid official most likely not from this area. Blaine needs to go back to the elected mayor who would be for the people of Blaine not the City Manager who likes to spend alot of money on design and things that really doesn't help the city as far as I can see. His salary and the money spent on designs and all could go towards the sewer system. Don't keep annexing areas so they is always a need to expand or build new. If so make the annexed area pay not the taxpayers who have been here for years. We need some one who will listen to what the people say when they vote and not have to vote 3 times to let the council understand what no means. Also the city needs to get is boundarys set. Ward 1 has the best council member and after several years he is not in the area of Ward 1. Seems someone wants to keep the Airport for so few. Audrey Schwartz



Jerry Tom

Blaine City Council

Oct. 8, 2007



RE: Hearing Examiner Code Amendments

I find it extremely disconcerting that the elected officials of Blaine are willing to insulate themselves from the responsibilities they were elected to fulfill. If they adopt the proposed code amendments for the expanded role of a Hearing Examiner that is what will occur. In the process, the Public is being asked to give up their one sounding board, the PC, for the apparent sake of efficiency. It isn't even a monetary efficiency since the cost is projected to be greater with a HE. The argument that the PC does not have the legal training to carry-out the duties they have been doing for any number of years raises a question. Is it the responsibility of the PC to interpret the law? Is it not the responsibility of Staff to provide a report that is legal, based on the BMC? If the problem is the legality of the BMC then this is what needs changing. Having attended a number of PC hearings it is obvious to me that an inordinate number of decisions are made by the administrator, ie., Planning Director. These decisions, one has to assume ^{are} based on the BMC. The administrator's Staff Report is the basis of discussion and subsequently the basis for decisions made by the PC. It is somewhat ironic that a number of the proposed "code scrubs" are the result of public input at Public Hearings conducted by the PC. If a HE replaces the PC's present role, I fear these discussions will not occur and public input will be greatly diminished.

Attachment B Land Use Decision Making Authority outlines in flow sheet form how applications for each of the four types of land use decisions are processed. It is only in **Type II-CC** land use decisions that the general public has an opportunity at a Public forum to speak directly to their elected officials regarding land use issues. Even this forum is a closed record hearing--meaning the record has already been established at a previous public hearing held by a HE. Thus any opportunity for the public to provide input is limited to public hearings conducted by a HE. If anyone wants to appeal the HE's or the CC's decision they must appeal to Superior Court. There is something innately wrong with this process based on our form of government.

Blaine is a mix of areas that are presently being and/or proposed to be developed and the old Central area of town which is an area that is mostly developed. Large developments obviously have different requirements than a development in an established neighborhood. They also have different impacts on the surrounding

neighbors. Because the City slate cannot be wiped clean and a new design put in place then what develops must to the extent possible "fit". To accomplish this there must be a means for those affected to have input. To present your "case" to a HE will eliminate, in my opinion, a large number of affected individuals from providing input. Many will be intimidated by a "member of the judicial system" and the lack of confidence in their ability to present their "case". This is especially troublesome if the affected individual's only appeal is to Superior Court. This can be costly not only monetarily but emotionally and for probably most folks not something they will undertake.

It would be informative if Staff could provide the numbers of appeals made over the past five years. Of these appeals what number were appeals of decisions made by

1. Administration/Staff
2. Planning Commission
3. City Council

Failure to take these facts into account could provide a false picture of what is going on.

My observation has been that the PC has done a tremendous job with what they have been asked to work on. I would hate to think that for no fault of their own the PC is being identified as the site for the backup of development projects. If careful consideration and weighing of information, by the PC, makes for reasonable and fair decisions, it is going to take time. If this deliberation is not important then issue a rubber stamp to Staff and to a HE so we can all save time and effort. I would hope this is not what the Public, Staff and the City Council believes needs to take place.

If the Council decides to endorse the proposed amendments there are two items, I believe, must be included as a part of these amendments:

1. The developer of a proposed project must hold a public meeting with those affected by the project **prior** to approval of the project by Staff.
2. The CC must establish and make available to the public the **rules** by which the HE will conduct Public Hearings. Until such time^{as} these rules are in place the PC should continue to hold Public Hearings on land use issues.

There is a potential for a majority of the Council to consist of newly elected members. It would seem appropriate that the new Council should make the

decision regarding the role of a HE since they will be responsible for its application. Thus, I would suggest the present City Council not make a decision on this matter but allow the members of the new Council to make that decision.

Thank you.

Dennis M. Olason

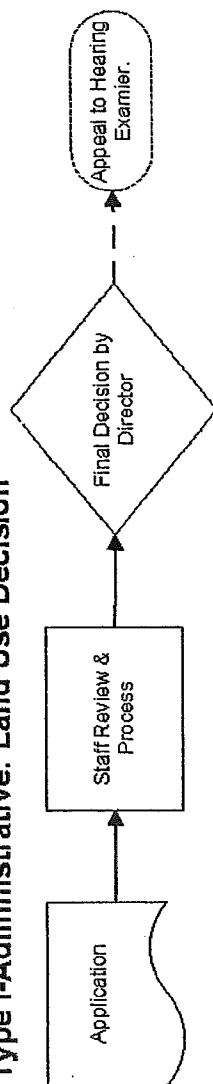
Dennis M. Olason

860 Georgia St.

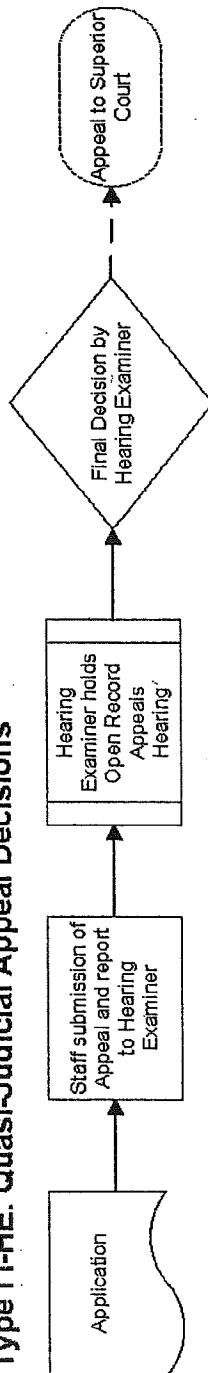
Attachment: B

Land Use Decision Making Authority

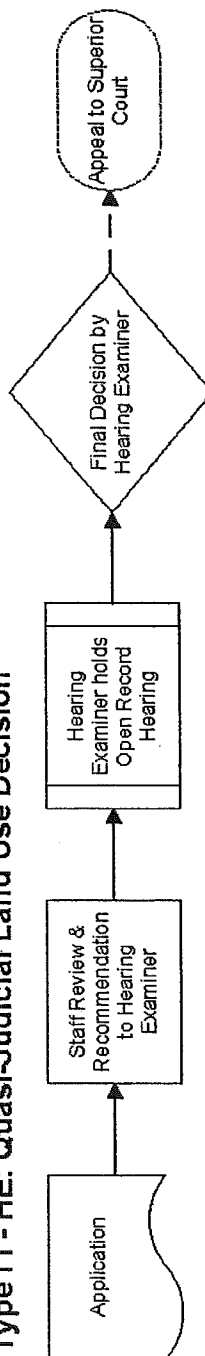
Type I-Administrative: Land Use Decision



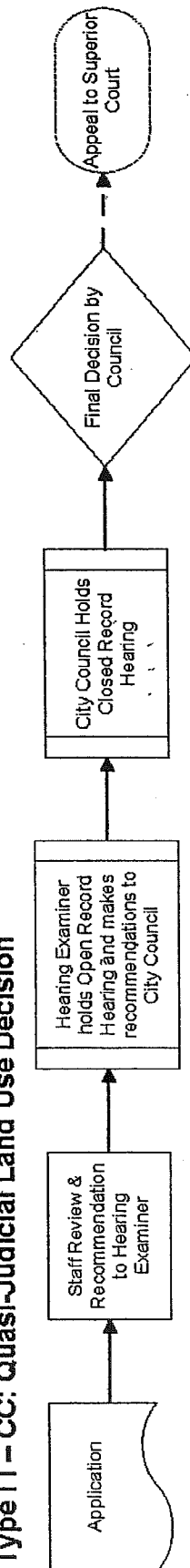
Type I I-HE: Quasi-Judicial Appeal Decisions



Type I I - HE: Quasi-Judicial Land Use Decision



Type I I - CC: Quasi-Judicial Land Use Decision



Terry Galvin

From: Sheri Sanchez
Sent: Monday, October 08, 2007 3:26 PM
To: Thomas Black; Terry Galvin; Planning Commission; City Council
Subject: FW: Proposed Hearing Examiner

Sheri Sanchez, CMC
City Clerk
City of Blaine, 344 H Street, Blaine, WA 98230
Tel: 360-332-8311, Fax: 360-332-8330
ssanchez@cityofblaine.com

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-----Original Message-----

From: mjohnson550@juno.com [mailto:mjohnson550@juno.com]
Sent: Monday, October 08, 2007 2:44 PM
To: Sheri Sanchez
Subject: Proposed Hearing Examiner

Ms. Sanchez;

I am firmly opposed to placing any land use decisions or appeals under the jurisdiction of a Hearing Examiner. To place this much authority into the hands of a single person invites extreme pressure and the real possibility of special interests influencing decisions. Land use decisions of any magnitude will affect Blaine citizens for generations to come. We need a balanced, considered debate within the Planning Commission to achieve long-term goals in the best interest of all our citizens. If the Planning Commission feels overwhelmed, offer a competitive salary for this public service.

Sincerely,

Mary Johnson
948 Harrison Ave
P.O. Box 4943
Blaine, WA 98231

Terry Galvin

From: Sheri Sanchez
Sent: Monday, October 08, 2007 4:25 PM
To: Terry Galvin; Thomas Black; Karen Calvert; Planning Commission; City Council
Subject: FW: city council meeting 10/8/07

Sheri Sanchez, CMC
City Clerk
City of Blaine, 344 H Street, Blaine, WA 98230
Tel: 360-332-8311, Fax: 360-332-8330
ssanchez@cityofblaine.com

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From: Evelyne Charrier [<mailto:evelynec-611@hotmail.com>]
Sent: Monday, October 08, 2007 4:18 PM
To: Sheri Sanchez
Cc: Capson, Kathleen
Subject: city council meeting 10/8/07

Hi Sheri. I am sending this email to you as indicated from a flyer from our neighborhood association.
I am not too sure we can make it tonight and we wanted to have our voice heard.

Please to advised that we do not agree with bringing an Hearing Examiner to replace the existing Planning commission.

I would also point out that we are not pleased with the management of the city. Too many bad decisions are made and we do not want to have extra taxes to pay as a result.
Thank You

Didier & Evelyne Charrier
356 Cedar St
Blaine WA 98230.
332-0930



Never let go of your dreams!

Evelyne Charrier Evelynec-611@hotmail.com

Windows Live Hotmail and Microsoft Office Outlook – together at last. [Get it now!](#)

10/8/2007