



# CITY OF BLAINE

COMMUNITY DEVELOPMENT SERVICES DEPARTMENT

435 MARTIN STREET, STE. 3000 • BLAINE, WA • 98230

PHONE: (360) 332-8311 • FAX: (360) 543-9978 • WEBSITE: [www.cityofblaine.com](http://www.cityofblaine.com)

## NOTICE OF DECISION

### MARINE PARK SHORELINE RESTORATION (PHASE 2) SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT: PERMIT #2021060

PURSUANT TO SECTION 17.81.030.A OF THE BLAINE MUNICIPAL CODE, ACTION HAS BEEN TAKEN BY THE PLANNING COMMISSION FOR THE FOLLOWING PERMITS:

<b>PROPOSAL NAME:</b>	Marine Park Shoreline Restoration (Phase 2)
<b>APPLICANT:</b>	City of Blaine, c/o Alex Wenger
<b>FILE NO.:</b>	Permit #2021060
<b>SITE LOCATION:</b>	Marine Park, located in the 300 block of Marine Drive, Blaine, WA
<b>PROPOSAL:</b>	Shoreline Substantial Development Permit to remove concrete debris and restore approximately 1,000 lineal feet of shoreline in Marine Park. The proposed improvements would include the construction of four headlands to supply beach sediment to four pocket beaches within the Project Area.
<b>REVIEW PROCESS:</b>	Quasi-Judicial, Type II-PC decision
<b>PUBLIC HEARING BODY:</b>	City of Blaine Planning Commission
<b>DECISIONS:</b>	The Planning Commission approves the Shoreline Substantial Development Permit based on findings of fact and subject to the recommended conditions of approval contained herein.
<b>ENVIRONMENTAL STATUS:</b>	The project has received a Determination of Non-Significance issued under WAC 197-11-340 (2), issued on December 19, 2018 under Permit 2018101. The lead agency has determined that this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed

environmental checklist and other information on file with the lead agency.

**NOTE:** The materials that constitute the official record are on file with the Community Development Services Department and may be reviewed upon request.

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### **FINDINGS OF FACT**

1. The Shoreline Substantial Development Permit was properly filed, noticed, and processed in accordance with the requirements of the Blaine Municipal Code.
2. A Determination of Non-Significance has been issued under WAC 197-11-340 (2), and was properly noticed. One comment and no appeals were received.
3. After the issuance of the staff report and prior to the public hearing, the City received two additional public comments (Exhibits II.A and II.B). No substantive issues were raised in these comments.
4. The Planning Commission held a public hearing on August 26, 2021 to accept public testimony and then considered the entire application record (Exhibits I and II) before making a final decision.
5. The Findings of Facts set forth in the Community Development Services Advisory Report (Exhibit I) are supported by the record, and are adopted by reference herein.

### **CONCLUSIONS OF LAW**

1. The Commission concluded that the application is being processed in accordance with the procedural requirements for Type II-PC applications established in Chapter 17.81 and 17.06 of the BMC, including proper noticing of the application and public hearing.
2. The Commission concluded that the application met the noticing requirements for Type II applications established in BMC Chapter 17.81 and 17.06 and provided opportunity for public review and comment.
3. The Commission concluded that the application met the SEPA standards of Chapter 17.80 BMC and Chapter 197-11 WAC.
4. The Commission concluded that the proposal, as conditioned, is consistent with the criteria for a Shoreline Substantial Development Permit pursuant to BMC 17.81.040.
5. The Commission concluded that the proposal, as conditioned, is consistent with the purpose statement and permitted uses as defined in the Public Zoning District.

6. The Commission concluded that the proposal, as conditioned, is consistent with the requirements for Flood Hazards as contained in Chapter 17.86 BMC.

### **CONDITIONS OF APPROVAL**

The Planning Commission approves the Shoreline Substantial Development Permit for the City of Blaine, subject to the following six conditions:

1. Construction pursuant to a substantial development shall not begin and is not authorized until 21 days from the date of filing, or until all review proceedings initiated within the 21 days from the date of such filing have terminated.
2. Work must be accomplished per plans and specifications submitted with the application (Attachment B), except as modified by this Shoreline Substantial development Permit or by other required state and federal permit authorizations (e.g., Washington State Department of Fish and Wildlife Hydraulic Project Approval, Washington State Department of Ecology Section 401 Water Quality Certification, United States Department of the Army Section 10, etc.).
3. The applicant is responsible for complying with any other federal, state or local statutes, ordinances, or regulations applicable to this project and obtaining other necessary permits or approvals. The applicant shall provide a copy of state and federal required authorizations to the City of Blaine prior to conducting work on site.
4. Prior to the start of work, the applicant shall:
  - a. Submit a land disturbance permit for review and approval.
  - b. Submit final landscape plans for review and approval by the Shoreline Administrator. Revegetation as depicted on Sections A - C of Attachment B.2 shall be substantially consistent with the Landscape Plan designed for Lighthouse Park (Exhibit I, Attachment I), or an alternative acceptable to the Shoreline Administrator, based on an evaluation of the plans with the Development Guidelines for Planning Area 5 contained within the Wharf District Master Plan.
  - c. Obtain a Flood Area Development Permit and demonstrate compliance with the applicable provisions of Chapter 17.86 BMC.
  - d. Submit final construction plans prepared by a licensed professional engineer.
5. The following Inadvertent Discovery Plan (IDP) shall be maintained on-site and followed should archaeological resources or human remains be encountered:

**Inadvertent Discovery of Archaeological Resources:**

Should archaeological resources (e.g. shell midden, animal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Stephanie Jolivette, Local Government Archaeologist 360-628-2755) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-961-7752; Tamela Smart, Deputy THPO 360-927-2944) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.

**Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCWs 68.50.645, 27.44.055, and 68.60.055)**

"If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains" (DAHP).

**EXHIBITS**

- I. Staff Report
- II. Public Comments After Staff Report was issued
  - a. Correspondence from Sonia Hurt
  - b. Correspondence from Tamela S. Smart, M.A., Deputy THPO/Compliance Officer, Culture Department, Lummi Nation

**APPEALS**

**Appeal to Shoreline Hearings Board:**


Pursuant to BMC 17.81.080, any person aggrieved by the granting, denying or rescinding by the city of Blaine of a shoreline substantial development permit may appeal the action of the city to the State Shoreline Hearings Board by filing a request for review within 21 days of the date of filing of the permit. The date of filing is defined in RCW 90.58.140(6). The procedure for filing a request for review is set forth in RCW 90.58.180.

**PLANNING COMMISSION ACTION:**

Shoreline Substantial Development Permit: Vote on motion to approve the Shoreline Substantial Development Permit with the findings, conclusions and conditions of approval contained in the staff report (Exhibit 1) under Permit 2021060.

<b>Commission Vote</b>	<b>Support</b>	<b>Oppose</b>	<b>Absent</b>	<b>Abstain</b>
Calvin Armerding, Chair	✓			
Kevin Owen, Vice Chair	✓			
Steve Hruitford	✓			
Jerry Marczynski	✓			
Jessica H. Stone, PhD	✓			
James Bring	✓			
Jennifer Plombon	✓			
<hr/> Total	7	0	0	0

CITY OF BLAINE PLANNING COMMISSION



Calvin Armerding, Chair

9/7/2021  
**Date**

Stacy Clauson, Secretary

9/7/2021  
**Date**