

City of Blaine
Request for Council Action (RFCA)
Meeting Date: September 13, 2021

Subject: A Resolution Reaffirming the City Council’s Acceptance of the Proposed H Street Annexation

Department: CDS

Prepared By: _____
(Digital Signature)

Agenda Location: Consent Agenda Council Action Unfinished Business

Attachments:

1. Draft Resolution Number 1859-21
 - a. Attachments A through G

Background/Summary:

On February 22, 2021, the City Council approved Resolutions 1844-21 and 1846-21, authorizing the City to proceed with the annexation process of two parcels located in the Blaine Urban Growth Area (UGA).¹ On May 10, 2021, the City Council held a public hearing to accept public testimony on the proposed annexation petition. Subsequent to the hearing, the City Council made a motion authorizing the City to forward the annexation petition to the Whatcom County Boundary Review Board (“the Board”) for verification.² On August 23, 2021, the City Council approved Resolution 1858-21 and authorized the City to request a remand of the scheduled Boundary Review Board hearings. On August 25, 2021, the Boundary Review Board canceled the scheduled hearings.

The attached draft Resolution (**Attachment 1**) reaffirms the City Council’s acceptance of the annexation petition for continued review and circulation pursuant to RCW 35A.14.120.

Budget Implications: Current Budget New Budget Request Non-Budgetary

No budget impact is anticipated because of this Action.

Recommendation:

Community Development Services respectfully requests that the City Council consider approving Resolution Number 1859-21, and reaffirm the City Council’s acceptance of the proposed H Street Road annexation, reaffirm its determination consistent with RCW 35A.14.120, and approve the proposed annexation for circulation of the petition for annexation.

Reviewed By:

City Manager _____ Finance Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)

¹ 4455 H Street Road and 2221 Cedarwood Lane, Blaine, WA 98230

² The Boundary Review Board is the body that reviews boundary change (such as annexations):
<https://www.nwrcwa.org/nwrc-governing-board/boundary-review-board/>

RESOLUTION NO. 1859-21

A RESOLUTION REAFFIRMING THE CITY COUNCIL'S ACCEPTANCE OF THE PROPOSED H STREET ANNEXATION, REAFFIRMING ITS DETERMINATIONS CONSISTENT WITH RCW 35A.14.120, AND APPROVING THE PROPOSED ANNEXATION FOR CIRCULATION OF THE PETITION FOR ANNEXATION

WHEREAS, the Revised Code of Washington (RCW), Chapter 35A.14, regulates annexations for code cities in Washington State;

WHEREAS, Sections (E) and (F) of the Whatcom County Wide Planning Policies (CWPPs) locally address State annexation requirements;

WHEREAS, the Land Use Element of the 2016 Blaine Comprehensive Plan implements the State (RCW) and County statutes (CWPPs) for evaluating the procedural, factual, and legal compliance of annexation requests;

WHEREAS, the Interlocal Agreement between the City of Blaine and Whatcom County identified by Contract Number 201205038 serves as an addendum to the procedural elements of State and local regulations concerning annexations;

WHEREAS, the owner of property located at 1455 H Street Road (APN 400105058534) submitted a Notice of Intention for annexation of such property to the City of Blaine, such Notice of Intention being complete as of January 25, 2021;

WHEREAS, on January 25, 2021, the City Council held a work session to consider the proposed annexation under RCW 35A.14.120;

WHEREAS, the property located at 1455 H Street Road, the only parcel proposed for annexation prior to the proposed area being geographically modified under Resolution No. 1844-21, represents over 10% of the assessed valuation of the area proposed for annexation to the City of Blaine;

WHEREAS, on June 10, 2002, an outside utilities agreement was executed (and recorded with the County Auditor on June 20, 2002) between the City and the owner of property located at 4469 H Street, Blaine, WA (APN 400105043532) granting such property the right to receive utility services on the condition that the owner support annexation of such property into the City of Blaine and granting the City the limited power of attorney (Limited Power of Attorney) for purposes of providing notice of intent and petitioning for annexation to the City of Blaine (**Attachment A**);

WHEREAS, on February 22, 2021, the Blaine City Council held a meeting under RCW 35A.14.120 and passed Resolution No. 1844-21, which geographically modified the proposed annexation to include the parcel identified as APN 400105043532 and accepted the proposed annexation for further review, and at that same meeting passed Resolution No. 1846-21, which authorized the City Manager to act under the Limited Power of Attorney as to the parcel identified as APN 400105043532 (**Attachment B**);

WHEREAS, the proposed annexation area, which includes parcels identified as APN 400105058534 and 400105043532, is described in the attached map and the abbreviated legal description as set forth in the Whatcom County Assessor's Office records (**Attachment C**);

WHEREAS, the proposed annexation area is within the City of Blaine's Urban Growth Area;

WHEREAS, per the Interlocal Agreement between the City of Blaine and Whatcom County, the proposed annexation area will include the entire right-of-way of roads adjacent to the annexation boundary, if applicable;

WHEREAS, on May 10, 2021, the Blaine City Council held a public hearing on the annexation, consistent with RCW 35A.14.130, and following the hearing, passed a motion to approve the annexation;

WHEREAS, on May 24, 2021, notice of the proposed annexation was provided to the Whatcom County Review Board ("Board"), and on July 20, 2021, the Board received a formal request for review and subsequently scheduled a preliminary/procedural hearing for September 1, 2021; and a substantive hearing for September 8, 2021 (**Attachment D**);

WHEREAS, on August 9, 2021, the Blaine City Council passed a motion directing staff, in consultation with legal counsel for the City, to prepare a resolution seeking a remand of the H Street Annexation in order to correct procedural irregularities, including the lack of a completed petition and Certificate of Sufficiency;

WHEREAS, on August 16, 2021, the City provided a letter to the Board requesting that the scheduled procedural and substantive hearings be stricken in order to complete the annexation petition and obtain the Certificate of Sufficiency under RCW 35A.01.040 (**Attachment E**);

WHEREAS, on August 17, 2021, the legal counsel for the party who initiated the annexation process, the Trustee for the Living Trust of Irma P. Rooney, provided a letter to the Board concurring with the City's August 16, 2021, letter and request to the Board (**Attachment F**);

WHEREAS, August 23, 2021, the Blaine City Council passed Resolution No. 1858-21 to seek the remand from the Board to complete the procedural requirements for the proposed annexation, which was followed by the City's withdrawal of the Notice of Intention to the Board to allow for the completion of procedural steps and the Board's cancellation of hearing dates;

WHEREAS, on August 25, 2021, the City received email communication from the Board canceling the pending Board hearing dates (**Attachment G**); and

WHEREAS, the City intends to complete the procedural requirements for the annexation as required by law.

NOW, THEREFORE, THE BLAINE CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: The City reaffirms its acceptance of the properties identified as APN 400105058534 and 400105043532 (“Proposed Annexation Area”) as approved for continued review and circulation of a petition for annexation under RCW 35A.14.120.

SECTION 2: The City reaffirms its determination that the Proposed Annexation Area shall be required to assume its proportional share of the general indebtedness of the City of Blaine at the time of the effective date of the annexation.

SECTION 3: The City reaffirms its determination that the Proposed Annexation Area shall be designated in the City’s Comprehensive Plan as Residential Single Family (RED 4-6 dwellings units per acre) and on the City’s official Zoning Map as Residential Low Density (RL).

SECTION 4: The City reaffirms its authorization for the City Manager to act with and under the Limited Power of Attorney as provided by AFN 2020603045 (outside utilities agreement, Attachment A) for the purpose of signing a petition for annexation to the City of Blaine.

SECTION 5: City staff is hereby authorized to take the steps necessary and appropriate in the annexation process, under RCW 35A.01.040 and Chapter 35A.14 RCW, to proceed with the proposed annexation.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF BLAINE, WASHINGTON on the 13th day of September 2021, and approved by the Mayor on the same day.

CITY OF BLAINE COUNCIL

Bonnie Onyon, Mayor

ATTEST/AUTHENTICATE:

Samuel Crawford, City Clerk

ATTACHMENT A

ATTACHMENT 4



2020603045

Page: 1 of 5
6/20/2002 9:05 AM
AGR \$23.00
Whatcom County, WA

Request of: BLAINE CITY OF

RETURN DOCUMENT TO:

CITY OF BLAINE
344 H Street
Blaine, WA 98230

Use dark black ink and print legibly. Documents not legible will be rejected per RCW

DOCUMENT TITLE(S): OUTSIDE UTILITIES AGREEMENT
AUDITOR FILE NUMBER & VOL. & PG. NUMBERS OF DOCUMENT(S) BEING ASSIGNED OR RELEASED: Additional reference numbers can be found on page _____ of document.
GRANTOR(S): RAYMOND & CAROL PELLETTI Additional grantor(s) can be found on page _____ of document.
GRANTEE(S): City of Blaine Additional grantee(s) can be found on page _____ of document.
ABBREVIATED LEGAL DESCRIPTION: (Lot, block, plat name OR; qtr/qtr, section, township & range OR; unit, building and condo name). THE WEST 1/3 OF LOT 2, BLOCK 1 OF THE SUBDIVISION OF THE NW QTR OF SECTION 5, TWNSHP 40 N R1E OF WM.
ASSESSOR'S PARCEL NUMBER: 400105 043532 0000

RETURN DOCUMENT TO:

CITY CLERK
CITY OF BLAINE
344 H STREET
BLAINE, WA 98230

CITY OF BLAINE

OUTSIDE UTILITIES AGREEMENT

WHEREAS, the Blaine Municipal Code requires property outside the city boundaries to support annexation to the City of Blaine as a condition for receiving city utilities [BMC 13.04.191(B)]; and

WHEREAS, the City of Blaine has a primary obligation to its citizens to allocate limited service resources for adequate growth and development within the City; and

WHEREAS, service to the property with utilities for use at this time are temporary or do not meet the standards of the City; and

WHEREAS, the undersigned, as owner of a parcel outside the City of Blaine, has made application for city utilities;

NOW, THEREFORE, the undersigned owner (hereinafter "Owner") of property located at 4469 "H" STREET, Whatcom County, Washington, (hereinafter "Property"), legally described as the west 1/3 of Lot 2, Block 1 of the subdivision of the NW qtr of Section 5, Twnshp 40 N R1E of WM, Assessor's Tax Parcel #400105 043532 0000, and the City of Blaine (hereinafter "City"), in consideration of the mutual covenants set forth herein including the furnishing of utilities services by the City of Blaine, do hereby promise and agree as follows:

1. **Services provided.** City of Blaine shall provide utility services consistent with service areas defined by the City's comprehensive utility plans as amended, and terms and conditions of a current Letter of Availability from the Blaine Utilities Department.

2. **Rates and charges.** Owner shall pay when due all connection charges, assessments and rates established for city utilities services by city ordinance for the Owner's user class.

3. **Use.** Development of the property described above shall comply with the uses and development standards of the City of Blaine Comprehensive Land Use Plan adopted pursuant to RCW 35.13.177 and any adopted subdivision and street standards of the City of Blaine.

4. **Utility improvements.** Owner, by signing below grants to the City of Blaine a limited power of attorney to include this agreement as Owner's consent to participate in future capital improvement to the utility system providing service to the property and thereby waive his/her/their rights to protest except for the method of assessment.

5. **Annexation.** Owner, by signing below, grants to the City of Blaine a Limited Power of Attorney to include this Agreement as Owner's consent to the annexation of the Property as part of any Notice of Intent for Petition for Annexation presented to the City of Blaine.

The annexation petition supported by this Power may include proportional assumption of the city indebtedness by the area to be annexed. The petition shall require the concurrent adoption of land uses designated in any urban fringe comprehensive plan uses designated in any urban fringe comprehensive plan approved for the annexation area pursuant to RCW 35.13.177, or if none has been adopted, the land uses for annexed property as set forth in the Blaine Zoning Code as amended.

This Power of Attorney is nonrevocable.

6. **Enforcement.** Violation of this Agreement may result in the immediate termination of utilities services to the above-described property as well as other remedies provided by law.

7. **Covenants.** The undersigned further agree(s) that this Agreement and the promise made herein constitute a covenant running with the land and shall be binding upon the undersigned and his heirs, successors, and assigns, and that this Agreement shall be filed for record in the office of the Whatcom County Auditor. Owner agrees that any sale or transfer of the above-described property will be conditioned on execution and filing of a duplicate copy of this outside utility agreement by the purchaser or transferee.

2020603045
Page: 3 of 5
6/20/2002 9:05 AM
AGR \$23.00
Whatcom County, WA

Dated: 6-5-2002
6/5/2002

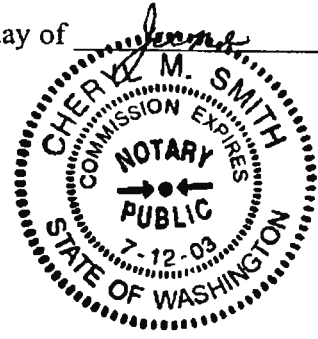
OWNER(S):
By: Raymond Pellett
By: Carol A. Pellett
P.O. Box 3894
BLAINE, WA 98230

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this day personally appeared before me RAYMOND & CAROL PELLETT,
to me known to be the individual(s) described in and who
executed the within and foregoing instrument, and acknowledged that he/she/they signed the
same as his/her/their free and voluntary act and deed, for the uses and purposes therein
mentioned.

GIVEN under my hand and official seal this 5 day of June,
~~199~~ 2002.

Cheryl M. Smith
Notary Public in and for the State of Washington residing
at: Blaine
My commission expires: 7-12-03



CITY OF BLAINE:

Dated: 6-10-02 By: Gary R. Tomsic
Gary R. Tomsic, City Manager

ATTEST:
Shirley Thorsteinson
Shirley Thorsteinson, City Clerk

APPROVED AS TO FORM:
Jonathan Sitkin
Jonathan Sitkin, City Attorney

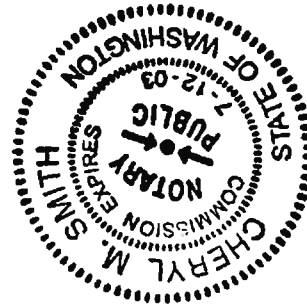
PUBLIC WORKS APPROVAL:
Grant L. Stewart
Grant L. Stewart, Public Works Director

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this day personally appeared before me, Gary R. Tomsic, City Manager, and Shirley Thorsteinson, City Clerk, of the City of Blaine, the municipal corporation described in and that executed instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument on behalf of said corporation.

Given under my hand and official seal this 19 day of June,
~~199~~ 2002.

Cheryl M. Smith
Notary Public in and for the State of Washington residing
at: Blaine
My Commission expires: 7-12-03



2020603045
Page: 5 of 5
6/20/2002 9:05 AM
AGR \$23.00
Whatcom County, WA

ATTACHMENT B

RESOLUTION NO. 1844-21

**A RESOLUTION TO ACCEPT AND GEOGRAPHICALLY MODIFY THE
ROONEY PETITION FOR ANNEXATION INTO THE CITY OF BLAINE
PURSUANT TO RCW 35A.14.130**

Whereas, the Revised Code of Washington (RCW) Chapters 35.13; 3510; and 35A.14 regulate annexations in Washington State;

Whereas, Sections (E) and (F) of the Whatcom County Wide Planning Policies (CWPPs) locally address State annexation requirements;

Whereas, the Land Use Element of the 2016 Blaine Comprehensive Plan implements the State (RCW) and County statutes (CWPPs) for evaluating the procedural, factual, and legal compliance of annexation requests;

Whereas, the Interlocal Agreement between the City of Blaine and Whatcom County identified by Contract Number 201205038 serves as an addendum to the procedural elements of State and local regulations concerning annexations (**Exhibit A**);

Whereas, on January 15, 2021, the City of Blaine received a complete application for annexation, including Notice of Intent and applicable fees, of the property identified by Assessor's Parcel Number (APN) 400105058534 ("the Rooney Petition"), located within the City's Urban Growth Area (**Exhibit B**);

Whereas, on January 25, 2021, a Study Session was held by the City Council to introduce the annexation request; evaluate the requests compliance with State and local regulations; including consistency with the 60% Percent Petition method of annexation described in RCW 35A.14.120 (**Exhibit C**);

Whereas, on February 22, 2021, the City Council held an Initiating Meeting with the Petitioner to accept and geographically modify the proposed annexation to 1) include the property identified by APN 400105043532 in the annexation; and 2) to recommend that both properties at the time of annexation in the City of Blaine be rezoned to the Residential Low (RL) zoning designation pursuant to Map LU-2 of the 2016 Blaine Comprehensive Plan; and

Whereas, the geographic modification will result in the annexation area being contiguous with the City's boundaries.

NOW, THEREFORE, THE BLAINE CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: Acceptance with Geographic Modification. The properties identified as APNs 400105058534 and 400105043532 are accepted for further review for annexation into the City of Blaine.

SECTION 2: Indebtedness. APNs 400105058534 and 400105043532 shall be required to assume their proportionate share of the general indebtedness of the City of Blaine at the time of the effective date of the annexation.

SECTION 3: Land Use and Zoning Designations. APNs 400105058534 and 400105043532 shall be designated in the City's Comprehensive Plan as Residential Single Family (RES 4-6 dwelling units per acre) and on the City's official Zoning Map as Residential Low Density (RL).

SECTION 4: Filing with the County. Upon approval of this Resolution, the City will transmit this document and the completed petition to the Whatcom County Auditor.

SECTION 5: Procedural Steps to Annexation. Subsequent to verification by the Whatcom County Auditor, the City Council may hold a public hearing concerning the annexation.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Blaine initiates the annexation process APNs 400105058534 and 400105043532.

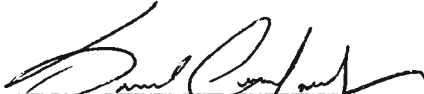
ADOPTED AND APPROVED BY THE CITY COUNCIL OF BLAINE, WASHINGTON on the 22nd day of February 2021, and approved by the Mayor on the same day.

CITY OF BLAINE COUNCIL



Bonnie Onyon, Mayor

ATTEST/AUTHENTICATE:



Samuel Crawford, City Clerk

RESOLUTION NO. 1846-21

A RESOLUTION IDENTIFYING THE BLAINE CITY MANAGER AS THE FACILITATOR FOR THE LIMITED POWER OF ATTORNEY AUTHORIZED BY THE OUTSIDE UTILITIES AGREEMENT RECORDED PURSUANT TO AUDITORS FILE NUMBER 2020603045

Whereas, on June 10, 2002, the property owners of Assessor Parcel Number (APN) 400105043532 entered into an Outside Utility Agreement with the City of Blaine as recorded under Auditors File Number (AFN) 2020603045 (**Exhibit A**);

Whereas, Pursuant to Recital 5 of AFN 2020603045, the owners of APN 400105043532 granted the City of Blaine limited power of attorney to include the subject AFN as their consent to the annexation of their property as part of any Notice of Intent for Petition of Annexation presented to the City of Blaine;

Whereas, on January 15, 2021, the City of Blaine received a complete application for a request of annexation, including applicable fees and Notice of Intent for Petition of Annexation, for the parcel directly east of APN 400105043532, identified as APN 400105058534 (“the Rooney Petition”) and as authorized by RCW 35A.14.120;

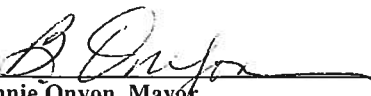
Whereas, on February 22, 2021, the City Council of Blaine held an Initiating Meeting with the Petitioner and approved Resolution 1844-21, authorizing the City to proceed with annexation of Assessor Parcel Number’s 400105058534 and 400105043532; and

Whereas, the City Council wishes to identify the Blaine City Manager as the facilitator for the limited power of attorney authorized by AFN 2020603045.

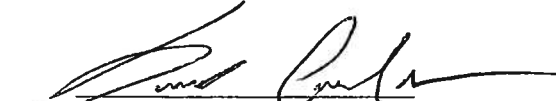
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Blaine authorizes the City Manager to act with limited power of attorney as authorized by AFN 2020603045.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF BLAINE, WASHINGTON on the 22nd day of February 2021, and approved by the Mayor on the same day.

CITY OF BLAINE COUNCIL

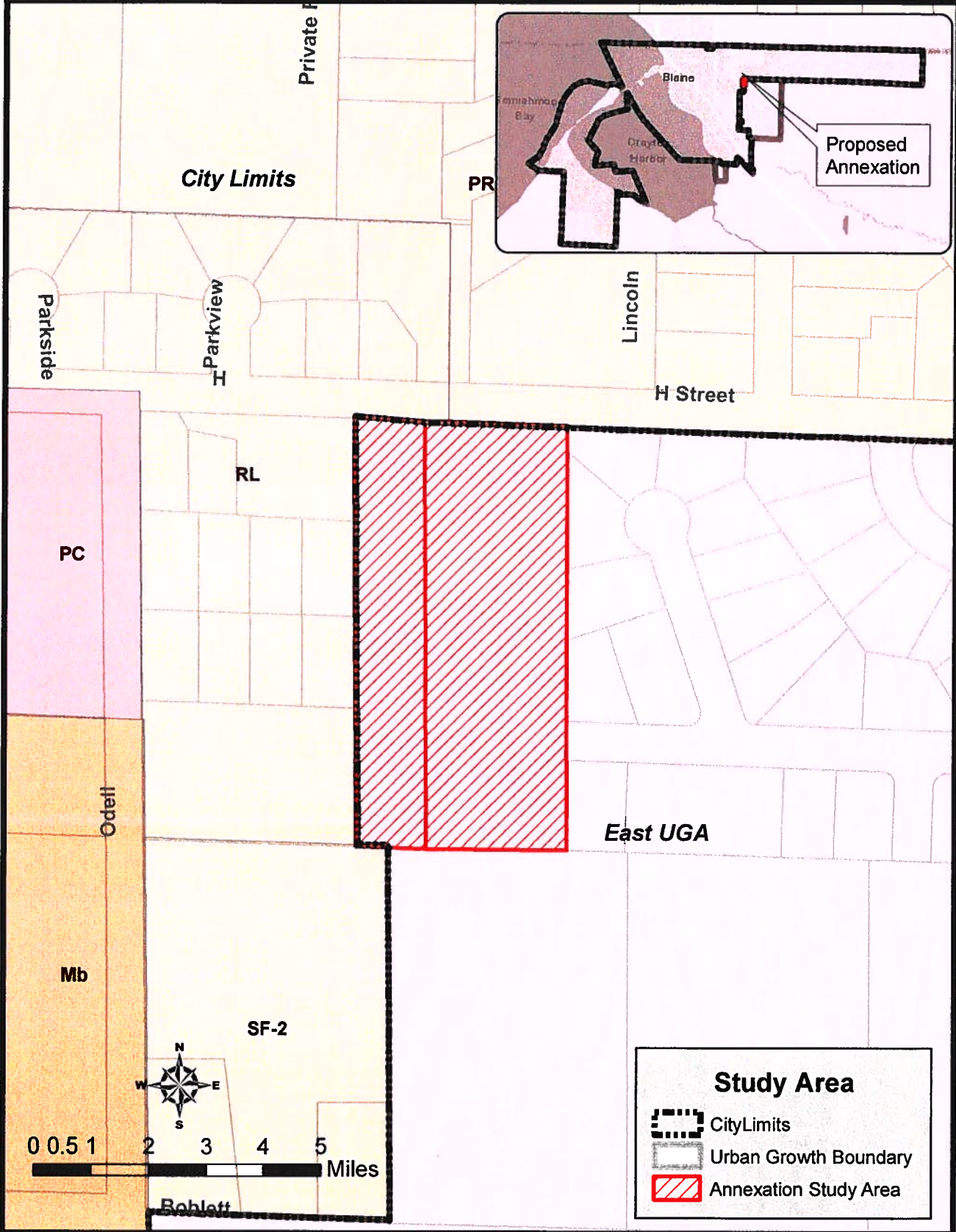

Bonnie Onyon, Mayor

ATTEST/AUTHENTICATE:


Samuel Crawford, City Clerk

ATTACHMENT C

Vicinity Map



Study Area

- City Limits
- Urban Growth Boundary
- Annexation Study Area

Abbreviated Legal Descriptions Per Whatcom County Assessor/Treasurer Records

APN 400105058534

Abbreviated Legal Description:

SUB-DIV OF NW 1/4 SEC 5-40-1E E 2/3 OF LOT 2 BLK 1-SUBJ TO COVENANT TO BIND
PROPERTIES AF 1606193

APN 400105043532

Abbreviated Legal Description:

SUB-DIV OF NW 1/4 SEC 5-40-1E W 1/3 OF LOT 2 BLK 1

ATTACHMENT D

**WHATCOM COUNTY
BOUNDARY REVIEW BOARD**

600 Lakeway Drive
Bellingham, WA 98225-5236



July 29, 2021

To: Interested Parties

From: Kristine Glasgow, Chief Clerk *K Glasgow*
Boundary Review Board for Whatcom County

Re: Public Hearings Notice regarding File No 2021-02, proposed annexation of 4.89 acres into the City of Blaine.

NOTICE OF PUBLIC HEARINGS

CITY OF BLANE PROPOSED ANNEXATION OF 4.89 ACRES, BOUNDARY REVIEW BOARD FOR WHATCOM COUNTY FILE NO. 2021-02

NOTICE IS HEREBY GIVEN that the Washington State Boundary Review Board for Whatcom County will hold two Public Hearings; the preliminary/procedural hearing on Wednesday, September 1, 2021 at 7:00 p.m. and a substantive hearing on Wednesday, September 8, 2021 at 7:00 p.m. The hearings will take place at **Northwest Regional Council, Lakeway Conference Room, 600 Lakeway Drive, Bellingham, WA 98225.**

The purpose of the two public hearings is to consider the proposed annexation, submitted by the City of Blaine to annex 4.89 acres.

The Boundary Review Board conducts all meetings in accessible facilities. Any person needing special accommodations to participate in the meetings should contact Boundary Review Board staff at (360) 676-6749 extension 1055 or (800) 585-6749 48 hours in advance of the scheduled meetings.

At the September 8th hearing, the Board will collect testimony from all who wish to testify, and ultimately will make a decision as to whether the proposed action satisfies the requirements of the statute.

Please contact Kristine Glasgow, Chief Clerk, Boundary Review Board for Whatcom County at Kristine.Glasgow@dshs.wa.gov or (360) 676-6749 extension 1055 with questions. Thank you.

CC:

Whatcom County Executive
Whatcom County Council
Whatcom County Auditor
Whatcom County Assessor
Blaine Public Works
Birch Bay Water and Sewer District
Blaine City Utilities
Blaine School District
Royce Buckingham
Board Members

Whatcom County Sheriff
Whatcom County Public Works
Whatcom County Planning
North Whatcom Fire District #21
City of Blaine Police Department
City of Blaine Attorney
Blaine Library
Patrick Rooney
Ray Pelletti

Memo regarding Notice of Public Hearing 2021-02 City of Blaine Proposed Annexation.docx

Phone: (360) 676-6868

(800) 585-6749

FAX: (360) 738-2451

ATTACHMENT E

August 16, 2021

VIA EMAIL AND REGULAR U.S. MAIL
Kristine.Glasgow@dshs.wa.gov

Whatcom County Boundary Review Board
600 Lakeway Drive
Bellingham, WA 98225-5236

RE: Notice of Intention BRB 2021-02, City of Blaine, Annexation of approximately 4.89 acres

To Boundary Review Board,

I am writing as legal counsel for the City of Blaine, Washington, the jurisdiction that will annex the property at issue, subject to final approval. Please be advised that the Blaine City Council passed a motion on August 9, 2021, to consider a resolution on August 23, 2021, regarding this proposed annexation. The anticipated resolution will seek to cure procedural irregularities in the annexation process to date. More specifically, we anticipate that a petition for annexation will be recirculated, and a Certificate of Sufficiency will be perfected under RCW 35A.01.040.

Completing the petition and Certificate of Sufficiency, under RCW 35A.01.040, will need to occur before the Boundary Review Board ("Board") considers the substance of the annexation under RCW 36.93. The Board's jurisdiction is not perfected until a Certificate of Sufficiency has been issued by Whatcom County. We anticipate that these steps will be taken promptly once the pending hearings before the Board have been stricken.

We are sending this communication now to timely apprise the Board and parties of the status. Again, we believe that Board jurisdiction has not been perfected. In the interest of saving time and expense, I request that the Board strike the hearings currently scheduled for September 1, 2021, and September 8, 2021. We will work with the Board's counsel to see that the appropriate stipulation striking the hearing and remanding this matter back to the City is entered.

Sincerely,

CHMELIK SITKIN & DAVIS P.S.



Peter M. Ruffatto

PMR/jll
cc: Client

Whatcom County Executive
Whatcom County Council
Whatcom County Auditor
Whatcom County Assessor
Blaine Public Works
Birch Bay Water and Sewer District
Blaine City Utilities
Bob Carmichael/Catherine Moore
(counsel for Dr. Rooney)

Whatcom County Sheriff
Whatcom County Public Works
Whatcom County Planning
North Whatcom Fire District #21
City of Blaine Police Department
Blaine Library
Blaine School District
Ray Pelletti
Royce Buckingham

ATTACHMENT F



ROBERT A. CARMICHAEL | Attorney
bob@carmichaelclark.com

August 17, 2021

VIA EMAIL & REGULAR US MAIL
Kristine.Glasgow@dshs.wa.gov

Whatcom County Boundary Review Board
600 Lakeway Drive
Bellingham, WA 98225-5236

RE: Notice of Intention BRB 2021-02, City of Blaine, Annexation of approximately 4.89 acres

Dear Boundary Review Board:

This office represents the Trustee for the Living Trust of Irma P. Rooney Trust, which is owner of the above-referenced 4.89 acres and proponent of the subject annexation request ("Owner"). The purpose of this letter is to advise the Boundary Review Board ("BRB") that the Owner is in agreement with the proposed course of direction outlined in the letter sent by City of Blaine's ("City") legal counsel dated August 16, 2021.

The Owner hereby joins in the City's request to strike the hearings currently scheduled for September 1, and September 8, 2021, and also commits to enter an appropriate stipulation remanding the matter back to the City for further proceedings.

Yours truly,

Robert A. Carmichael

RAC:jb

cc: Client
Peter Ruffatto, Counsel for City of Blaine
Royce Buckingham, Civil Deputy Prosecutore for Whatcom County

ATTACHMENT G

From: [Glasgow, Kristine](#)
To: [CSD - Shannon L. Duhon](#)
Cc: [CSD - Peter M. Ruffatto](#); ssidhu@co.whatcom.wa.us; Sheriff@co.whatcom.wa.us; [DOR Whatcom County Leg Authority](#); jkarcher@co.whatcom.wa.us; auditor@co.whatcom.wa.us; mpersonius@whatcomcounty.us; [DOR Whatcom County](#); BZiemianek@cityofblaine.com
Subject: RE: Notice of Intention BRB 2021-02
Date: Wednesday, August 25, 2021 7:35:06 AM

Thank you. I will forward this out to all interested parties and cancel the scheduled hearings.

Sincerely,
Kristine Glasgow, MBA, CCHP
Chief Clerk, Boundary Review Board
Operations Director
Northwest Regional Council
600 Lakeway Drive
Bellingham, WA 98225
Phone (360) 676-6749 Ext 1055
Fax (360) 738-2451

CONFIDENTIALITY NOTE: This message is intended only for the addressee and may contain information that is considered private, confidential, and exempt from disclosure under applicable law. If you were not the person(s) listed above and have received this communication in error, please notify the sender and delete the information immediately from your system. Thank you

From: CSD - Shannon L. Duhon <sduhon@chmelik.com>
Sent: Tuesday, August 24, 2021 4:33 PM
To: Glasgow, Kristine <kristine.glasgow@dshs.wa.gov>
Cc: CSD - Peter M. Ruffatto <pruffatto@chmelik.com>; ssidhu@co.whatcom.wa.us; Sheriff@co.whatcom.wa.us; [DOR Whatcom County Leg Authority](#) <council@co.whatcom.wa.us>; jkarcher@co.whatcom.wa.us; auditor@co.whatcom.wa.us; mpersonius@whatcomcounty.us; [DOR Whatcom County](#) <assessor@co.whatcom.wa.us>; BZiemianek@cityofblaine.com
Subject: Notice of Intention BRB 2021-02

External Email

Good afternoon,

Attached please find correspondence of today's date from Peter Ruffatto regarding the above referenced matter.

Thank you,
Shannon Duhon
Legal Assistant to Peter M. Ruffatto and Tim D. Schermetzler
Chmelik Sitkin & Davis P.S.

1500 Railroad Avenue
Bellingham, WA 98225
(360) 671-1796 – Ext. 219
D: (360) 306-5878