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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT**

ANNIE JANICKI,

Petitioner,

v.

CITY OF SEDRO-WOOLLEY, a municipal corporation; DELUXE RECYCLING AND DISPOSAL LLC, a Washington limited liability company; and FIRE RIDGE LLC, an Oregon limited liability company,

Respondents,

v.

SKAGIT COUNTY, a political subdivision of the State of Washington,

Intervenor.

No. 08-2-01130-8

**DECLARATION OF WILL HONEA
SKAGIT COUNTY DEPUTY
PROSECUTING ATTORNEY**

I, the undersigned declarant, make this statement on the basis of facts within the scope of my first hand knowledge to which I am competent to testify.

1 1. I am the Chief Civil Deputy Prosecuting Attorney for Skagit County, a
2 position I have held since January 1, 2007. I represent Skagit County in the above-
3 captioned action.

4 2. This action was originally filed by Petitioner in Skagit County Superior
5 Court. Because all Skagit County judges recused themselves, this matter has been
6 assigned to Judge Ronald Castleberry, Snohomish County Superior Court Department 2.
7

8 3. On August 21, 2008, the Prosecuting Attorney learned that material
9 evidence was apparently removed from the administrative record by the Sedro-Woolley
10 City Attorney during the administrative proceedings below, through information provided
11 under the auspices of RCW 42.41, the Washington Local Government Whistleblower
12 Protection Act.
13

14 4. The document removed from the administrative record is a February 5,
15 2008 SEPA comment letter from the City's Solid Waste Division Manager, which contains
16 statements that go to the heart of Petitioner's and the County's case before this Court.
17 See, Declaration of Leo Jacobs, Sedro-Woolley Solid Waste Division Manager, attached
18 hereto as **Exhibit 1**. The Jacobs February 5, 2008 SEPA comment letter is attached as
19 Exhibit A to the Jacobs Declaration. As the City's Solid Waste Division Manager and
20 representative on the regional Solid Waste Advisory Committee, Jacobs is by far the
21 most competent and expert member of City staff with respect to solid waste matters.
22

23 5. The Jacobs February 5, 2008 SEPA comment letter does not appear in the
24 Certified Copy of the Record transmitted by the City Attorney's office to the County, or
25 the Record Index thereof. A copy of the Certified Record Index is attached hereto as
26 **Exhibit 3**. We have also reviewed the Certified Copy of the Record filed today with the
27

1 Skagit County Superior Court Clerk, which does not contain the February 5, 2008 Jacobs
2 SEPA comment letter.

3 6. Various other City of Sedro-Woolley departments commented on the
4 Deluxe proposal. This includes a comment letter from the City's Wastewater Treatment
5 Plant staff, which commented the same day as the Solid Waste Division Manager, and
6 which bears an identical City date stamp indicating acceptance into the SEPA record.
7 See, **Exhibit 2** hereto. These other comment letters were not excised from the record,
8 and appear in the Record Index that was transmitted by the City Attorney to this Court
9 and the other parties to this litigation. See, e.g., Certified Record Index Items 20, 21,
10 Exhibit 3 to this Declaration.
11

12 7. The County and the Petitioner will be prejudiced if not afforded a
13 reasonable and expedited opportunity to discover what other documents and evidence
14 may have been improperly removed from the administrative record below.
15

16 8. The parties to this action stipulated to a scheduling order, setting the
17 hearing on the merits for October 10, 2008, with the Petitioner's and the County's
18 opening briefs due on September 3, 2008. A copy of the July 29, 2008 scheduling order
19 is attached hereto as **Exhibit 4**.
20

21 9. Skagit County's will be substantially prejudiced in its ability to brief the
22 Court and adequately represent the County's interests if the foregoing issues are not
23 resolved in advance of the September 3, 2008 briefing due date per the scheduling order
24 attached as Exhibit 4. Moreover, both of these issues were occasioned through no fault
25 of Petitioner or the County, and have been immediately and timely raised by the County.
26
27

1 For this reason, the County brings these issues before the Court on a motion to shorten
2 time.

3 **10.** True and correct copies of the following documents are attached to this
4 declaration:


5 **Exhibit 1** Declaration of Leo Jacobs, City of Sedro-Woolley
6 Solid Waste Manager dated August 25, 2008
7 (and February 5, 2008 SEPA comment letter
8 attached as Exhibit A thereto),.

9 **Exhibit 2** Selected SEPA comment letters from administrative
10 record below, prepared by City departments.

11 **Exhibit 3** Certified Copy of the Record of the City of Sedro-
12 Woolley's Hearing Examiner Regarding the Appeal of
13 the SEPA Determination of the Deluxe Recycling and
14 Disposal Project.

15 **Exhibit 4** Order Setting Dates for Submittal of Record, Briefing
16 Schedule, and Hearing/Trial on the Merits, dated July
17 29, 2008

18 **Signed on penalty of perjury under the laws of the State of Washington**
19 **this 25th day of August 2008, at Mount Vernon, Washington.**

20 
21 _____
22 William Honea, WSBA 33528
23 Attorney for Skagit County

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**DECLARATION OF LEO JACOBS
CITY OF SEDRO-WOOLLEY
SOLID WASTE DIVISION MANAGER**

I, the undersigned declarant, make this statement on the basis of facts within the scope of my first-hand knowledge as to matters to which I am competent to testify.

1. I have been the Solid Waste Division Manager for the City of Sedro-Woolley Solid Waste Division since 2000. In my position, I am responsible for managing the City of Sedro-Woolley's solid waste programs and policies, including the City's Solid Waste Management Plan under RCW 70.95. I also represent the City on a regional solid waste advisory body, the Solid Waste Advisory Committee (SWAC), established under a regional interlocal agreement with seven other cities and Skagit County. At times, I have served as the SWAC Vice-President. Among other things, the SWAC is charged with recommending updates, amendments and revisions to the joint regional Comprehensive Solid Waste Management Plan established under RCW 70.95 ("CSWMP").

2. For the past two decades, the City of Sedro-Woolley has participated jointly with seven other cities and towns as well as Skagit County in collectively sending all municipal solid

Exhibit 1

1 waste to a single publicly-owned transfer facility, under a joint plan of operations pursuant to a
2 unified, jointly-created CSWMP.

3 3. In 2004, Skagit County unilaterally attempted to change this joint arrangement,
4 proposing revisions that would allow multiple private transfer stations throughout the County.
5 Because the unregulated flow of solid waste would undermine the region's ability to ensure an
6 adequate waste stream to maintain publicly-owned infrastructure, the City of Sedro-Woolley and
7 the other cities in Skagit County vehemently rejected the County's proposed 2004 CSWMP
8 revisions. In particular, the City of Sedro-Woolley rejected the proposed 2004 revisions to the
9 CSWMP by the City Council's passage of Resolution No. 706-04 on November 23, 2004. The
10 City's rejection of the County's proposed 2004 CSWMP revisions left the 1994 solid waste plan
11 in effect within the City of Sedro-Woolley, under which the City is required to deliver all of its
12 solid waste to the publicly-owned transfer station.

13 4. On December 17, 2007, Deluxe Recycling and Disposal LLC submitted a permit
14 application to the City of Sedro-Woolley. As is my routine practice with proposals relevant to
15 my discipline, I commented on the proposal during the SEPA comment period on behalf of my
16 Department. A copy of my February 5, 2008 comment letter regarding the Deluxe proposal is
17 attached as **Exhibit A**.

18 5. I was highly concerned about the Deluxe proposal for a number of reasons, as
19 reflected by the following comments in particular in my SEPA comment letter attached hereto as
20 Exhibit A:

- 21 • **Is [the Deluxe proposal] consistent with the City [of] Sedro-Woolley Solid Waste**
22 **Comprehensive Management Plan? The City of Sedro-Woolley did not accept the**
23 **Count[y]'s] 2004 plan and therefore we may not be in compliance with the**
24 **Department of Ecology.**
- 25 • **This facility must do an environment impact statement.**

26 6. On February 6, 2008, I submitted the Exhibit A comment letter to the City of
27 Sedro-Woolley Planning Department. The comment letter was accepted and stamped in, as
28 reflected by page 1 of Exhibit A, in the same manner as other comment letters submitted in the

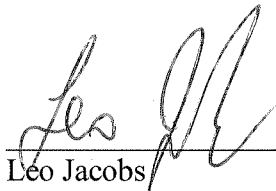
1 SEPA record. It was my intention and belief that the comment letter attached as Exhibit A
2 would become part of the Deluxe SEPA record.

3 7. On or about February 8, 2008, City Supervisor / City Attorney Eron Berg called
4 me to City Hall to discuss the comment letter attached hereto as Exhibit A. Mr. Berg is the City
5 Attorney as well as the City Supervisor, i.e., the City's Chief Administrative Officer. Mr. Berg
6 handed the Exhibit A comment letter to me, which he had removed from the Planning
7 Department's SEPA file for the Deluxe proposal. Mr. Berg told me in no uncertain terms that I
8 lacked authority to submit the Exhibit A comment letter. Mr. Berg stated that the Exhibit A
9 comment letter was not to become part of the Deluxe SEPA record.

10 8. True and correct copies of the following documents are attached hereto:

11 **Exhibit A** SEPA Comment Letter by Sedro-Woolley Solid Waste
12 Division Manager Leo Jacobs dated February 5, 2008
regarding Deluxe Recycling and Disposal LLC proposal.

13 **SIGNED on penalty of perjury under the laws of the State of**
14 **Washington this 25th day of August, 2008 at Mount Vernon,**
15 **Washington.**

16 
17 _____
Leo Jacobs

CITY OF SEDRO-WOOLLEY

Solid Waste Division
315 Sterling Street
Sedro-Woolley, WA 98284
Phone (360) 855-1884
Fax (360) 855-9024
E-Mail jjacobs@ci.sedro-woolley.wa.us

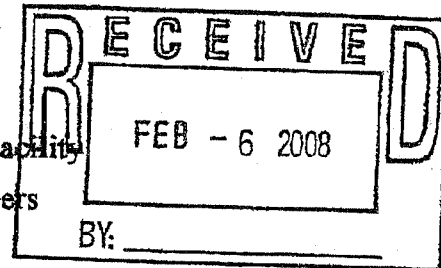
February 5, 2008

IN REPLY TO: SEPA BP-111-07

NAME OF PROJECT: Deluxe Recycling and Solid Waste Handling Facility

ATTENTION: Marianne Manvill-Ailles, Skagit Surveyors and Engineers

SUBJECT: Comments on proposed site development

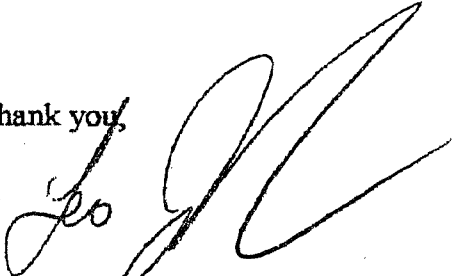


1. The Solid Waste Division requires that dust control and odor control systems be in place at this facility for the building and the recycling yard.
2. A prevailing winds study must be done to determine the path of a projected hazardous waste spill and or a radiation exposure. Especially with Sedro-Woolley High School less than 500 feet away.
3. An Evacuation Plan in case of a Hazardous waste spill and or Radiation exposure must be done for the entire area up to 1 mile in diameter this must be in place before accepting any waste or recycling.
4. The below grade compactor appears to be with in the 100 year flood plain.
5. The retention pond appears to be within the 100 year flood plain.
6. The Solid Waste Division requires that Radiation detectors be in place at this facility before accepting material.
7. A hazardous waste spill plan must be submitted and approved before accepting waste or recycling.
8. A radiation Exposure Plan must be submitted and approved before accepting waste or recycling.
9. Deluxe must comply with the 2004 Skagit County Solid Waste Comprehensive Plan.
10. Deluxe must comply with Health Department Codes and regulations.
11. Deluxe must comply with the Department of Ecology codes and regulations.
12. Is it consistent with the City Sedro-Woolley Solid Waste Comprehensive Management Plan? The City of Sedro-Woolley did not accept the Counties 2004 plan therefore we may not be in compliance with the Department of Ecology.
13. This facility must do an environmental impact statement.
14. The facility does not comply with the Zoning codes Section 17 industrial zoned land. This is not an approved use Deluxe will need to apply for a conditional use permit before proceeding. This facility may receive Hazardous waste from Drop off of Garbage.

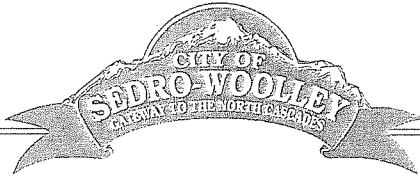
Exhibit A

15. Storage times for compacted containers shall be no longer than 3 days. Then they must be removed from the site.
16. Oil water separator and a hazardous waste liquid waste storage tank how are they going to prevent pesticides, herbicides and paint from entering the WWTP. Deluxe must have a controlled storage tank for all run off inside and outside the building.

Thank you,

A handwritten signature in black ink, appearing to read 'Leo Jacobs', written over a large, stylized scribble.

Leo Jacobs
360-855-1884
Solid Waste Foreman
City of Sedro-Woolley
LJ

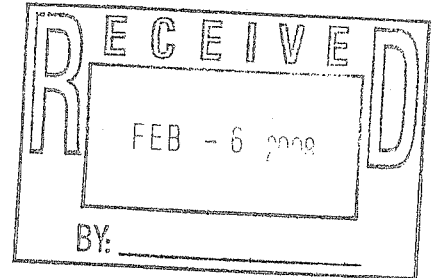


CITY OF SEDRO-WOOLLEY

Wastewater Treatment Plant
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 856-1100
Fax (360) 856-5269

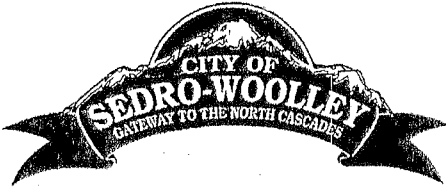
Memorandum

Date: February 5, 2008
To: John Coleman, Associate Planner
From: Debbie Allen, Wastewater Treatment Supervisor
Subject: Deluxe Recycling and Solid Waste Handling Facility



The Sedro-Woolley Wastewater Treatment Plant staff would like some assurance that toxic chemicals will not be in the wash down water coming from the Deluxe Recycling and Disposal Facility. Because Deluxe Recycling is in close proximity to the Wastewater Treatment Plant, a slug load of anything toxic could kill beneficial bacteria in our process and cause a possible violation of our State NPDES Permit.

Classification of the Sedro-Woolley waste stream will need to be determined by laboratory reports provided by Deluxe Recycling. Prior to that, I will be requesting laboratory documentation from the existing Deluxe Recycling facility located in Ferndale, Washington to help us establish a base line. We look forward to working with Deluxe Recycling to assure a clean waste stream for both our Citizens and Community.



CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

Mark A. Freiberger, PE
Director of Public Works/City Engineer

MEMO TO: Building & Planning Department
FROM: Mark A. Freiberger, PE
SUBJECT: Public Works Dept Review
RE: File # BP-111-07 Deluxe Recycling & Disposal LLC, 109 Jameson Street
DATE: February 20, 2008

SUMMARY

This memo is the Public Works Dept. review of the File # BP-111-07 Deluxe Recycling & Disposal LLC Notice of Application & SEPA

COMMENTS

SWPWDS 1.3 requires Frontage improvements for this development. Applicant has included the required studies, including the Drainage Report, Geotechnical Report and Traffic Study. Preliminary site plans indicate frontage improvements to Jameson Street, and possible cooperation on improvement/reestablishment of Jameson to SR9 as mitigations.

The following comments relate to specific sections of the SEPA and attached reports.

SEPA B.3.b.2 Water, Ground. Building cleanup water discharging to the sanitary sewer system will need to be contained and tested prior to release. Discharge will need to be routed through an approved oil/water separator.

SEPA B.11.d Light & Glare. Illumination will be required for the frontage per SWPWDS 3.6.

SEPA B.14 Transportation. Reconstruction of Jameson street along the frontage of the property will be required, including curbs and sidewalks and planter strips on the south side of the street (SWPWDS 1.3.1, 1.3.5).

As noted in Paragraph a and d, access will be via Jameson. Existing city streets accessing Jameson from SR9 (W. Nelson and Batey) pass through residential areas and are not constructed to standards that would allow the anticipated commercial traffic. In addition, the SR9/W Nelson intersection currently operates at LOS F per the Traffic Impact Analysis (TIA), making this intersection unusable for the proposed additional commercial volume without upgrade (i.e. signalization or roundabout). As mitigation, Jameson street will need to be reestablished as direct access to SR9 through the old Weyerhaeuser site prior to commencement of operations. It is anticipated that this project will be cooperative between the developer and the city, with construction requirements the responsibility of the developer. Due to traffic volumes anticipated, access to and from the site for commercial hauling vehicles will be limited to the SR9 connection. The developer will be responsible for developing approach and exit channelization facilities to meet this requirement.

The Site Plan titled Proposed Conditions provided with the SEPA indicates a skewed approach to Jameson. In the final design, this approach will need to intersect the street in a perpendicular fashion.

Due to anticipated peak hour volumes, the developer may be required as a mitigation to provide an approach/turning lane on Jameson to allow for vehicle stacking (SWPWDS 1.3.2.N). Submittal of proposed traffic circulation and operational criteria for the scales within the facility will be needed to make this determination.

SEPA B.16 Utilities (SWPWDS 1.3.6). Existing Sewer service is via the abandoned Railroad Avenue to Third Street at Sterling. The size and condition of the existing line is unknown. The new structure will require a new service. Depending on the proposed development of the site, the service may need to be upgraded to an 8" main with branch services to the structures to be served. Minimum size for a single service is 6". City Manhole M93 located near Third and Sterling includes an 18" PVC x 95 ft long stub-out crossing Third Street near the property boundary. This stub out is reserved for this site. A manhole will need to be added at the end of the stub out and the new service extended into the site from the manhole.

Water Service will need to be provided by Skagit PUD #1, and a Certificate of Availability provided during the building permit process.

Complete civil design drawings and specifications will be required for review with the building permit application. See SWPWDS Chapter 2 for requirements.

TRAFFIC ANALYSIS COMMENTS

- Figure 2 shows total inbound from south at W State at $99+206+167=472$. Northbound from W Nelson shows $626+10=636$. There are no intervening streets, so the difference looks odd.
- Figure 3 north leg at SR9 & W Nelson appears to be wrong (should be 29 instead of 2). Also, AWDT for this intersection looks low.
- Figure 3 Site numbers do not appear to agree with Table 3 PM Peak Hour numbers.

Clarification of the above comments is required.

STORMWATER POND DESIGN COMMENTS (SWPWDS Chapter 4)

The SWPWDS do not require submittal of a full stormwater Design Report for the preliminary submittal, but do require that a narrative be provided addressing the ten minimum requirements of the 2001 DOE Manual (same as 2005 Manual). The submitted report does not appear to address elements 2, 3, 6, 8, 9 and 10. At a minimum a Downstream Analysis is required, which is provided in a brief but incomplete narrative form. The provided report proposes a stormwater detention pond sized for computed increase in impervious surface. This methodology is preliminary and should be followed up with a complete SDR in accordance with the SWPWDS at time of design submittal.

RECEIVED
SKAGIT COUNTY
PROSECUTING ATTORNEY

2008 AUG 20 PM 5:02

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

ANNIE JANICKI,

Petitioner,

v.

CITY OF SEDRO-WOOLLEY, a municipal corporation; DELUXE RECYCLING AND DISPOSAL LLC, a Washington Limited Liability Company; and FIRE RIDGE LLC, an Oregon Limited Liability Company,

Respondents,

v.

SKAGIT COUNTY, a political subdivision of the State of Washington,

Intervenor.

Case No.: 08-2-01130-8

CERTIFIED COPY OF THE RECORD OF THE CITY OF SEDRO-WOOLLEY'S HEARING EXAMINER REGARDING THE APPEAL OF THE SEPA DETERMINATION OF THE DELUXE RECYCLING AND DISPOSAL PROJECT

CITY OF SEDRO-WOOLLEY
CERTIFICATE OF CERTIFICATION

I, Patsy K. Nelson, The undersigned City Clerk-Treasurer of the City of Sedro-Woolley, Washington, (the "City"), DO HEREBY CERTIFY:

That the attached copies of the following listed documents are true and correct copies of documents located in the Building, Planning & Engineering Department files:

1. Notice of Appeal to Hearing Examiner, dated March 26, 2008, from C.Thomas Moser representing Annie Janicki.

Office of the City Attorney
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284
(360) 855-9922

Exhibit 3

- 1 *Exhibit A:* SEPA Notice of Threshold Determination Mitigated Determination of
2 Non-Significance (MDNS), issued March 7, 2008; published March 12, 2008.
3 *Exhibit B:* Resolution 743-07, dated May 24, 2007.
4 *Exhibit C:* Resolution 706-04, dated November 23, 2004.
- 5 2. Transmittal & Report Memorandum (aka Staff Report) for BP*111-07.
6 *Exhibit A:* SEPA Notice of Threshold Determination Mitigated Determination of
7 Non-Significance (MDNS), issued March 7, 2008; published March 12, 2008.
8 *Exhibit B:* Public comments received during January 16, 2008 – February 6,
9 2008 open public comment period.
10 *Exhibit C:* Resolution 743-07, dated May 23, 2007.
11 *Exhibit D:* Interlocal Cooperative Agreement between Skagit County and Cities
12 and Towns in Skagit County for Solid Waste Management, dated May 17, 2004.
13 *Exhibit E:* Mitigated Determination of Nonsignificance (MDNS) for Skagit
14 County materials processing facility Special Use Permit #PL04-0176.
- 15 3. Appellant's Response to Staff Report, dated April 25, 2008.
16 *Exhibit A:* Excerpt from Sedro-Woolley City Council meeting minutes of May
17 23, 2007.
18 *Exhibit B:* Excerpt (pages 1 – 16) from Skagit County Board of County
19 Commissioner's meeting transcript of May 22, year not noted.
20 *Exhibit C:* Memo to Sedro-Woolley City Council from Eron Berg, dated April
21 23, 2008, with attached draft resolution authorizing the Mayor to sign the
22 interlocal agreement addressing solid waste governance and the adoption and
23 amendment of the comprehensive solid waste management plan.
24 *Exhibit D:* Article from Skagit Valley Herald, dated October 20, 2006.
- 25 4. Deluxe Recycling and Disposal LLC's Motion to Dismiss / and Response, dated May
1, 2008.
5. Appellant's Response to Applicant's Motion to Dismiss, unsigned & undated,
received May 1, 2008.
6. The City of Sedro-Woolley's Response to Appellant's Response to Staff Report, dated
May 2, 2008.
7. SEPA Notice of Threshold Determination Mitigated Determination of Non-
Significance (MDNS), Deluxe Recycling & Disposal, LLC, issued March 7, 2008;
published March 12, 2008.
8. SEPA Checklist for Deluxe Recycling Solid Waste Processing Facility, dated
November 29, 2007; received by the City January 10, 2008.
 Attachment A: Letter from Department of Ecology dated April 5, 2007 making a
No Further Action Determination related to the MTCA for the subject site.
9. Traffic Impact Assessment prepared by Gibson Traffic Consultants, dated October 10,
2007.
10. Wetland site reconnaissance prepared by Wetlands, Inc., dated September 14, 2007.
11. Stormwater Detention and Treatment study/design prepared by Skagit Surveyors &
Engineers, dated September 6, 2007.
12. Potential Environmental Conditions regarding soil samples prepared by Geotest,
dated July 9, 2007.
13. Map folio of the site, proposed conditions, dated October 23, 2007.
14. Commercial Building Permit Application packet, accepted December 17, 2007.

Office of the City Attorney
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284
(360) 855-9922

- 1 15. Notice of Application and SEPA Comment Period; published in Courier-Times on
2 January 23, 2008 (due to publisher's error was not published on January 16 as per
original request).
- 3 16. Department of Ecology comments on MDNS, dated January 18, 2008.
- 4 17. Sedro-Woolley School District No. 101 comments on SEPA checklist, dated January
5 28, 2008.
- 6 18. Skagit County Public Health Department comments on application and SEPA, dated
7 January 30, 2008.
- 8 19. Skagit County Public Works Department comments on application and SEPA, dated
9 January 30, 2008.
- 10 20. Sedro-Woolley Wastewater Treatment Plant staff comments on waste stream, dated
11 February 5, 2008.
- 12 21. Sedro-Woolley Public Works Department comments on application and SEPA, dated
13 February 20, 2008.
- 14 22. Skagit County Public Works Department letter to Deluxe Recycling and Disposal
15 LLC regarding the MDNS, dated March 18, 2008.
- 16 23. Skagit County Public Health Department comments on SEPA, dated March 26, 2008.
- 17 24. Packet of public comment letters and e-mails, dated from May 2007 through March
18 2008.
- 19 25. Packet of individual letters and signed petitions in opposition to the proposed solid
20 waste transfer facility at the subject site, dated from April to May, 2008.
- 21 26. Excerpts from Final Skagit County Comprehensive Solid Waste Management Plan
22 Update and Programmatic Environmental Impact Statement, April 1994.
- 23 27. Excerpt from Skagit County Comprehensive Solid Waste Management Plan,
24 December 2005.
- 25 28. Copy of Sedro-Woolley Resolution No. 767-08, dated April 23, 2008.
29. Copy of Interlocal Agreement for Comprehensive Solid Waste Disposal System,
dated July 9, 1986.
30. Excerpt from Sedro-Woolley City Council meeting minutes, dated November 23,
2004.
31. Skagit County Public Works Department request to be a party of record, dated
January 30, 2008.
Skagit County Public Health Department request to be a party of record, dated
January 30, 2008.
32. Excerpt from Sedro-Woolley Zoning code, Chapter 17.28.010 A & B, Use
Restrictions, Industrial (I) Zone.
33. Excerpt from Sedro-Woolley Comprehensive Plan Capital Facilities Element, page 1
and page 50.
34. Excerpt from Sedro-Woolley Comprehensive Plan Utilities Element, Goals and
Policies.
35. Memo from Eron Berg to City Council regarding ordinance to approve acquisition of
land for extension of Jameson Street to SR 9, dated January 9, 2008.
36. Excerpt from Traffic Impact Assessment prepared by Gibson Traffic Consultants,
dated October 10, 2007.
37. Resume' for Edward T. Koltonowski of Gibson Traffic Consultants establishing
qualifications.

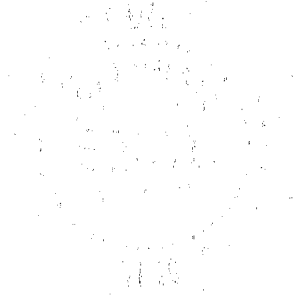
Office of the City Attorney
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284
(360) 855-9922

1 38. Findings, Conclusions and Decision of the Hearing Examiner, dated May 22, 2008.

2
3 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of
the City this 7th day of August, 2008.

4 *Patsy K. Nelson*


5 Patsy K. Nelson
6 City Clerk-Treasurer



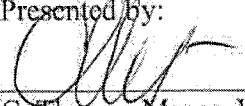
Office of the City Attorney
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284
(360) 855-9922


- 1 2. Within ~~seven~~ ^{four (4)} days after receiving the invoice from City of Sedro-Woolley,
2 Petitioner shall pay the invoice.
3 3. Within ~~seven~~ ^{two (2) judicial} days of receiving payment from Petitioner, the City of Sedro-
4 Woolley shall forward a certified copy of the record to the Court, Petitioner and Respondent.
5 4. Petitioners shall file and serve their opening brief on or before September 3 2008.
6 5. Respondents shall file and serve their response briefs on or before September 25 2008.
7 6. Petitioner shall file and serve ~~his~~ ^{and INTERVENOR} ~~her~~ ^{their} reply brief on or before October 3, 2008.
8 7. A hearing/trial on the merits will be held on October 10, 2008, at 1:00
9 ~~am~~/pm.

10 ENTERED this 2^e day of July, 2008.


11
12 
13 JUDGE


14 Presented by:

15 
16 C. Thomas Moser, WSBA # 7287
17 Attorney for Petitioner

18 
19 WILLIAM HONEA, WSBA 33528
20 ATTORNEY FOR SKAGIT COUNTY

21 Approved for Entry:

22 
23 Robert Carmichael, WSBA #
24 Attorney for Respondent City

25 
Phil Serka, WSBA # 0014
Attorney for Respondent Deluxe

ORDER SETTING DATES FOR
SUBMITTAL OF RECORDS, BRIEFING
SCHEDULE, AND HEARING/TRIAL ON
THE MERITS - 2