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

ANNIE JANICKI,

Petitioner,

vs.

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,

vs.

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

Intervenor.

No. 08-2-01130-8

**DECLARATION OF JACK MOORE IN  
SUPPORT OF CITY'S RESPONSE TO  
COUNTY'S MOTION TO CLARIFY THE  
RECORD, VACATE THE HEARING  
EXAMINER'S DECISION AND REMAND  
THE PROCEEDINGS**

23 I, Jack Moore, hereby declare, under penalty of perjury under the laws of the State  
24 of Washington, that the following is true and correct:  
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1           1.    I am the Planning Director for the City of Sedro Woolley Planning  
2 Department.

3           2.    Sometime in early February 2008, I remember that Leo Jacobs and John  
4 Coleman were discussing Leo's public comment letter at John's desk and I could hear them  
5 as my office was next to John's desk at that time.

6           3.    I don't remember if Leo was there to submit his comment letter or if he came  
7 in for some other reason, I am unsure how the conversation got started.

8           4.    I had not reviewed Leo's public comments prior to the conversation.

9           5.    At some point, Eron Berg joined the conversation but, I don't recall Berg  
10 being called into the conversation.

11          6.    Leo had the letter in his hand and it was passed around for review and  
12 discussion.

13          7.    Leo was unsure or uncertain about the public comment letter that he made.  
14 He wasn't sure if he should submit his comments as a department head or as a private  
15 citizen.

16          8.    Eron Berg told him that it didn't matter whether he submitted them as a  
17 department head or as a private citizen.

18          9.    I remember we discussed that comments from the public had a specific  
19 timetable but that the timetable for department heads to comment was longer and that the  
20 Planning Department would be scheduling a meeting with other department heads to obtain  
21 their input..

22          10.   Leo was still hesitant and didn't know if his comments as written were  
23 appropriate.  
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1           11. Regarding the appropriateness of his comments, we discussed the idea that  
2 some of his comments were written as if they were permit requirements. For instance he  
3 used words like "shall" which made his comments sound like mandatory conditions. Since  
4 the Solid Waste Department doesn't assign conditions to the permit, we thought that this  
5 language could be confusing. The Planning Department conditions the permit. None of us  
6 told him not to submit his comment letter.

7           12. After that, Leo volunteered to reformat the letter or re-write the letter so that it  
8 was in keeping with a typical comment letter from a department head and resubmit or  
9 provide the information to the Planning Department at the upcoming department head  
10 meeting.

11           13. The entire conversation maybe lasted about 10 minutes and the tone was not  
12 adversarial.

13           14. I don't remember whether Leo took the letter with him but, if Leo had not  
14 taken the letter with him then it would have been in the public comment file for the project.

15           15. After this conversation, I did hold a meeting with the department heads on  
16 February 19 to elicit further comments. Leo attended that meeting. I recall, among other  
17 things, that Leo proposed requiring a radiation detector as those are installed at some  
18 transfer stations. We decided to include that comment as a condition of the MDNS.

19           16. I don't recall any other specific conversations with Leo pertaining to the  
20 Deluxe project. Leo would sometimes in passing state his general dislike for the project.

21           17. Many of the comments that Leo made in his public comment letter had also  
22 been made by others, as the MDNS contains conditions that respond to all of the applicable  
23 comments in Leo's comment letter.

1 18. I am not sure why Leo did not submit either the same public comment letter  
2 or a revised comment letter or why he chose to go to the County with his concerns months  
3 later rather than speak with our department about it.

4 19. I also reviewed the Declaration of Rob Simpson.

5 20. If Deluxe chooses to substantially alter its proposal, including alterations to  
6 the site plan and/or the traffic pattern within the site (by way of altering access to the  
7 building), the City would consider requiring a new threshold determination per WAC 197-  
8 11-600.

9 21. If Deluxe did not follow the conditions of the MDNS after the project was  
10 approved and the permit issued, then the City would consider such action as an enforcement  
11 matter to be handled per SWMC 2.88.100(D), which states, "Failure to comply with the  
12 designated mitigation measures shall be grounds for suspension and/or revocation of any  
13 issued license or permit." SWMC 15.04.055, 15.04.060 or 17.80 would also be used as  
14 applicable.

15  
16 EXECUTED at Sedro-Woolley, Washington, this 5<sup>th</sup> day of SEPTEMBER 2008,  
17 under penalty of perjury under the laws of the State of Washington.

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20 JACK MOORE  
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