

**Storm Comments: PC Hearing (continued) on
Proposed Zone Amendments - June 1, 2004**

Because I cannot be present at tonight's hearing, I have asked that my testimony be read. I am also providing a copy to the Commission's Secretary to file with the official legal minutes and to assist in accurately representing my comments in the published minutes. My comments apply to all zone changes under review this evening.

Certain legal procedures have not been followed during the evolution of these code changes. Every one of these codes will affect Sultan's current -- and future -- comprehensive plans, requiring more careful adherence to the process by which to ensure consistency. Some of the procedures I believed have endangered this legal process are listed below.

- First, even though the City was eventually persuaded by certain Planning Commissioners to follow the legal process and execute a SEPA determination on the impact of these zone changes, the environmental checklist has never, to my knowledge, been distributed to Commissioners. The WACs demand that the environmental checklist and other pertinent information and documentation accompany each step of the legislative process. This has not been done.
- Second, the SEPA checklist has still not been provided to me, despite a legally-submitted public information request to the City April 16, 2004. Statutes requiring prompt fulfillment of public information requests aside, this PIR displayed on its face two prominent notes, one which indicated the time-sensitive nature of my request, the other, the fact that the information was required for timely submission of written testimony before the close of the April 29th comment period. It should be noted that my April 16th request was submitted to, and received by, the city 13 calendar days before the comment deadline.
- Third, the City's published Notice of MDNS stated: "**This decision was made after review of a completed Environmental Checklist and other information on file with the City of Sultan. This information is available to the public on request.**" because the city was negligent in fulfilling my public information request as required by law, I was forced to submit my comments on the City's MDNS using information from sources other than what was legally noticed.
- Fourth, the SEPA checklist still has not been provided to me, despite my verbal advisement to this Commission during its May 18th hearing and meeting.
- Fifth, I received no response from the City on my comments to its Mitigated Determination of Non-significance.
- Last, and most importantly, these suggested zone changes conflict with GMA statutes in two areas: (1) consistency with both the current and proposed Sultan Comp Plan; and (2) the city's process on initiating these changes conflicts with the state requirement that any such revisions be incorporated within a jurisdiction's annual comp plan amendment procedure. Both of these statutes belie of Mr. Cisar's repeated assertions that the process is being followed.

I submit that because the City has been negligent in fulfilling my PIR and engaging in other irregular procedural actions during this process, that the MDNS issued on these code changes is legally insufficient, and these hearings are premature, and indeed, the entire process has been illegal.

To at least partially support these statements, I am distributing a copy of the City of Monroe's code that someone was kind enough to email me. This code outlines that city's annual comp plan amendment procedures, which is generally consistent with state law. It is my understanding that the City of Sultan does not have such a procedure. And if it does, the city has never followed it.

And finally, I'd like to switch both gears and tone for a moment, and offer my apologies to Mr. Cisar for my comments during the May 18th Commission meeting, with which I cast serious suspicions on proper legal notice for the first part of this hearing. Despite the city's unfortunate failure in emailing the legal notice to either Jeff Everett or myself, and its omission of posting it on their website, the legal notice was, indeed, legally published by the Herald. Contributing to that series of unfortunate events was the fact that I somehow missed its publication in that newspaper, to which I subscribe for the sole purpose of ensuring City compliance with legal noticing requirements by reviewing it on a daily basis.

In addition to my apologies to Rick, I'd also like to offer my thanks for a cooperative attitude of late within city hall in sharing public information to the community at large, a situation that seems, happily, to be on the verge of becoming a trend. Although much improvement remains to be done in this area, there has been a noticeable improvement.

Thank you.