

# Drowning In Spin

LJK **Rebuttal** to  
Applicants' Motion in Limine &  
Motion to Strike

# LJK Questions *Why Burlington Push for “Flood Control”*

- Could it be that this entire facade of “flood control” is actually more about flood insurance and promoting more irresponsible development in the floodplain?
- The applicant has stated several times that “large portions of Burlington would be taken out of the floodplain”. Did the Hon. Hearing Examiner ever make a determination of what portions of Burlington would be taken out of the floodplain?
- Does it involve property that one of the Dike District Commissioners who works for one of the major developers in the Valley owns or has an interest in?

# Applicants' Claim

- Page 5 of DD12 Motion:
  - These comments about a current Dike District Commissioner, whose identity can be easily ascertained by this implication, are unfounded, and unnecessary. With no evidence, Intervenor seeks to unreasonably defame the character of an opponent in these proceedings in order to take advantage of his right to make comments in these proceedings. **By implying that the Permit is being obtained for benefit by a public official, who is employed by a land developer, in any other context would be libelous and inappropriate.** DD12 would request that the Hearing Examiner strike lines 4 through 12 on page 17 of Intervenor's Motion to Recuse/Disqualify Hearing Examiner.

# Actually the Skagit Valley Herald Raised the Issue First

## Skagit Valley Herald

### Voters pick new dike district commissioners

By Rachel Lerman | Posted: Wednesday, February 5, 2014 7:00 am

#### District 12, Pos. 2

Incumbent Tjeerdsma will return as commissioner for Dike District 12, the biggest in Skagit County. The district has faced controversy in recent years, including a commissioner resigning in September 2011 after a troubling report from the state Auditor's Office.

...

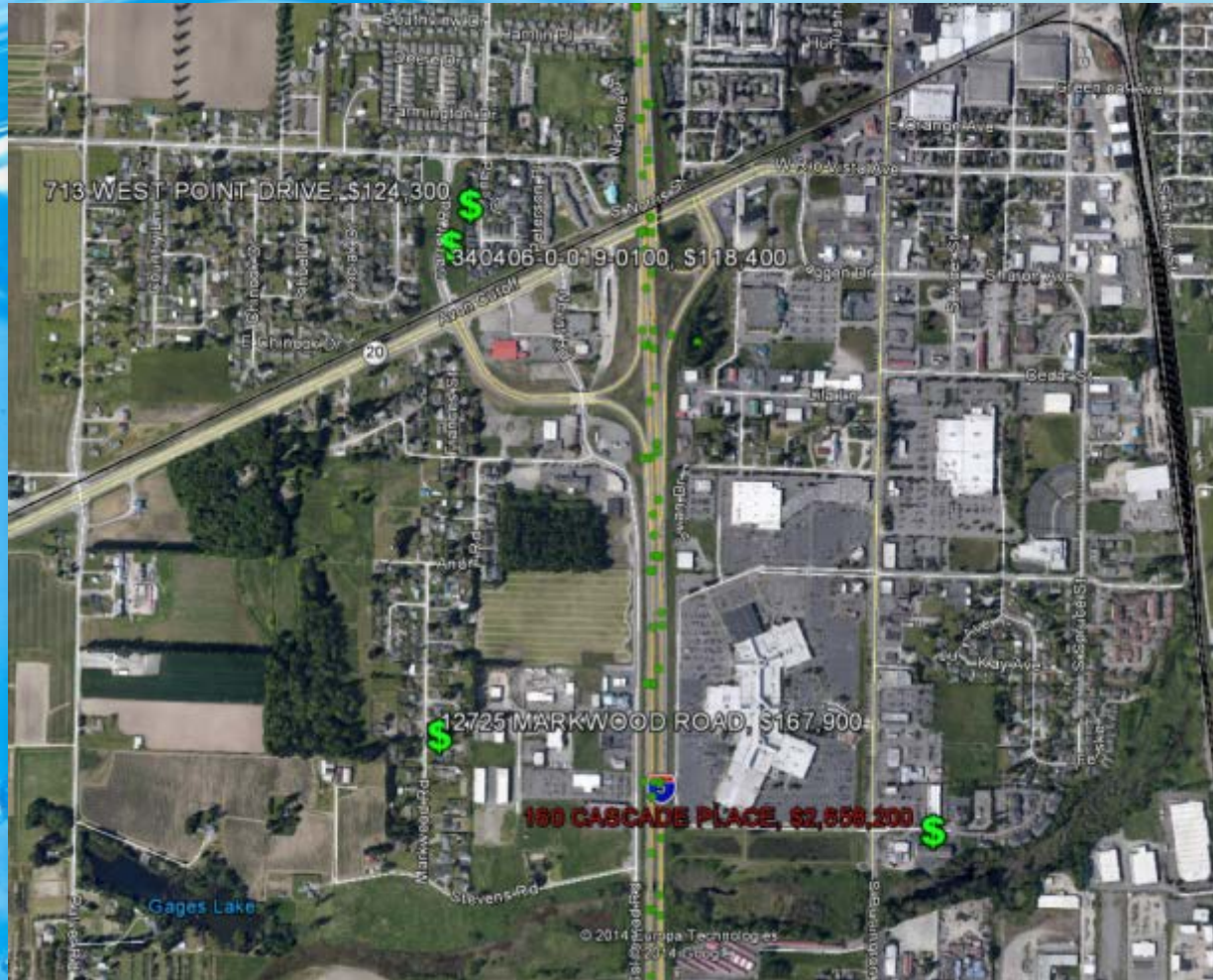
Tjeerdsma, 57, is a manager with Hansell Mitzel Homes and volunteer assistant fire chief with Burlington Fire Department. He took over Chuck Bennett's term when he resigned after the 2011 state audit, then ran unopposed to finish out the term. Tjeerdsma said he wants to make District 12 dikes federally certified to eliminate flood insurance in the district. The levees need to be raised, he said.

# The Mitzels Actually Own Property in Burlington...

## Dan Mitzel Owned Properties in Burlington

Parcel #	XrefID	Street Address	2014 Taxable Property Value
P116714	4751-000-006-0000	713 WEST POINT DR	\$124,300.00
<b>P108342</b>	<b>8008-000-003-0000</b>	<b>160 CASCADE PL</b>	<b>\$2,658,200.00</b>
P23729	340406-3-104-0100	12725 MARKWOOD ROAD	\$167,900.00
P102593	340406-0-019-0100	PETERSON RD	\$118,400.00

# Mitzel Property in Burlington



# 160 Cascade Place



# Guess Which Law Firm is Based Out of 160 Cascade Place?

## Shultz Law Offices

PERSONAL INJURY AND BANKRUPTCY ATTORNEYS  
SINCE 1984

HOME

PRACTICE AREAS

ATTORNEYS

CONTACT

### WHERE DO I GO?



SUBMIT

### OUR LOCATION



160 Cascade Place, Suite 211, Burlington, WA 98233 US

3604042017

[shultzlawoffices@comcast.net](mailto:shultzlawoffices@comcast.net)



# Revisit the Flashpoint

Could it be that this entire facade of “flood control” is actually more about flood insurance and promoting more irresponsible development in the floodplain? ... Does it involve property that one of the Dike District Commissioners who works for one of the major developers in the Valley owns or has an interest in?

*Page 17 of LJK Intervenor Motion for Recusal of Hearing Examiner*

# What It's Really All About

## **AP: Flood Insurance Premiums Set to Rise in Washington**

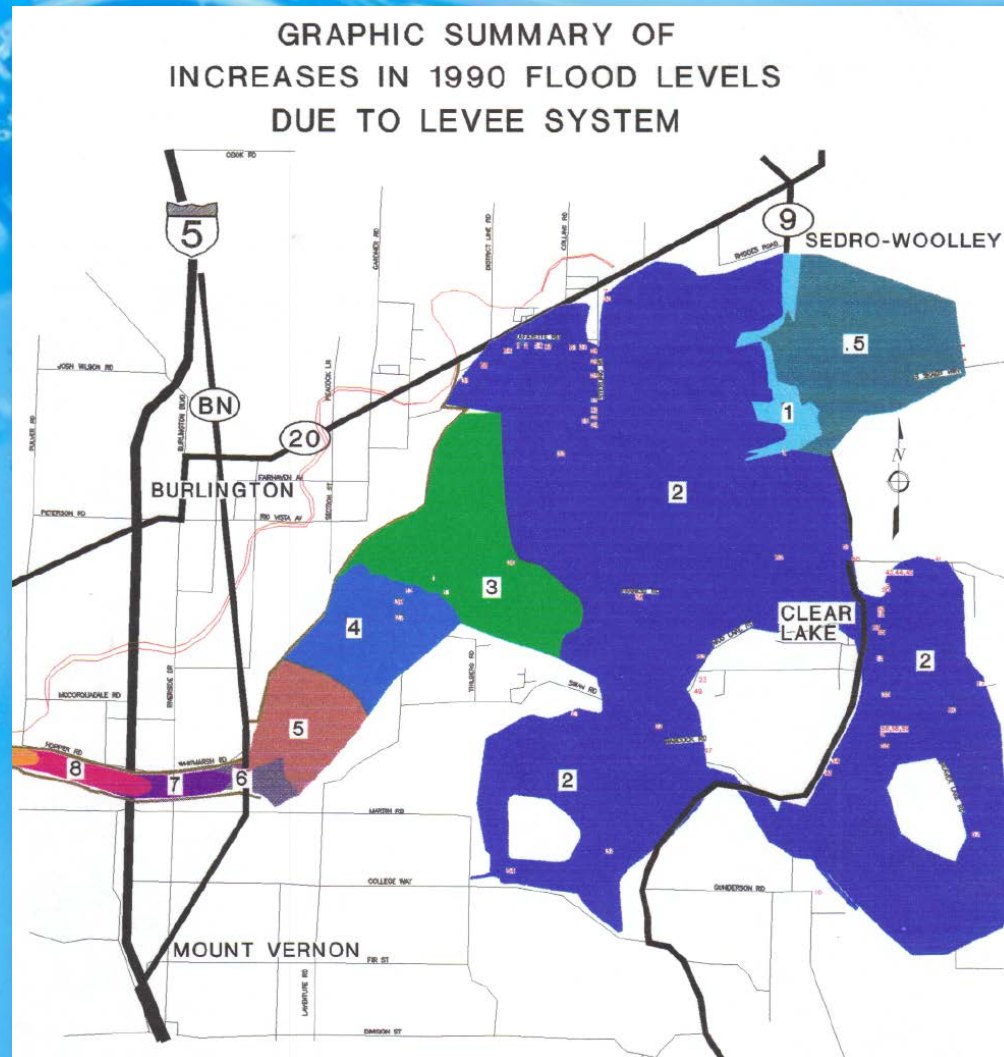
**By Rachel La Corte | Posted: Monday, March 24, 2014**

...

**In 2012, Congress passed a law requiring policyholders receiving subsidies to start paying rates based on the true risk of flooding at their properties in an effort to cover a \$24 billion deficit in the National Flood Insurance Program.** After public outcry over the premium hikes, Congress passed legislation earlier this month pulling back some of the insurance overhaul.

However, while approximately 1.1 million policyholders won't face immediate dramatic increases under the measure signed Friday by President Barack Obama, they will still be hit with annual premium increases. **Homeowners face hikes as high as 18 percent year after year, until the government is collecting what it needs to pay out claims. Owners of businesses and second homes face increases of 25 percent each year.**

# Levees Just *Shift* the Skagit River Flood Risk to Others



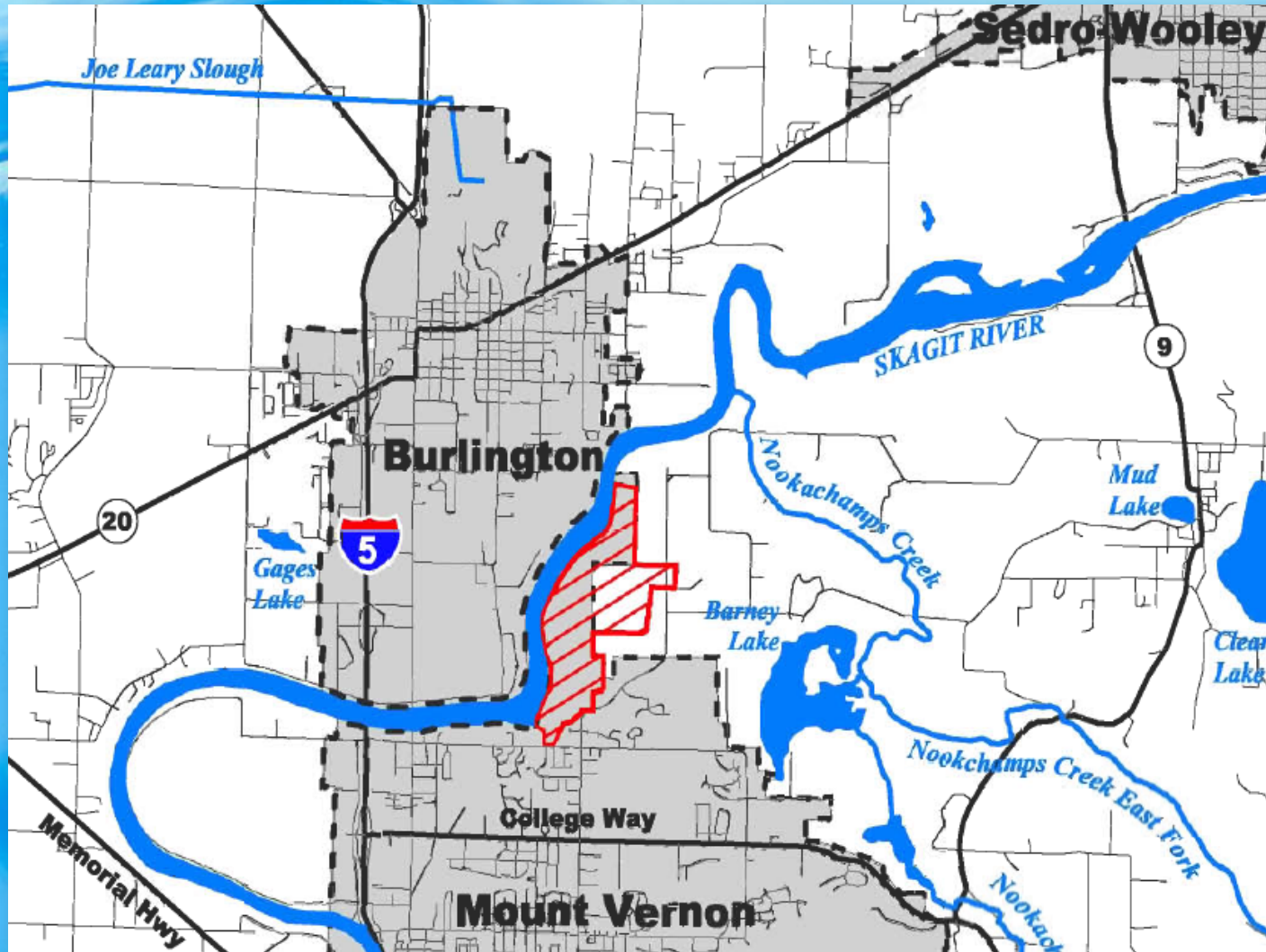
**“We’re not filling this area.”  
Really?**



# Fill Along State Highway 20, 2003



# Nookachamps Wetland Bank



# Dan Mitzel Endorses Wetland Banks

Dan Mitzel, a Mount Vernon-based developer who partnered with Wildlands on the Nookachamps bank, says the economy suits the project because mitigation banks are a bargain compared to self-administered wetland mitigation projects.

"It puts more pressure on private individuals and agencies to use banks," Mitzel said.

What concerns Wildlands more than the recession are regulatory obstacles.

"It's a very complex process," Mitzel says. "It's not for the faint of heart."

**SOURCE:** 20 October 2009 [Skagit Valley Herald](#)

# Conclusions/Takeaways

