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EVERGREEN ISLANDS

To: Skagit County Commissioners
(Ken Dahlstedt, Sharon Dillon, Ron Wesen)
1800 Continental Place
Mount Vernon, WA 98273

Re: **PL12-0258, Anacortes/Tethys UGA Expansion Application** cc:Hammons
The Application Is A Project-Specific Petition

Dear Commissioners:

The County Planning Staff has erred by classifying the City of Anacortes application (the Application) for an 11-acre UGA Expansion because the City's quintessential reason for submitting the Application is to provide land for the Tethys bottling plant, one of the largest, if not the largest bottling plant in the United States.

On July 31, 2012, the Mayor of Anacortes, "under the Mayor's Administrative Authority" submitted the City's application for a UGA Expansion. Surprisingly, County records indicate that Tethys Enterprises paid the \$5,040 fee (ck 1028) for the application. Figure 1 is a screen dump of the County records.

RECEIVED

APR 15 2013

SKAGIT COUNTY
PDS

April 9-2013



Figure 1. County Record of the UGA Expansion Fee Payment

Type: PLAN Vers: 902 Land Use Approval Sub-Type: COMA (Project)

Planning: PL12-0258 Location: 011 Stevenson Road, Anacortes

Status: Applied APPLICANT: Tethys Enterprises, Inc.

Date: 07/31/2012 Back Stop

Title: _____

Fee Processing for PL12-0258

Fee Summary	
Calculated Fees:	\$5,040.00 <input type="button" value="Details"/>
Additional Fees:	\$0.00 <input type="button" value="Details"/>
Total Fees:	\$5,040.00 <input type="button" value="Details"/>
Payments:	\$5,040.00 <input type="button" value="Details"/>
Balance:	\$0.00 <input type="button" value="Fee Log"/>

Include deleted payments in Fee Details
 Include Trust transactions in Payment Details
 Pay Specific: Suppress zero balance items

Pay Full Balance	Assess Additional Fee
Partial Payment	Reallocate Overpayment
Pay Specific Item(s)	Void Payments
Trust Account Transaction(s)	Reprint Receipt
Pay Dated	Print Grid

Payment History						
Entered	Time	Type	Method	Amount	Posted	Notation
07/31/2012	14:03:35	Payment	Check	15,040.00	07/31/2012	Tethys enterprises inc 0R10261

On December 21, 2012, Tethys Enterprises signed an agreement¹ to “reimburse the City one hundred (100%) of all fees and costs paid to EDH (E.D. Hovee) under the contract, despite the outcome of Skagit County’s review of the Application.” On December 31, 2012, the City of Anacortes billed² Tethys Enterprises \$15,478 Reimbursement for E.D. Hovee Invoice 4737 (\$6,298.35) and Invoice 4744 (\$9,189.43).

¹ “Agreement By and Between the City of Anacortes and Tethys Enterprises, Inc. for Reimbursement of Costs for Analysis and Documentation,” December 21, 2012. (Attachment 1)

² City of Anacortes Invoice 12647 to Tethys Enterprises, Inc. Reimbursement for E.D. Hovee Inv 4737 (\$6,298.35) and Reimbursement for E.D Hovee Inv 4744 (\$9,189.43), Total \$15,487.78. (Attachment 2)

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After the UGA Expansion Application was filed, the Anacortes City Council has convened four times (August 9, 2012³, August 14, 2012⁴, August 28, 2012⁵, and September 18, 2012⁶) to discuss the UGA Expansion application before passing a resolution to apply for the UGA Expansion.

The Planning Staff memos for all of those meeting included the following background information (emphasis added):

“City staff has been in conversations with Tethys Enterprises, Inc. regarding their continued interest in finding a suitable location for a food and beverage manufacturing facility in Anacortes. The company has approached a number of landowners in the City about acquiring and consolidating properties for this facility; however a property of suitable size has been difficult to locate. **A portion of the property currently being evaluated is outside of the City’s UGA and would need to be incorporated into the UGA to accommodate the proposed facility.**”

³ Anacortes Planning Staff Memo to Anacortes Mayor and City Council, “City of Anacortes – UGA Expansion,” August 9, 2012.
<http://www.cityofanacortes.org/Council/Packets/file.asp?ID=977>

⁴ Anacortes Planning Staff Memo to Anacortes Mayor and City Council, “City of Anacortes – UGA Expansion,” August 14, 2012.
<http://www.cityofanacortes.org/Council/Packets/file.asp?ID=983>

⁵ Anacortes Planning Staff Memo to Anacortes Mayor and City Council, “City of Anacortes – UGA Expansion,” August 28, 2012. (Attachment 5)
<http://www.cityofanacortes.org/Council/Packets/file.asp?ID=994>

⁶ Anacortes Planning Staff Memo to Anacortes Mayor and City Council, “City of Anacortes – UGA Expansion,” September 18, 2012.
<http://www.cityofanacortes.org/Council/Packets/file.asp?ID=1011>

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The Tethys Project Language in the Original Application Has Not Been Amended

On page two of the Supplemental Information Submittal⁷, the letter from Eric Hovee to Gary Christensen states,

The proposal is not specific to any individual potential user but would be applicable to any future use of the subject property consistent with the proposed redesignation from Rural Reserve (RRv) to Anacortes Urban Development (A-UD) comprehensive plan and zoning designation under Skagit County jurisdiction and associated City of Anacortes Light Manufacturing (LM1) designation.

However page 35 of the Supplemental Information Submittal⁷ states (emphasis added),

Based on further discussion between the parties, the City **is withdrawing its request** of July 31, 2012 for re-designation of the Samish Indian Nation site **in favor of an alternative proposal** that would provide for permanent removal of other properties deemed not suitable for industrial development – whether now or at any reasonably foreseeable time in the future.

The very next paragraph entitled *“Amended Proposal”* then goes into great detail about the alternative proposal.

The Supplemental Information Submittal amended the Samish zone swap language in the application, which made up 39% of the original application. However, the Tethys language, which makes up 32% of the application, was never amended and is effectively still in place.

If the petition is a truly a non-project application, then the County should reject the original petition in its entirety because 71% of the original language has been changed. The City of Anacortes should then submit a new petition that their UGA allotment be modified in the County’s general Comprehensive Plan update scheduled for 2014.

⁷ “Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal,” (City of Anacortes Response Prepared for Skagit County, CPA-PL-0258), E.D. Hovee & Company, LLC, Economic and Development Services, January 23, 2013. Pages 2 & 35.
<http://www.skagitcounty.net/PlanningAndPermit/Documents/ComPlan2011-12Docket/Anacortes%20Response%20to%20County%20012313.pdf>

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The Milt Priggee cartoon that was published in the Skagit Valley Herald (Figure 2) captures the essence of what's going on. The irony is that the besieged occupants already know what is hidden inside the Trojan Horse – a one million square-foot (26 acre) building, four 100 unit oil trains, acres and acres of impervious surface, rail yards directly adjacent to an environmentally sensitive marine estuary, and an inordinately limited number jobs from such an enormous facility.

Figure 2. Skagit Valley Herald Cartoon

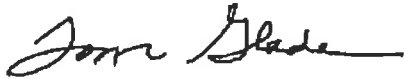


Conclusion

The irony here is that the Commission knows what's inside the Trojan horse, yet you are not willing to 'fess up' to the truth. Evergreen Islands requests that the County Commissioners decline docketing the Anacortes UGA Expansion petition for the following reasons:

- From the get-go, the petition has been about and for the Tethys bottling facility. Although Tethys has move the proposed site to the Sunland Topsoil site inside the City limits, Tethys still plans to utilize the UGA Expansion land for the huge rail yard⁸ and ⁹ needed to accommodate the four 100-unit water trains a day. Since a 1 million sq-ft (26 acres) is too large for the Sunland Topsoil site, Tethys plans to 'warehouse' their products in rail cars.
- The Skagit County Code requires a "detailed development" for a Comprehensive Plan zone change that requires additional UGA land that is not a part of the seven year general update cycle.
- Since it was never formally amended, the petition still contains significant language about the Tethys bottling plant, the City should at least be required to withdraw the petition, and submit an amended petition for the 2014 General Comprehensive Plan update.

Respectfully yours,



Tom Glade

President, Evergreen Islands

⁸ "PL12-0258, Anacortes/Tethys UGA Expansion Application; Encroachment into the County's Rural Marine Industrial Land," Evergreen Islands Letter to the Skagit County Commissioners, October 1, 2012. (Attachment 3)

⁹ "PL12-0258, Anacortes/Tethys UGA Expansion Application; Concealed Rail Yard Land Requirement," Evergreen Islands Letter to the Skagit County Commissioner, April 5, 2013. (Attachment 4)

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ATTACHMENT 1

**AGREEMENT
BY AND BETWEEN
THE CITY OF ANACORTES
AND
TETHYS ENTERPRISES, INC.
FOR
REIMBURSEMENT OF COSTS
FOR ANALYSIS AND DOCUMENTATION**

THIS AGREEMENT is made and entered into this 21 day of December, 2012, by and between the City of Anacortes, a Washington non-charter code city ("City") and Tethys Enterprises, Inc., a Washington corporation ("Tethys").

RECITALS

WHEREAS, The City and Tethys entered into an Agreement Regarding Water Service dated October 1, 2010; and

WHEREAS, the City filed an application with Skagit County to amend the Anacortes Urban Growth Boundary in such a manner as to allow development of facilities for water intensive industries ("Application"); and

WHEREAS, Skagit County, in response to the Application has requested certain additional analysis and documentation from the City to support the Application ("Supplemental Information"); and

WHEREAS, the time to gather and submit the Supplemental Information is beyond the capacity of City staff to perform; and

WHEREAS, the City has contracted with E. D. Hovee & Company ("EDH") to gather and submit the Supplemental Information pursuant to the contract attached hereto as Attachment No. 1 (the "Contract"); and

WHEREAS, Tethys has agreed to reimburse City in full for the cost of the Contract;

NOW, THEREFORE, the parties hereto agree as follows:

AGREEMENT

Section 1. Tethys hereby agrees to reimburse the City one hundred percent (100%) of all fees and costs paid to EDH under the Contract, despite the outcome of Skagit County's review of the Application.

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Section 2. The City shall promptly provide to Tethys a copy of each billing statement received from EDH pursuant to the Contract. Tethys shall, within fourteen (14) days of the receipt of such billing statement remit to the City the full amount of said statement.

Section 3. At such time as the City pays EDH the amount retained pursuant to paragraph 5 of the Contract, notice of such payment shall be provided by City to Tethys. Tethys shall, within fourteen (14) days of the receipt of such notice remit to City the full amount of said statement.

Section 4. By entering into this agreement, City shall not waive its rights to terminate the Contract. All materials obtained by City pursuant to the Contract shall be owned by City, but copies thereof shall be made promptly available to Tethys.

Section 5. All notices pursuant to this agreement shall be addressed to:

To City:

City of Anacortes
P.O. Box 547
Anacortes, WA 98221-0547
Attn: Ryan C. Larsen

To Tethys:

Steve Winter, President
Tethys Enterprises, Inc.
1604 Hewitt Avenue, Suite 601
Everett, WA 98201

All notices shall be deemed delivered when received or the third business day after deposit into the U. S. Mail, whichever is earlier.

Section 6. Tethys understands and agrees that by submitting the Application and by entering into the Contract, City cannot and does not make any assurance that the application will be approved by Skagit County or, if approved, in what form the approval will take, what conditions may attach thereto or what legal proceedings may occur based thereon. Tethys, on behalf of its successors, assigns, insurers and any third person or entity claiming through Tethys, hereby waives any and all claims on any basis whatsoever for any form of damages, direct or indirect, actual or consequential (collectively "Injury"), that it might assert against City, its elected officials, employees, insurers and agents based on the outcome of the Application.

Section 7. City and Tethys shall attempt to work in concert and shall consult with the other on all determinations as to: (a) the means and methods utilized to pursue the Application; (b) whether to amend or withdraw the Application; and (c) whether to appeal or resist the appeal of any decision rendered on the Application; *provided*, that City shall retain ultimate authority to make all such determinations.

Section 8. This agreement shall be construed pursuant to the laws of the state of Washington. Venue for any action between the parties shall be solely in Skagit County Superior Court. The prevailing party in any action shall receive an award of its reasonable attorney fees and costs, including those incurred on any appeal.

Section 9. This agreement shall become effective upon mutual execution and remain in effect until the Contract with EHD is complete and all payments by the City have been fully reimbursed by Tethys. This Agreement may be executed in counterparts and when signed by both parties such counterparts shall constitute mutual execution.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the dates set forth below:

TETHYS ENTERPRISES, INC.

By: _____
Steve Winter, President

Date: _____

ATTESTATION:

By: _____
Title: _____
Name: _____

Date: _____

CITY OF ANACORTES

By: H. Dean Maxwell
H. Dean Maxwell, Mayor

Date: 12/24/12

ATTESTATION:

Steve Hoglund for Steve
Steve Hoglund
TOWN CLERK/TREASURER

APPROVED AS TO FORM

Bradford E. Furlong
Bradford E. Furlong, WSBA #12924
CITY ATTORNEY

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ATTACHMENT 2



CITY OF ANACORTES

P.O. Box 547
Anacortes, WA 98221
(360) 293-1900

INVOICE

12647

Page 1 of 1

TETHYS ENTERPRISES, INC.
STEVE WINTER, PRESIDENT
1604 HEWITT AVE, STE 601
EVERETT, WA 98201

DATE	12/31/2012
ACCOUNT	MIS-12TETHYS
AMT. DUE	15,487.78

AMOUNT PAID _____

MAKE CHECKS PAYABLE TO THE CITY OF ANACORTES
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

CITY OF ANACORTES

DESCRIPTION	AMOUNT
Reimbursements	6,298.35
Reimbursement for E.D. Hovee Inv 4737	
Reimbursements	9,189.43
Reimbursement for E.D. Hovee Inv 4744	
Total Amount Due:	15,487.78
ACCOUNT NO. MIS-12TETHYS	PAYABLE UPON RECEIPT 15,487.78

Please Remit to: CITY OF ANACORTES
P.O. Box 547
Anacortes, WA 98221

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ATTACHMENT 3

**“PL12-0258, Anacortes/Tethys UGA Expansion Application; Encroachment
Into the County’s Rural Marine Industrial Land,”
Evergreen Islands Letter to the Skagit County Commissioners,
October 1, 2012.**

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EVERGREEN ISLANDS

October 1, 2012

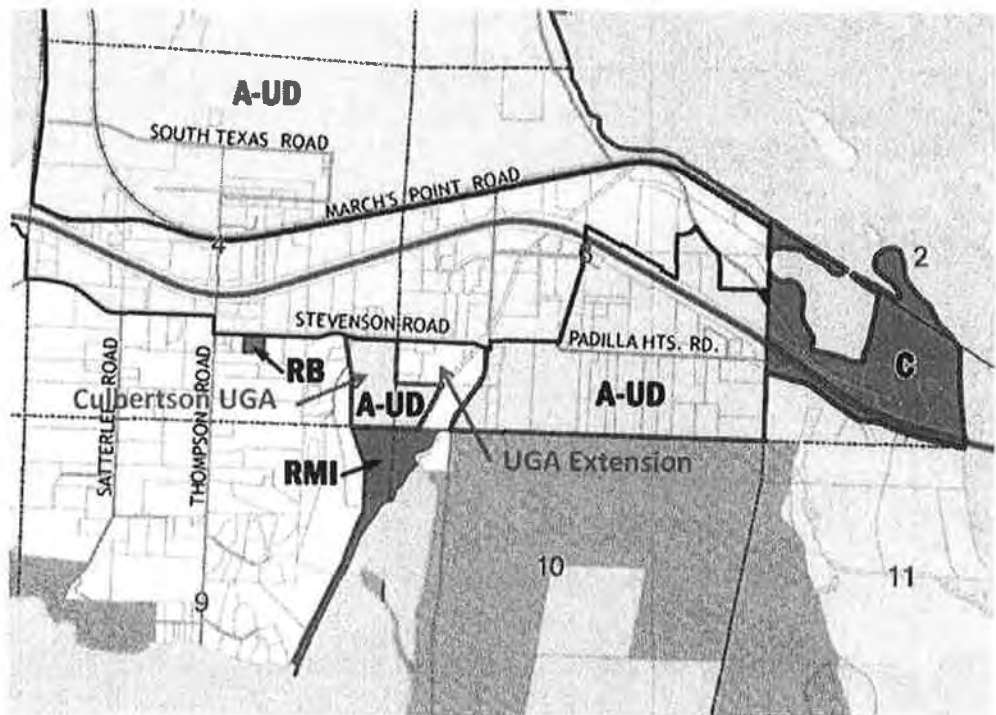
To: Skagit County Commissioners
(Ken Dahlstedt, Sharon Dillon, Ron Wesen)
1800 Continental Place
Mount Vernon, WA 98273

Re: **PL12-0258, Anacortes/Tethys UGA Expansion Application
Encroachment into the County's Rural Marine Industrial Land.**

Dear Commissioners:

Evergreen Islands is concerned about the threat to one of the County's few industrial zones. The map in Figure 1 shows the location of the proposed UGA Expansion in relation to the Culbertson Rural Marine Industrial zone. The proposed site does not fit the configuration needed for a bottling plant

Figure 1. Map of the Anacortes Proposed UGA Expansion



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The Irregular UGA Boundary Contention

At a recent Anacortes City Council meeting, a City official contended that the land included in UGA Expansion application would fix the irregular UGA boundary which was established by the County.

However the City of Anacortes actually was one of the principal parties that compelled the UGA's irregular boundary. In the year 2000, the City of Anacortes and others contested the County's Rural Marine Industrial (RMI) before the Western Washington Growth Management Hearings Board (WWGMHB)¹. After the appeal to the WWGMHB and two appeals to Superior Court², as part of the settlement agreement,³ Culbertson Marine Construction land was added to the Anacortes UGA. Section 3.d of the settlement stated,

In recognition that the Amended RMI Zone substantially reduces the development potential of the Culbertson Turner's Bay property zoned Rural Marine Industrial, adoption of an ordinance by the City that: 1) amends its Comprehensive Plan to add to the City's Urban Growth Area ("UGA") the property owned by Culbertson that is adjacent to the City Limits described herein and depicted on Exhibit C as the "Culbertson Upland Property"), and 2) designates the "Culbertson Upland Property" as being subject to applicable City land use codes and ordinances, including the standards in the City's Light Manufacturing zone; and if allowed by the Countywide Planning Policies (as currently existing or amended), adoption of an ordinance by the County that: 1) amends its Comprehensive Plan to add the Culbertson Upland Property to the City's UGA, and 2) amends its zoning map to designate the Culbertson Upland Property as Light Manufacturing.

¹ **WWGMHB:** City of Anacortes, et, al. v. Skagit County, et. al. No.00-2-0049c

(**et.al.:** City of Anacortes, Swinomish Indian Tribal Community, Friends of Skagit County, ...)

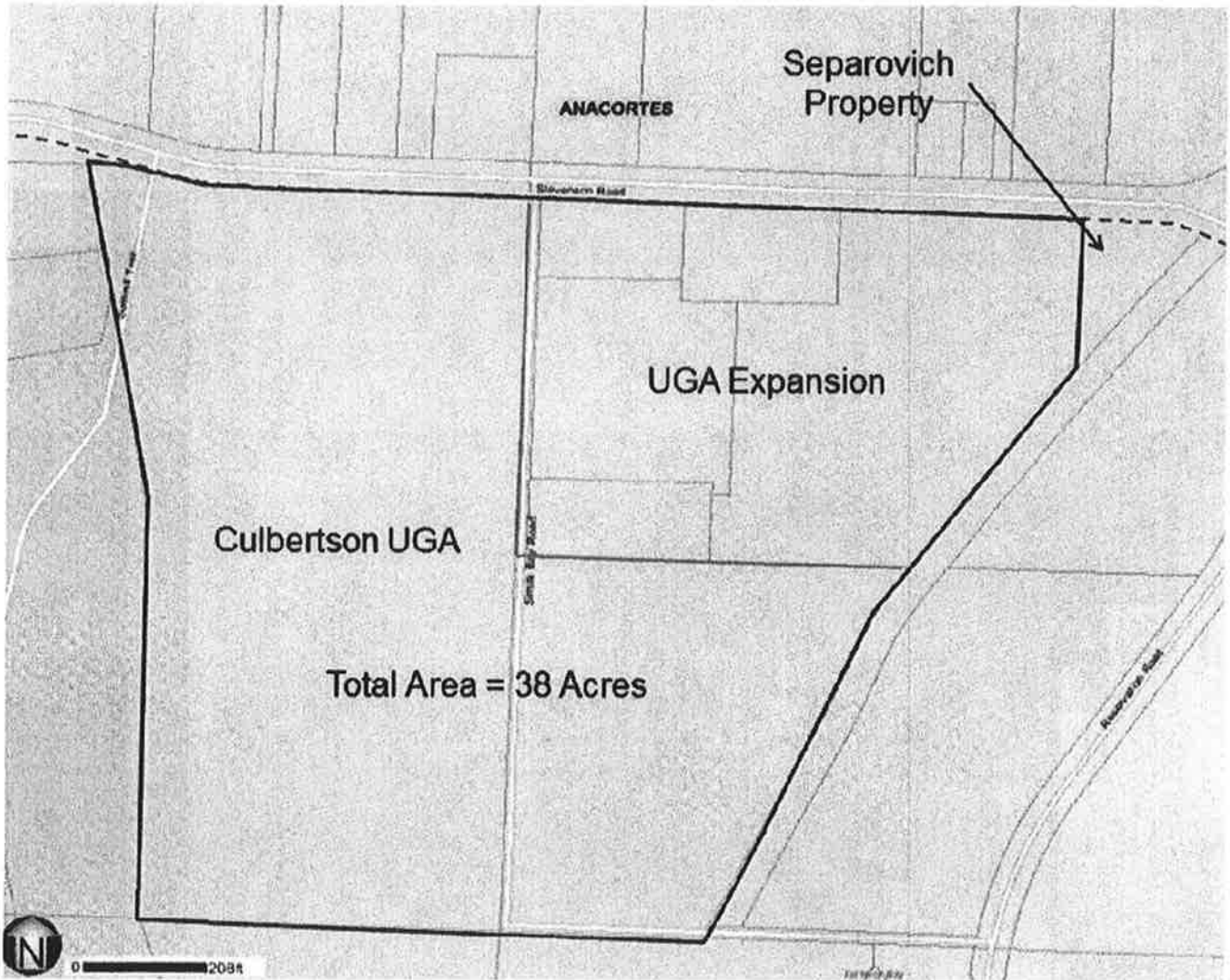
² **Superior Court:** Skagit County v. WWGMHB, Skagit County Superior Court No. 01-2-00424-0
Superior Court: Skagit County v. WWGMHB, Skagit County Superior Court No. 02-2-00561-9

³ **RMI Settlement Agreement #242025 17231-002 6/02/2003**

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The UGA Expansion Land Will Be Combined with Culbertson's UGA Land

The City of Anacortes/Tethys Application indicates that the UGA Expansion land will be combined with the Culbertson UGA land to attain the minimum 30 acre site required the City's Water Service Agreement⁴ with Tethys Enterprises, Inc.



⁴ City Of Anacortes, Washington And Tethys Enterprises, Inc. Agreement Regarding Water Service, October 1, 2010. Section 3.1 Site Selection.

Irregularity in the Application

Figure 2 shows the latest version of the site plan that is included in the application for the UGA Expansion. At the bottom of the plan, a note states, "Some Rail Service and Staging Areas May Extend an Additional 700' +/-."



Some Rail Service and Staging Areas
May Extend an Additional 700' +/-

Conceptual Plant Site Layout

with Concept Plant Layout plan

The additional 700' is required for a rail yard needed to accommodate the 100-car unit trains – unit trains are nearly 1-1/2 miles long when the new intermodal cars are used.

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Businesses Requiring Unit Trains Require Long Narrow Sites

Tesoro's SEPA checklist⁵ provides the following details regarding the rail yard for their 100-car unit train:

The proposed Unloading Facility and associated structures will be approximately 18.6 acres (1,600 x 110 feet) and will consist of the following elements:

- 4 railway tracks, about 4,100 feet in total length, located parallel to the existing railroad corridor.
- Tie-up tracks will be constructed along the tracks and will be long enough to store four 6-axle locomotives.

Figure 3 shows an aerial view of March Point with their rail yard shown in yellow (Note that the Tesoro rail yard honors the 200' shoreline buffer.)

Figure 3. Aerial Photo of March Point Showing Tesoro's Rail Yard for Its Unit Trains.



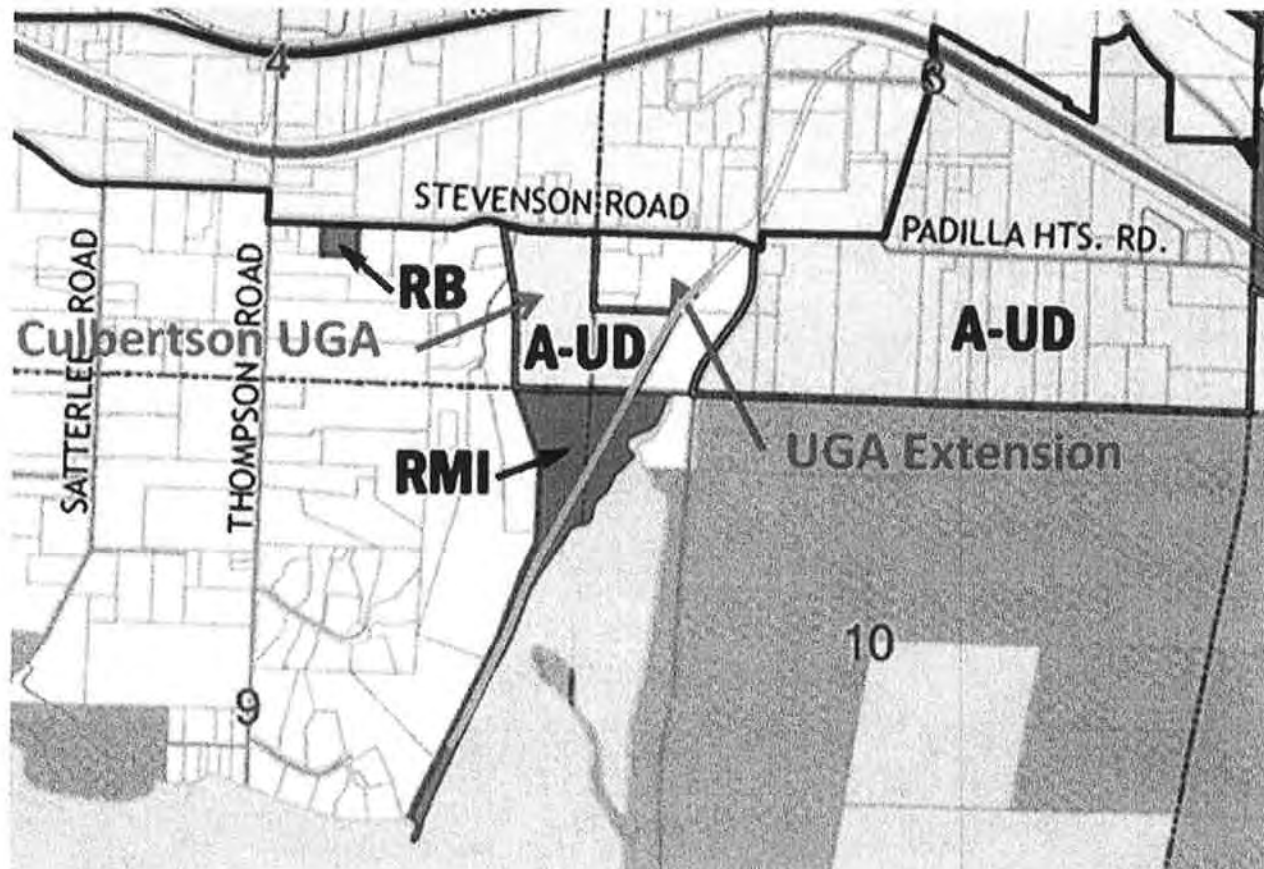
⁵ Tesoro Unit Train Unloading Facility SEPA Checklist – BP11-280, July 2011.

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Tesoro 100-car unit trains deliver Bakken shale oil from North Dakota. Currently one train is scheduled to run every other day, but eventually the schedule will be one train a day.

Figure 4 shows how the 4,100' length of the Tesoro rail yard would fit on Tethys's proposed site.

Figure 4. Tesoro's 4,100' Rail Yard Length Superimposed on the Proposed Tethys Site



While the rail yards for 100-car unit trains are long and narrow, a rail yard the size of the Tesoro yard will not fit on the Culbertson RMI zone because the southern end of the land is too narrow, which is probably why the Tethys site plan mentions only 700 feet into the RMI zone.

Also note that Tethys has mentioned that its facility, which was originally specified as 1 million square feet, (26 acres), will be much smaller and to accommodate the loss of warehouse, the water products will be stored in rail cars. Such a scheme will require a much wider rail yard that is all likelihood require expansion into Turners Bay's salt water marsh and possibly into the Rural Reserve lands to the west.

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The Tethys Bottling Plant Is Not A Water Dependent Use

According to Skagit County Code 14.16.170, Rural Marine Industrial (RMI), the purpose of the zone is as follows (emphasis added):

(1) (a) Purpose. The Rural Marine Industrial zoning district is intended to recognize existing rural marine industrial facilities and to permit expansion of existing **rural water and shoreline dependent or related marine industrial activities** in Skagit County, and to provide limited expansion opportunities and limited changes of use.

In a June 11, 2012 e-mail from Gary Christensen to Ryan Larsen, Anacortes Planning Director, Mr. Christensen states (emphasis added),

Ryan,

This email is regarding Tethys bottling plant and possible use of unincorporated county land zoned Rural Marine Industrial (RMI). **I've not been able to find in Skagit County Code (SCC) an acceptable or defined permitted outright or special use activity in the RMI zone that would accommodate the kind of business or land use activity associated with Tethys.** See SCC at: 14.16.170 Rural Marine Industrial (RMI). If you find one, let's discuss further.

Regards,

Gary R. Christensen, AICP

In an e-mail (June 6, 2012) to Dale Pernula, Skagit County Planning Director, Mr. Christiansen stated (emphasis added),

Dale,

I'm mtg later this week on Friday with representatives of Tethys (a proposed 1 million square foot watering bottling plant facility), Don Wick (EDASC), and City of Anacortes officials to discuss the project, which is located near the City of Anacortes. See attached vicinity map. The mtg is on Friday at 2, PDS office. *I think you should attend.*

Brandon and I have met with them before. It is a controversial project. See attached newspaper articles for background info.

I'm hearing that the project acreage may spill over beyond the Anacortes UGA and would like to utilize some portion of a Rural Marine Industrial (RMI) zoning district. See my attached emails to a Tethys attorney regarding the project and comprehensive plan and zoning map changes, and Ryan Larson, City of Anacortes Plng Director, in which **I indicate that it might be difficult to locate any of the project in the RMI zoning based on the nature of the project.**

Let's discuss when you get a chance.

Gary R. Christensen, AICP

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SUMMARY

In summary,

- Skagit County has spent a lot of time and money to protect its Rural Marine Industrial Zones (Culbertson Marine, Twin Bridges, and Rozema Boat Works). The County would do County residents and taxpayers a disservice if it abandoned one of its few marine industrial zones that not only generate revenue but also allow future water dependent and water related uses.
- The proposed site for the Tethys facility is too small for a 5 million-gallon-a-day water bottling plant – the length of the rail yard extends into the County’s Rural Marine Industrial zone, and the width of the rail yard will likely encroach into Turners Bay and the Rural Reserve land to the west.
- The proposed site entails multiple legal issues that the County will be forced to address if the UGA Extension is approved, and the Tethys Bottling Plant project goes forward. These issues include the SEPA determination, the UGA annexation process, the RMI water dependent use, etc.
- The application is incomplete because it does not include a complete, accurate and detailed site plan.
- The application process itself is questionable and may be illegal. Does the Mayor of Anacortes actually have the authority to submit the application without any public meetings or opportunity for the City Council to research and obtain relevant information prior to the July deadline? Who is actually the applicant since Tethys paid the application fee ostensibly for the property owners but the Mayor of Anacortes submitted it? The County legal department should clarify these issues before the process continues.

Evergreen Islands urges Skagit County not open this Pandora’s Box.

Respectfully yours,



Tom Glade

President, Evergreen Islands

ATTACHMENT 4

**“PL12-0258, Anacortes/Tethys UGA Expansion Application; Concealed Rail Yard Land Requirement,”
Evergreen Islands Letter to the Skagit County Commissioner,
April 5, 2013.**



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April 5, 2013

To: Skagit County Commissioners
(Ken Dahlstedt, Sharon Dillon, Ron Wesen)
1800 Continental Place
Mount Vernon, WA 98273

Re: **PL12-0258, Anacortes/Tethys UGA Expansion Application
Concealed Rail Yard Land Requirement**

Dear Commissioners:

The County Planning Staff has erred by classifying the City of Anacortes application (the Application) for a 11-acre UGA Expansion as a non-project issue because the City's quintessential reason for submitting the Application is to provide land for the Tethys bottling plant, one of the largest, if not the largest bottling plant in the United States.

As demonstrated by the following examples, the Tethys bottling facility will require 40 to 50 acres of land.

In December 2012 interview¹ with the Skagit Valley Herald, Steve Winters, the Tethys Chief Executive Officer (CEO), made the following comments:

We had a very similar proposal in Everett. Everett, quite frankly, had marginal land with regard to size, so the facility in Everett would not have been as large, ultimately. Most of the sites down there were in kind of the 35- to 40-acre range, which really limited our ability to do rail transportation. So the promise of having greater land was one of the things that was attractive up here.

Although Tethys has currently proposed a 29-acre site for the bottling plant facility within the Anacortes city limits, additional land is needed for the rail yard required for the 100-unit water trains which are an integral part of the Tethys proposal.

¹ "Q&A with Steve Winter, CEO of Tethys," Skagit Valley Herald, December 9, 2012.
http://www.goskagit.com/all_access/q-a-with-steve-winter-ceo-of-tethys/article_f4b82ee2-1286-5dd4-8e97-6f5e77fcfaac.html?success=1

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In a December 2012 Anacortes American article², includes the following Steve Winters's comment regarding the Sunland Topsoil site (emphasis added):

The outlined property is separate from the roughly 11 acres on the south side of Stevenson Road off Reservation Road that is also being eyed as part of the proposed facility. The city has requested an urban growth area expansion for that property.

Tethys CEO Steve Winter said the current 30 acres is just part of the plan.

"We definitely plan to use the property in the UGA expansion," he said. "It could be used for anything. It could be for rail transportation staging or it could be used for the building."

In Matthew Kelly's e-mail³ to Don Wick and Ryan Larsen, Mr. Kelly, a Tethys principal, states the following (emphasis added):

Foremost issue is obtaining a parcel of property proximate to rail that could serve our needs. Tesoro has the land, especially on the West side of March's Point. The question is whether they would have us. We should determine whether they would before moving ahead. **There are a number of landowners south of the refineries that may work as well, but the act of herding all of those owners into making a 40 to 50 acre parcel** may not be doable either. If Tesoro would be willing, that is the easiest option for all involved.

In his September 2010 e-mail⁴ to Phil Bastien, a Tethys Enterprises, Steve Winter, another Tethys Enterprises principal, conveyed his concerns regarding the Anacortes/Tethys Water Service Agreement's requirement that "The water is treated and packaged on the Property in units or containers of a size no greater than ten (10) gallons." In his e-mail, Mr. Bastien, in an effort to illustrate the scale, writes (emphasis added),

No standard pallet or other transport system could be used so special containers would have to be created at hug cost and be returnable to be practical. It would take over 670 rail cars every day on 7 miles of track to ship the 40 million pounds of water in 10 gallon bags. **That means you would need over a weeks' worth of shipping packages in stock, stored in a monstrous warehouse or on 4,700 rail cards (sic) in a yard requiring 47 miles of track.**

² "Tethys meets contract deadline for proposed bottling plant," Anacortes American, December 5, 2012. http://www.goanacortes.com/news/entry/tethys_meets_contract_deadline_for_proposed_bottling_plant

³ "Status," Matthew Kelly E-Mail to Don Wick and Ryan Larsen, Monday, April 26, 2010

⁴ "RE: Anacortes / Tethys Revised Water Contract," Steve Winter E-Mail to Phil Bastien, September 03, 2010.

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In the December, 2012 Skagit Valley Herald article⁵ entitled "Q&A with Steve Winter, CEO of Tethys," included the following statements by Mr. Winters (emphasis added):

There's two primary issues with building a plant of that size. One is transportation. The reason is because your served market needs to be substantially larger than what you can reach by truck. With trucks you can go about 400 miles, which means basically you can cover Washington state, part of Oregon and maybe into Idaho. That's a fairly small demographic area, and you couldn't justify a megaplant based on that. **In order to build a larger plant, we have to have a transportation method that will get us a farther economic distance, and that's rail. So with rail, we can increase that by four, four-and-a-half times. Instead of going 400 miles, we can increase that to 1,600 miles or more. So we have to have a site that has on-side rail capacity, we need to be able to back a train onto our property and be able to load and stage that train, and then have that train leave our facility.**

So we needed to have the water, and **we needed to have the rail transportation.** Those are absolutely both key. We've been on the search for those two things, you know, get the water source and **find a site that can sustain rail transportation.**

One of the concepts behind this is that we can basically eliminate a lot of the warehouse space that you normally need in manufacturing, **because we use the rail, we'll use the trains as our warehouse.** So we will be staging product on trains and sending them out in as near real time as we possibly can. It's part of the efficiency equation that justifies building a plant of this size. If we can build and stage product in real time on these trains, and send them out to locations where the demand is, the economics work for it.

Having met this milestone now of ID'ing at least 30 acres, we're now entering the feasibility stage. That will take us about a year. And what is the feasibility? It's the period in which we determine several things. **Is the site actually suitable for what we want to accomplish? Can we put the rail on it? Can the rail provide the capacity that we're looking for? Can the site sustain the size plant that we're looking for? What are the environmental impacts? What are the transportation impacts?**

So Anacortes invited us to come up to their community because they felt they had the water and they had the availability of rail that could potentially meet our needs. So we've been working with Anacortes. **We had a very similar proposal in Everett. Everett, quite frankly, had marginal land with regard to size, so the facility in Everett would not have been as large, ultimately. Most of the sites down there were in kind of the 35- to 40-acre range, which really limited our ability to do rail transportation. So the promise of having greater land was one of the things that was attractive up here.**

⁵ 16. "Q&A with Steve Winter, CEO of Tethys," Skagit Valley Herald, December 9, 2012. http://www.goskagit.com/all_access/q-a-with-steve-winter-ceo-of-tethys/article_f4b82ce2-1286-5dd4-8e97-6f5e77feaac.html?success=1

177

In the September 14, 2012 edition⁶ of Skagit Valley Herald, Steve Winters states the following (emphasis added):

Winter said the facility needs to be large and rail-connected to succeed in an industry where the status quo — single-brand production facilities using trucks to transport goods — are relatively inefficient. **He said a large rail transfer station would be located on-site.**

Figure 13 of the original application, which has not been revised, is included below.



Some Rail Service and Staging Areas
May Extend an Additional 700' +/-

Conceptual Plant Site Layout

with Current Plant layout draw

In small print, Figure 13 includes a note that states, “Some Rail Service and Staging Areas May Extend an Additional 700’ +/-.” The additional 700’ is required for the rail yard needed to accommodate up to four 100-car unit trains – unit trains that are nearly 1-1/2 miles long.

⁶ “Tethys CEO sheds light on bottling plant,” Skagit Valley Herald, September 14, 2012
http://www.goskagit.com/all_access/tethys-ceo-sheds-light-on-bottling-plant/article_d7526ced-ba59-5b18-9a01-83b0d03accd5.html

178

Businesses Requiring Unit Trains Require Long Narrow Sites

Tesoro's SEPA checklist⁷ provides the following details regarding the rail yard for their 100-car unit train:

The proposed Unloading Facility and associated structures will be approximately 18.6 acres (1,600 x 110 feet) and will consist of the following elements:

- 4 railway tracks, about 4,100 feet in total length, located parallel to the existing railroad corridor.
- Tie-up tracks will be constructed along the tracks and will be long enough to store four 6-axle locomotives.

Figure 3 the rail yard diagram that was included in Tesoro's SEPA checklist⁷. The diagram notes that the track labeled "Unit Train Ready for Pick Up" is 6,477 feet (1.6 miles) long.

Figure 3. Tesoro's Rail Yard Diagram for Its Unit Train Rail Yard.

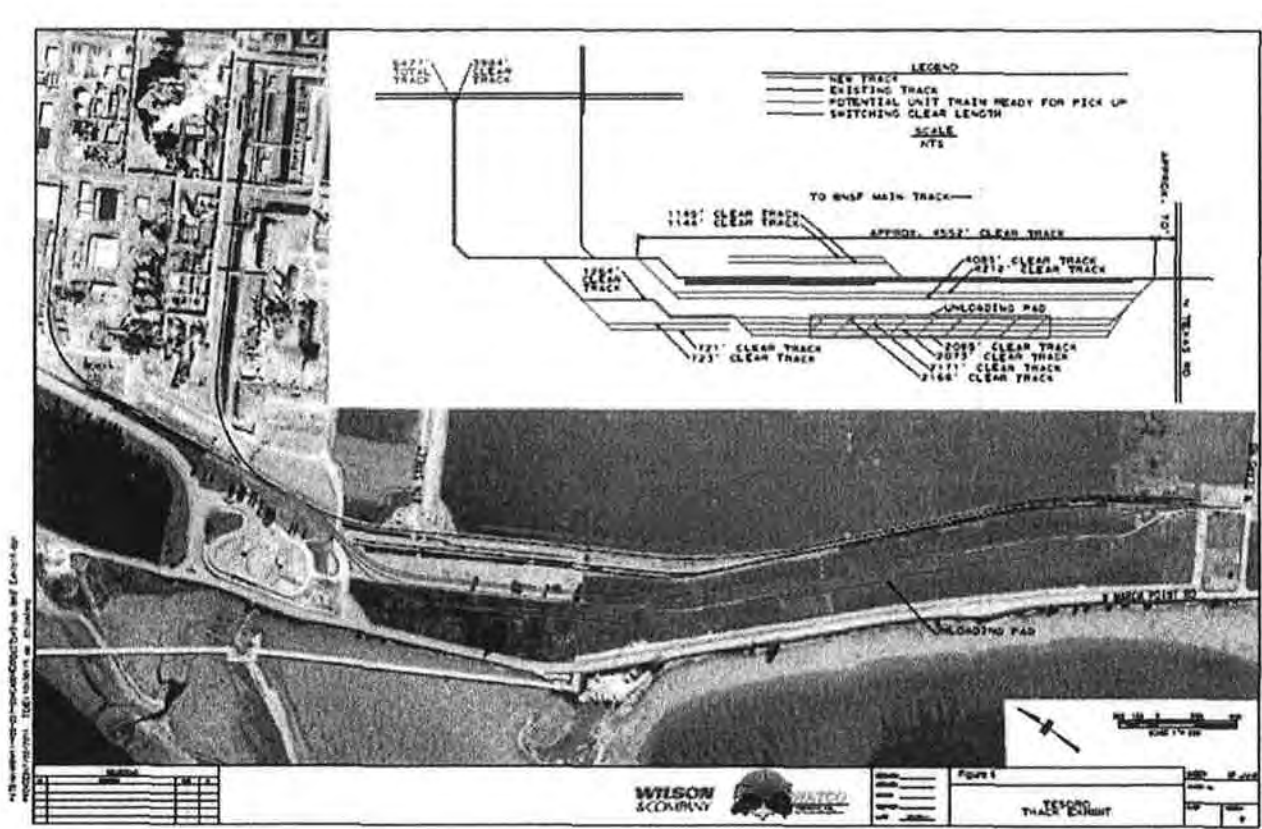


Figure 4 is a satellite photo of March Point with the Tesoro rail yard diagram overlaid. Figure 5 is an aerial photo of the recently completed Tesoro rail yard. (Note that the Tesoro rail yard honors the 200' shoreline buffer.) Figure 6 is a map showing the length of the Tesoro unit train rail yard overlaid on the County Comprehensive Plan map of the UGA Expansion area.

⁷ Tesoro Unit Train Unloading Facility SEPA Checklist – BP11-280, July 25, 2011.

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Figure 4. Satellite Photo Showing Tesoro's Rail Yard for Its Unit Trains.

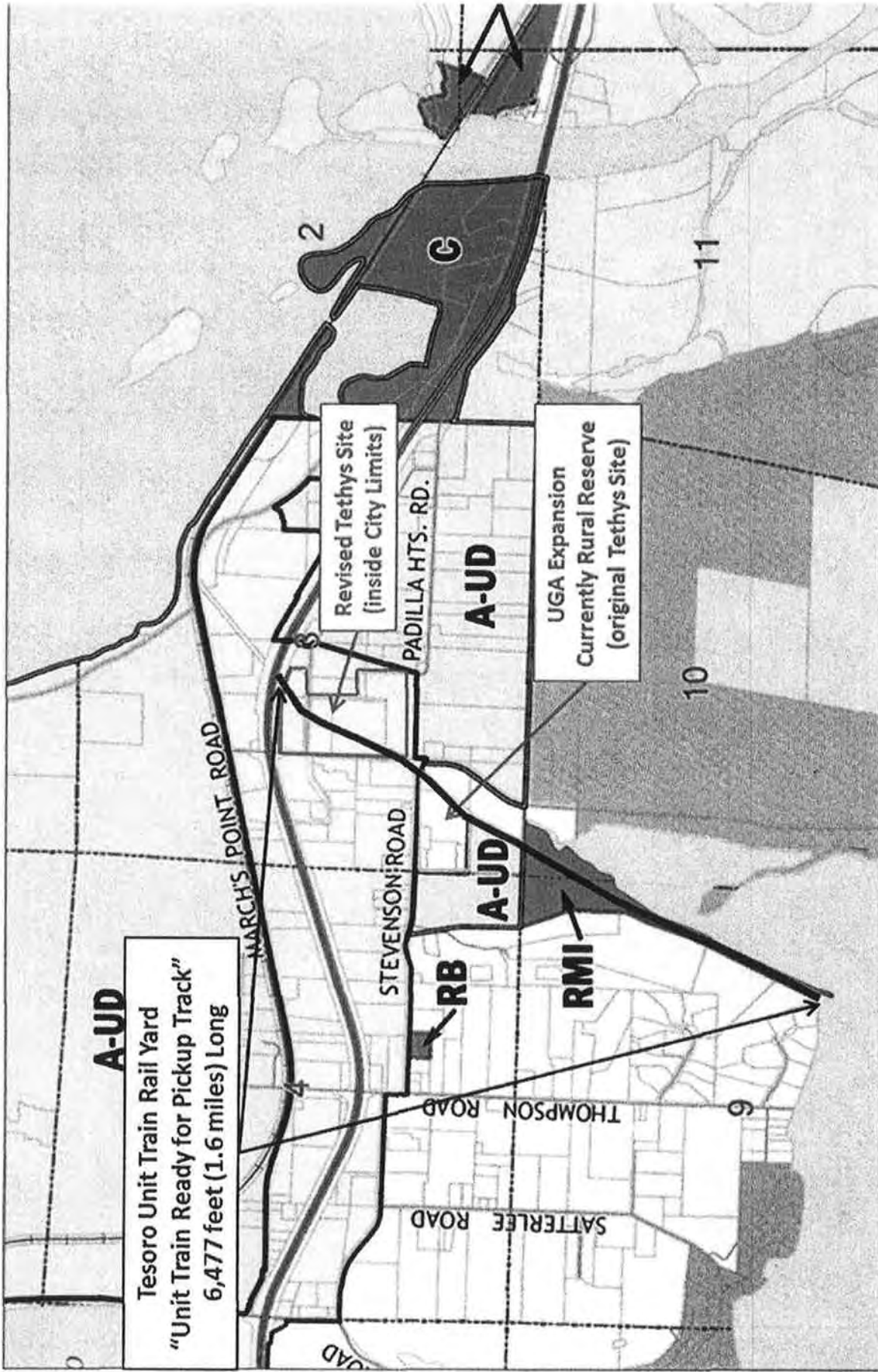


Figure 5. Aerial Photo Showing Tesoro's Newly Completed Rail Yard.



180

Figure 6. County Comprehensive Plan Map with the Length of the Tesoro Unity Train Rail Yard Overlaid.



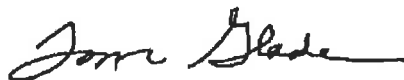
SUMMARY

In summary,

- The County Planning Staff has erred by classifying the City of Anacortes application (the Application) for a 11-acre UGA Expansion because the City's quintessential reason for submitting the Application is to provide land for the Tethys bottling plant, one of the largest, if not the largest bottling plant in the United States.
- As is still the case, the original application did not specify or show how much land is required for the requisite rail yard for 100-unit water trains. This intentional omission conceals the actual amount of land that the Tethys water bottling plant will require. The County should demand that this additional land requirement be addressed in a "detailed development proposal."
- Steve Winters, the Tethys CEO has already stated, "We definitely plan to use the property in the UGA expansion." – a statement made after the proposed Tethys site was moved to a location within the Anacortes City Limits.
- By docketing this project, the Skagit County Commissioners will essentially deny the citizens of Skagit County the opportunity to participate in one of the largest land use decision in the County's recent history.

Evergreen Islands urges the Skagit County Commissioners to refuse to docket the City of Anacortes's application to expand its Urban Growth Area...

Respectfully yours,



Tom Glade

President, Evergreen Islands

ATTACHMENT 5

**Anacortes Planning Staff Memo to Anacortes Mayor and City Council,
“City of Anacortes – UGA Expansion,”**

August 28, 2012



**DEPARTMENT OF PLANNING, COMMUNITY & ECONOMIC
DEVELOPMENT**

DATE: August 28, 2012
TO: Mayor and City Council
FROM: Ryan C. Larsen, Director *RCL*
Planning, Community, & Economic Development
SUBJECT: City of Anacortes - UGA Expansion
REQUIRED ACTION: Move to approve Resolution

Briefing

City Council held a public comment period at their August 20, 2012 meeting to accept comments on the merits of the proposed UGA expansion application to Skagit County. Staff is providing Council with a resolution for consideration regarding the proposed Urban Growth Expansion of 11.15 acres located south of Stevenson Road and west of Reservation Road. The draft resolution for Council's consideration supports the continued processing of the application by the County and asks the County to consider removing Parcel 19896 owned by Robert Separovich.

Background

City staff has been in conversations with Tethys Enterprises, Inc. regarding their continued interest in finding a suitable location for a food and beverage manufacturing facility located in Anacortes. The company has approached a number of land owners in the City about acquiring and consolidating properties for this facility; however a property of suitable size has been difficult to locate. A portion of the property currently being evaluated lies outside of the City's UGA and would need to be incorporated into the UGA to accommodate the proposed facility.

Recommendation(s)

Move to approve the resolution.

Financial Implications

N/A

Impacts if Action Not Taken

N/A

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Attachments

1. A Resolution Supporting the Continued Processing of a Proposed Urban Growth Area Expansion Request for the City Of Anacortes

RESOLUTION _____

A RESOLUTION SUPPORTING THE CONTINUED SKAGIT COUNTY PROCESSING OF A PROPOSED URBAN GROWTH AREA EXPANSION REQUEST FOR THE CITY OF ANACORTES.

WHEREAS, the City of Anacortes has submitted an application on behalf of three property owners whom wish to be included in the City's Urban Growth Area; and

WHEREAS, the proposed UGA expansion request is located south of Stevenson Road and west of Reservation Road and consists of approximately 11.15 acres; and

WHEREAS, the proposed UGA expansion area is surrounded on two sides by existing urban growth boundary and on one side by existing city limits and is identified in Exhibit A; and

WHEREAS, the City Council held a study session on the matter at their August 13, 2012 meeting; and

WHEREAS, the City Council took public comment at their August 20, 2012 meeting; and

WHEREAS, the property owner owning Parcel 19696 (Robert Separovich) has requested to be removed from the proposed Urban Growth Area expansion request to Skagit County; and

WHEREAS, Skagit County processes all proposed UGA expansion requests and will take a final action on whether or not to docket the proposed request by the City and property owners ; and

WHEREAS, if the application is granted by Skagit County the City will engage in a public process to consider the appropriate manner by which to include the subject property in the City's Comprehensive Plan and the appropriate designation(s) under the City's development regulations; and

WHEREAS, the City Council has considered the request of the property owners and supports the continued processing of the application with Skagit County.

NOW THEREFORE, BE IT RESOLVED BY THE ANACORTES CITY COUNCIL:

1. The Council asks the County Commission to consider removing Parcel 19696 owned by Robert Separovich from the proposed UGA expansion request.
2. The Council supports the continued processing of the proposed request of the property owners to be included in the City's Urban Grow Area.

PASSED AND APPROVED by the City Council this _____ day of _____, 2012.

CITY OF ANACORTES

H. Dean Maxwell, Mayor

ATTEST:

Steve D. Hogle, City Clerk/Treasurer

Approved as to Form:

Bradford E. Furlong, WSBA #12924
City Attorney

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EXHIBIT A

11.15 Acres

Parcel #	Acreage	Owner
P19748	5.05ac	Homestead LLC
P19749	2.56ac	Homestead LLC
P19760	1.00ac	Homestead LLC
P19700	1.00ac	David Bass
P19747	0.84ac	Clinton Carnell
P19696	0.70ac	Robert Separovich

City Limits

Z-FM
Z-LM




Proposed UGA Expansion Area
- Vicinity Map -

Proposed County Zoning = AJUD
Future Proposed City Zoning LMH



July 2012

8

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Monday, April 15, 2013 8:31 AM
To: Dale Pernula; Debra L. Nicholson; KirkJohnson
Subject: FW: PDS Comments

From Dept Email

-----Original Message-----

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Sunday, April 14, 2013 11:05 AM
To: Planning & Development Services
Subject: PDS Comments

Name : Benjamin Paul Goe
Address : 508 4th St.
City : Anacortes
State : WA
Zip : 98221
email : weregoatstar@gmail.com
Phone : 3602020778

PermitProposal : Tethys project and UGA Expansion Comments : This project is clearly ill-thought out. We need more research into the short and long-term issues associated with it, and by classifying it as a non-project you are removing us, the taxpayers, from the planning process. This is short-sighted, and allows Tethys a free hand. After a LOT more research and planning, this needs to be opened back up to public comment.

From Host Address: 204.11.203.118

Date and time received: 4/14/2013 11:04:31 AM



1103-29th St., #103
Anacortes, WA 98221
4-10-13

Skagit County Commissioners
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

According to the 4-10-13 issue of the Skagit Valley Herald, at a public hearing on 4-9-13, attendees were advised by the county that comments could only be made about Anacortes' long-term growth area expansion proposal, and not about the beverage bottling facility that was apparently pre-considered with very limited public knowledge.

It appears that the ONLY reason for the growth area expansion proposal in the first place was the bottling plant! How democratic can a hearing be when the reason for the proposal could not be commented on? The largest plant of its kind in the world, I'm told, on a tiny populated island? With massive environmental and pollution concerns? For all practical purposes, only one land exit off the island? And manufacturing a product increasingly becoming a dirty word for its huge contribution to landfills?

Shame on us if this is allowed to happen!



Ms. Vicky Grady
1103 29th St., Apt. 103
Anacortes, WA 98221

Vicky Grady



cc: Hammons

To: Skagit County Board of County Commissioners
(Ken Dalhstedt, Sharon Dillon, Ron Wesen)
1800 Continental Place, #100
Mount Vernon, WA 98273

Re: PL12-0258, Anacortes/Tethys UGA Expansion Application Complicity Rail Yard

Dear Commissioners,

I am writing as a concerned taxpayer of Skagit County opposed to the proposed water deal between the City of Anacortes and Tethys Enterprises, Inc, and the associated UGA Expansion Application.

Mayor Dean Maxwell and Tethys CEO Steve Winters are promoting the water bottling plant as creating local jobs and revenue. As a stay-at-home parent considering re-entering the job market in the next few years I am hopeful to find employment here in Skagit County, the place that my family hopes to be our home for decades. Even as such, I cannot support the idea of a bottling plant at a time when global opinion is shifting against the use of single-use plastics.

Communities elsewhere in the United States are banning the sale of single-use water bottles, and even our local high school teens are taking measures to decrease single-use water bottles with student-driven hydration station installations. See the following for a few examples:

- <http://newsfeed.time.com/2013/01/04/massachusetts-town-bans-plastic-water-bottles/>
- <http://www.usatoday.com/story/news/nation/2013/04/08/bottled-water-sales-ban-drake/2065273/>
- <http://www.nationalparkstraveler.com/2012/02/sale-plastic-water-bottles-banned-grand-canyon-national-park9429>
- http://www.goanacortes.com/news/entry/students_hydration_station_popular_way_to_reduce_waste

Jobs created by a bottling plant are not long-term jobs in a world that is turning away from single-use disposable plastics. Land converted from rural reserve to UGA and developed for a bottling plant will potentially become yet another commercial graveyard that needs to be cleaned up when the jobs are lost due to the unsustainability of a failing single-use bottling market.

Please stop this plant from becoming a reality. Please refuse to docket the City of Anacortes' application to expand its Urban Growth Area until a more sustainable proposal is put forth.

Respectfully,

Sonia Hambleton,
Concerned taxpayer and parent in Anacortes



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Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Wednesday, April 10, 2013 7:49 AM
To: KirkJohnson; Dale Pernula; Debra L. Nicholson
Subject: FW: PDS Comments

From Dept Email

-----Original Message-----

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Tuesday, April 09, 2013 8:10 PM
To: Planning & Development Services
Subject: PDS Comments

Name : william Harpham
Address : 1403 Portalis CT.
City : Anacortes, WA
State : WA
Zip : 98221
email : harpham1@gmail.com
Phone : 3608995525
PermitProposal : 360-899-5525
Comments : Dear planning Dept.

This water plant is nothing but the private selling of the peoples commons. Mayor Maxwell has no authority to sell off the public commons to a totally private enterprise. This blatant privatization of government at the expense of the many has got to stop. This is nothing but a scam to profit private industry.

The planning dept. should review the Powell memo, Google it. This memo set into motion 30 years of stealing America blind by big corp. Justice Powell laid his plan into motion before appointment to the S.C. It's very well laid out in his letter to a fellow with the national chamber of commerce back in 1973.

You should review also waniski's two Santa Clause theory also I don't want every one to vote speech.

look up and analyze every thing that's happened over the last 30 years.

This water plant is just another piece of that direction. Some one stands to make a lot of money from this phoney water plant that no one needs.

Thank you,

Wm. Harpham
1403 Portalis Ct.
anacortes, Wa 98221-4030
PH.. 360-899-5525

From Host Address: 24.18.0.212

Date and time received: 4/9/2013 8:07:06 PM

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Monday, April 15, 2013 8:30 AM
To: Dale Pernula; Debra L. Nicholson; KirkJohnson
Subject: FW: PDS Comments

From Dept Email

-----Original Message-----

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Sunday, April 14, 2013 5:50 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Charles Anthony Harraa\h
Address : 9594 Flagstaff Lane
City : LaConner
State : WA
Zip : 98257
email : harrah@gotsky.com
Phone : 3604661858

PermitProposal : Anacortes UGA expansion Comments : This proposal should be rejected out of hand. As many individuals pointed out at last week's hearing to consider the proposal, the city of Anacortes has failed to meet the standards called for in the county code for such a submission, including the requirement for adequate public input.

In addition, the project for which Anacortes is (underhandedly) seeking this approval would be an environmental disaster on many levels, affecting newly restored salmon habitat and a heron rookery, increasing rail traffic in a sensitive area, and affecting automobile traffic to and from Anacortes and LaConner. How a million square foot facility with a few miles of railroad siding can be considered "light manufacturing" under the county's codes is beyond me.

Finally, giving away our precious water to be bottled and shipped all over the western United States, with all the pollution and waste (85% of water bottles end up in landfills) that such a monstrous enterprise entails would be a dereliction of the duty that the county's commissioners owe to the county's citizens.

From Host Address: 184.21.245.190

Date and time received: 4/14/2013 5:49:10 PM

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Tuesday, April 16, 2013 10:01 AM
To: Dale Pernula; KirkJohnson; GaryChristensen; Debra L. Nicholson
Subject: FW: PDS Comments

From Dept Email

-----Original Message-----

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Monday, April 15, 2013 11:55 AM
To: Planning & Development Services
Subject: PDS Comments

Name : Kristi Hein
Address : 3100 B Ave
City : Anacortes
State : WA
Zip : 98221
email : khc@picturesandwords.com
Phone : 360-293-8476
PermitProposal : PL12-0258

Comments : I write to express my concurrence with the detailed environmental impact and proposal discrepancies and inadequacies noted by Evergreen Islands in their public comments and written submissions to the Commission. It is transparently obvious that the proposal IS project-specific, and therefore a Detailed Development Proposal is required by law, as stipulated in county code. The pretense that this proposal is non-project specific allows the city of Anacortes to claim that citizens who object are against development and jobs overall, while denying citizens the right to express specific concerns about the specific planned project for which the expansion application is clearly made. Please stand up for the law and for the rights of the public. We are counting on you.

From Host Address: 50.123.107.144

Date and time received: 4/15/2013 11:50:24 AM

Lawrence E. & Virginia E. Heiner
P.O. Box 1450
Anacortes, Washington 98221
360-293-4120

RECEIVED

APR 12 2013



10 April 2013

Skagit County Board of Commissioners
(Ken Dahlstedt, Sharon Dillon, and Ron Wesen)
c/o Linda Hammons
1800 Continental Place
Mount Vernon, Washington 98273

Re: PL12-0258

Dear Commissioners Dahlstedt, Dillon, and Wesen:

We were very pleased to read in today's "Skagit Valley Herald" that you have decided not to move forward with the review of the proposed request by the City of Anacortes to increase its UGA by approximately eleven acres in the vicinity of Reservation/Stevenson roads. We request that you leave the approximately eleven acres requested by Anacortes under its current zoning of Rural Reserve.

(We did not attend the hearing last night because of a previous commitment.)

Although we understand that this hearing was supposed to be non-project specific, this is hard for us to believe since it was a Tethys check which paid for the initial request in 31 July 2012. Therefore, our remarks are project specific.

Not only are we adamantly opposed to the massive Tethys plant and the company's request for up to 5.5 million gallons per day of Skagit River water, but we think its proposed one million square foot structure in the proposed UGA expansion area would be detrimental to not only the City of Anacortes and Fidalgo Island, but also to Skagit County as a whole.

Our objections to the Tethys project are not related only to its obscene size at the entrance to the city we now call home. We also are very concerned about increased truck and train traffic in the area should this massive plant be built. We are very concerned about prompt access for police, fire, and emergency medical vehicles. Added to these concerns are the environmental impacts of adding this sensitive area to the UGA, with the potential for serious damage to the salmon habitat in Turners Bay, and the possibility of disruption and damage to the large blue heron rookery in the area.

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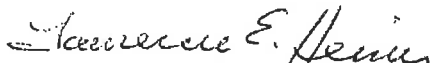
Skagit Valley Board of Commissioners
10 April 2013
Page Two

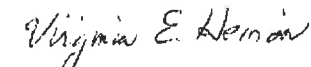
For eleven years, we lived on Snee-oosh Road, and every time we drive past Reservation Road, our usual approach when going to our Snee-oosh home, we shudder to think of all the detrimental issues we would daily have to deal with if we still lived in that area. We are very concerned that former neighbors will be subjected to all this traffic, which has the potential to be life-threatening if emergency vehicles cannot access the area.

The issue of jobs has frequently been raised as a reason to go forward with the Tethys project. It is our understanding that jobs in the beverage bottling industry are on the low side and are definitely not the coveted "family wage jobs" we constantly hear are needed in Skagit County.

We very strongly urge you to deny this UGA request. Thank you.

Sincerely,


Lawrence E. Heiner


Virginia E. Heiner

196

Debra L. Nicholson

From: Commissioners
Sent: Monday, March 25, 2013 12:38 PM
To: Dale Pernula; KirkJohnson; GaryChristensen
Subject: FW: UGA petition

*Linda Hammons, CMC
Clerk of the Board
Skagit County Commissioners
Administrative Building
1800 Continental Place, Suite 100
Mount Vernon, WA 98273
Phone (360) 419-3400
Fax (360) 336-9307*

From: Sara Holahan [<mailto:skholahan@yahoo.com>]
Sent: Wednesday, March 20, 2013 9:19 AM
To: Commissioners
Subject: UGA petition

Dear Commissioners,

I hope you will carefully consider the UGA petition from Anacortes, and then decide not to proceed. The area in question presents problems to the recent, and costly restoration of Turners Bay habitat and should not be changed to industrial land. There is still a significant amount of undeveloped UGA currently existing in Anacortes city limits.

Thank you for listening,

Sara Holahan
1511 38th St.
Anacortes, WA 98221

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Monday, April 15, 2013 8:33 AM
To: KirkJohnson; Debra L. Nicholson; Dale Pernula
Subject: FW: PDS Comments

From Dept Email

-----Original Message-----

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Saturday, April 13, 2013 7:40 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Mary Ruth Holder
Address : 109 N. 6th St.
City : Mount Vernon, WA
State : Washington
Zip : 98273
email : mruthholder@gmail.com
Phone : 3604193124
PermitProposal : PL12-0258
Comments :
Re: PL12-0258, Anacortes/Tethys proposed UGA Expansion Application

Dear Commissioners Dahlstedt, Dillon, and Wesen:

I am writing to agree with the comments submitted to you on this matter April 5, 2013 by Tom Glade/Evergreen Island, although I am a resident of Mount Vernon and not a member of that group. It was an error for the County Planning Staff to term the City of Anacortes application (the Application) an 11-acre "UGA Expansion" because, as Mr. Glade's letter to you fully documents, the real reason for the Application is to provide land for the proposed Tethys bottling plant, one of the largest, if not the largest bottling plant in the United States. This project would need a massive rail yard for a 1,000,000 sq-ft facility that will process 5,500,000 gallons of water a day. No UGA decision can reasonably be divorced from consideration of the total land that would be required by Tethys.

The underlying purpose for the Application and proposed eventual use of the land very much matters to all residents of Skagit County. Public participation in a democratic process on this issue must not be circumvented by piecemeal approval of small steps that would coalesce into one of the largest land use decisions in recent history. The Tethys project would have significant adverse impacts not only on wetlands/hydric soils, fish habitat and the heronry in the vicinity of the project, but on Mount Vernon and its residents due to the addition of more 100-car unit trains to the planned glut of trains associated with various proposals, including 18-daily trains for the Gateway Pacific Terminal project and 16-daily trains for transport of Bakken shale oil to Tesoro, Shell and the refineries at Cherry Point. It would likewise impact Burlington's residents and, for that matter, the BNSF Skagit River bridge.

I strongly urge you to refuse to docket (approve placement on the 2012 docket of annual amendments to the Skagit County Comprehensive Plan Land Use and Zoning maps) the City of Anacortes' application to expand its UGA, and to opt for an open and transparent decision-making process that includes fair opportunities for public comment on the Tethys project. Thank you for your attention to this important matter.

Sincerely,
Mary Ruth Holder

109 N. 6th St.
Mount Vernon, WA

From Host Address: 192.182.157.133

Date and time received: 4/13/2013 7:39:15 PM

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Tuesday, April 16, 2013 10:01 AM
To: Dale Pernula; Debra L. Nicholson; KirkJohnson; GaryChristensen
Subject: FW: PDS Comments

From Dept Email

-----Original Message-----

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Monday, April 15, 2013 1:05 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Cheron A. Holman
Address : 1004 Commercial Avenue #1040
City : Anacortes
State : WA
Zip : 98221
email : cherieholman@comcast.net
Phone : 360-293-1112

PermitProposal : City of Anacortes UGA Expansion Proposal Comments : Although this proposal is for the specific purpose to accommodate the Tethys bottling facility, it has been erroneously classified as a "non-project" application. This will deprive Skagit County residents of the right and responsibility to participate in the consideration of the immediate and long-term countywide impacts of this massive development that will affect Skagit County residents for generations to come.

Since this proposal includes zoning changes, it should go through the required Comprehensive Planning Process.

No fast track for Tethys!

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From Host Address: 24.18.238.95

Date and time received: 4/15/2013 1:03:51 PM



April 11, 2013

Skagit County Board of County Commissioners
1800 Continental Place, #100
Mount Vernon, WA 98273

cc. Hammers

Dear Commissioners Dahlstedt, Dillon, and Wesen:

RE: PL 12-0258: Anacortes UGA Expansion Application

I am opposed to the Anacortes UGA Expansion Application (PL 12-0258). I did not attend the public hearing about the proposed UGA Expansion area for the City of Anacortes. I would like my comments contained in this letter to be part of the official public comments for this project.

I believe Anacortes' proposed expansion is being miss-classified as "non-project specific". A significant portion of the City's application references Tethys Enterprises. Tethys paid the application fee and has publicly stated its intent to develop this land for a bottling plant.

It is my understanding that once a *non-project specific* Urban Growth Area Expansion Application is approved, the public does not have any more required opportunities for input. I am opposed to the Tethys bottling plant, and I want to be able to voice my concerns as part of a **public process**. Please refuse the City's application for the property or change it to "project specific," so that a detailed development plan will be required and a public process can occur.

An operation of this size and scope will affect everyone, not just residents of Anacortes. A key part of the project, without which it cannot function economically according to Tethys representatives, involves trains and a rail yard. The trains coming and going from the Reservation Road area will produce traffic congestion, noise, and pollution severely affecting not only those who live in that area, but also visitors and residents of Anacortes, Whidbey Island, and the San Juan Islands. This site is simply not appropriate for such a huge enterprise. I, along with many others, am concerned about the environmental impacts of the proposed bottling plant.

More public input and thoughtful planning is needed on this matter. Please refuse the City of Anacortes's application to expand its Urban Growth Area.

Sincerely,

Catherine A. Houck
2318 20th Street
Anacortes, WA 98221

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Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Friday, April 12, 2013 4:29 PM
To: Dale Pernula; Debra L. Nicholson; KirkJohnson
Subject: FW: PDS Comments

From Dept Email

-----Original Message-----

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Friday, April 12, 2013 3:20 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Richard Houghton
Address : 7538 Guemes Island Rd.
City : Anacortes
State : WA
Zip : 98221
email : richardhoughton@earthlink.net
Phone : 360-202-0200

PermitProposal : Fidalgo rezone proposal Comments : If the Planning Commission in the end decides to grant a rezone it should be clarified that light industry does not include the extension of rail service that would be more appropriate to heavy industry.

However, before such a rezone can be considered the County must consider ALL potential environmental impacts related to the types of industries that could be located there.

From Host Address: 69.7.56.142

Date and time received: 4/12/2013 3:17:53 PM