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mailing address
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RECEIVED

APR 15 2013

SKAGIT COUNTY
PDS

April 15, 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
Meaningful Public Participation**

Dear Commissioners:

Please do not move forward with this petition. It should not be docketed on procedural and legal grounds.

The Framework Agreement, Section 8 states that "GMA obligates each member jurisdiction to include meaningful public participation prior to adoption of any plan or development regulation that may be the subject of any GMA committee recommendation."

The lack of public input into the decisions made by the Mayor of the City of Anacortes, Planning staff and the City Council is clearly evident by the facts. The lack of public participation prior to the GMA Committee/County process has not been contested by the Hovee supplemental. Instead the document contends that the public process will be the responsibility of the County. That is not the intent of Section 8 which is very clear about **meaningful public participation prior to** any adoption of a GMA Committee recommendation.

The Hovee supplemental states that:

243

“Under the Mayor’s administrative authority and on behalf of affected property owners, the City of Anacortes submitted an initial petition to Skagit County for expansion of the City’s UGS of July 31, 2012. This action was confirmed by City Council action with opportunity for public comment pursuant to city staff report dated August 9, 2012.”

The facts, records of public meetings and staff briefings show there was no meaningful public participation prior to the submission of the petition on July 31, 2012. The following timeline clarifies and illuminates our claim.

July 31, 2012 The City of Anacortes submitted its petition to expand its UGA. The application linked the petition to the Tethys project specifically which was said to be a massive development such that Anacortes and the County have not seen since the building of the oil refineries. No public notice of this action was issued prior to July 31, 2012, nor had City Council discussed or acted on the proposal. The opportunity for meaningful public participation ended at this point.

August 6, 2012 Before the Council Meeting one citizen brought it to the City Council’s attention that the petition had been submitted to the County without any notice or hearings.

August 13, 2012 The City Council discussed the UGA expansion during a study session. No public input was allowed as is usual practice.

August 20, 2012 Public comment was permitted on the original petition. Citizens were informed of their opportunity informally at the previous meeting and on the agenda for August 20.

September 4, 2012 City Council discussed a Resolution to process the UGA Expansion

September 24, 2012 The minutes reflect a vague motion passed to proceed with the petition.

The citizens of Anacortes had no meaningful participation in the ‘revised petition’ contained in the Hovee supplemental on January 23, 2013. On February 19, 2013 during the open comment period one citizen brought to the attention of City Council that the modified application had been submitted without prior hearing or notice and that the petition was no longer ‘project specific’.

244

The revised zone swap, from the Samish property to the Fidalgo Bay LM1 land had only been briefly mentioned in the August 20th meeting when the Ryan Larson showed a map and referenced the site. Tethys. Again there was no intent to have public input or serious Council discussion of this revised petition.

Appendix G of the Anacortes Comprehensive Plan requires public participation under the GMA Act. It “applies to the adoption of a comprehensive plan, subarea plans, development regulations, and amendments”.

The Rezone of LM1 land to P after County action is a procedural error. Under the current process the citizens of Anacortes would be able to ‘have meaningful public participation’ only **after the UGA petition process** has been complete. This essentially means that the public is not intended to be a part of this very public process as required by law. The Rezone of the Fidalgo Area Aquatic Reserve from LM1 to P should be submitted to the process formalized in the Anacortes Comprehensive Plan and Amendment process with all of the requirements addressed in Appendix G.

Respectfully yours,



Brenda Lavender

Secretary, Evergreen Islands

City Council Minutes – August 6, 2012

At 7:00 p.m. Mayor Dean Maxwell called the regularly scheduled Anacortes City Council meeting of August 6, 2012 to order. Roll call found present: Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson and Brian Geer. Roll call was followed by the Pledge of Allegiance.

Minutes of Previous Meeting

Mr. Geer moved, seconded by Mr. Johnson, that the minutes of July 16, 2012 and July 23, 2012 be approved as if read. Vote: Ayes – Walters, Pickett, Adams, Richardson, Geer and Johnson. Abstain - Turner. Motion carried.

Citizen Hearings

Sandra Spargo, 1408 11th Street, said Skagit County public records indicate the mayor has filed an application to amend the Anacortes Comprehensive Plan and Zoning Designation to add six parcels to the Anacortes UGA which would allow Tethys Enterprises to acquire title for those properties for its proposed bottling plant. Ms. Spargo said that this item has not come before the City Council and decried the lack of notice and public participation prior to submission of the application. Ms. Spargo stated that a City/County resolution to support the UGA application without public participation on the city level would endorse the Council's relinquishment of its representational powers and asked that this be remedied.

Mayor/Council Communication and Committee Reports

Mayor Maxwell announced that at the next City Council study session Council would review the application referenced by Ms. Spargo in her comments. The mayor called it a grand opportunity to replace 15 acres that the City lost as part of a purchase and would create jobs for the community.

Mayor Maxwell announced that the Tyler Way right-of-way condemnation ordinance that was continued at the July 16, 2012 meeting had been continued to the regular City Council meeting on September 4, 2012.

Proclamation: Assistance Dog Week: Mayor Maxwell read a statement proclaiming August 5-11, 2012 Assistance Dog Week in Anacortes.

Recognize Mason Cole, AWC Center for Quality Communities Scholarship Recipient: Mayor Maxwell introduced Anacortes student Mason Cole who was awarded a \$1000 scholarship by the Association of Washington Cities Center for Quality Communities. Mr. Cole thanked the community for its abundant support.

Appointments to Board of Adjustment: Mayor Maxwell announced that he would like to appoint Cory Ertel as a permanent member of the Board of Adjustment and William Ballentine as an alternate member. Mr. Geer moved, seconded by Mrs.

City Council Minutes – August 13, 2012

At 7:00 p.m. Mayor Dean Maxwell called the regularly scheduled Anacortes City Council study session of August 13, 2012 to order. City Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson and Brian Geer were present.

Council Discussion on Direction to the City Council Planning Committee

Members of the City Council Planning Committee reported on three subjects currently under review by the committee. Mr. Adams reported on the land use matrix being prepared by the committee and staff to show the types of permitted and conditional uses allowed in each zone on one convenient visual aid for use by Council and the public. Mrs. Richardson reported on the committee's review of the packet of suggestions for code changes submitted by former city councilmember Terry Christiansen. Mrs. Richardson said the committee is reviewing the packet item by item and deciding which are not necessary, which deserve to move forward through the regular development regulation amendment process, and which should perhaps be pursued with alterations. She said within the next few months the committee hopes to bring its recommendations on each of Mr. Christiansen's suggestions before the full City Council so it can decide on the next steps. Mrs. Richardson then reported that the committee has also been working on a definition for assisted living based on state code and samples from other jurisdictions. Mr. Adams said the proposed definition will come back to Council as a whole for review and recommendations for further action.

Council Discussion on Urban Growth Boundary Expansion

Planning Director Ryan Larsen reported that staff has been in conversations with Tethys Enterprises regarding the company's continued interest in finding a suitable location for a beverage manufacturing facility in Anacortes but that property of a suitable size has been difficult to locate. He said a portion of the property currently being evaluated is outside the Anacortes Urban Growth Area (UGA) and would need to be incorporated into the UGA to accommodate the Tethys facility. Mr. Larsen reported on the application the City recently filed under the Mayor's Administrative Authority to Skagit County on behalf of several property owners for consideration of an expansion of the Anacortes UGA to include four properties totaling approximately 11-15 acres south of Stevenson Road and west of Reservation Road. Mr. Larsen explained that the Samish Indian Nation recently bought 15 acres of LM1-zoned property in the City's UGA and is in the process of converting that land to trust status which would eliminate the City's zoning control of that acreage and diminish the amount of land available for industrial uses in the Anacortes UGA below that allocated in the countywide planning policies. He said expanding the UGA as proposed in the recent application and zoning that property LM1 would allow the city to maintain the acreage allocated to it for such uses. Mr. Larsen posed the policy question to Council of whether including this area in the UGA seemed logical.

August 6 (2)

249

August 13, 2012 (2)

regardless of whether the Tethys project eventually locates there. He said to continue processing the application Skagit County requests a motion and/or resolution from City Council supporting the application. He demonstrated on the aerial photo the notable exclusion of the area in question from the city's UGA when the original boundaries were drawn.

Mr. Larsen suggested that since the present study session was not advertised as an opportunity for public comment, the regular City Council meeting of August 20, 2012 be advertised to take public comment including comments on a draft resolution that staff will prepare in advance of that meeting. He said Council would not need to take action on the draft resolution at the August 20 meeting and could elect to act at the September 4, 2012 regular meeting instead. He added that written comments may be directed to the Planning Director and will be provided to Council. Councilmembers then discussed at length the timetable and course of action proposed by staff, Skagit County deadlines and the opportunities for public participation at the County level if the application is endorsed by City Council and moves on for processing; future Skagit River water flow; the amount of manufacturing land available in the city and its UGA; the odd shape of the current UGA boundary; the timing of and authority for the application filing; future Council opportunities to review the Tethys proposal in more detail; whether the UGA expansion would or should occur regardless of the Tethys interest in the site; and uncertainties arising from the fact that both Anacortes and Skagit County processes for expanding the UGA are untried at this point. Several councilmembers requested additional information on the County process of reviewing the application. Council generally agreed to continuing the discussion following public comment at the August 20, 2012 meeting.

At approximately 7:51 p.m. Mayor Maxwell called a ten-minute break. At approximately 8:00 p.m. the mayor called the meeting back to order.

Council Discussion on Proposed New AMC Title 19, Options A and B - Use of a Hearing Examiner

Mr. Johnson opened the discussion by proposing that the Planning Commission and City Council hold a plenipotentiary session to discuss a potential third option: trying a hearing examiner for three years. Each councilmember discussed the factors leading him or her to favor or disfavor changing to a hearing examiner system. Factors mentioned included Planning Commission work load; the need for development code revisions and proactive planning and the best way to achieve those ends; the relative costs to the City, proponents and appellants of operating under each system; liability and managing same; avoiding ex parte communication in an increasingly electronic age; the success thus far under the current system; responding to public records requests; control of the public record; costs to defend legal challenges to land use decisions and who bears those costs; and ensuring adequate staff support for land use decision makers.

August 6 (3)

248

At 7:00 p.m. Mayor Dean Maxwell called the regularly scheduled Anacortes City Council meeting of August 20, 2012 to order. Roll call found present: Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson and Brian Geer. Roll call was followed by the Pledge of Allegiance.

Minutes of Previous Meeting

Mr. Geer moved, seconded by Mr. Johnson, that the minutes of August 6, 2012 and August 13, 2012 be approved as if read. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer and Johnson. Nays – Walters. Motion carried.

Citizen Hearings

No one present chose to speak.

Mayor/Council Communication and Committee Reports

Mayor Maxwell announced that a T loop system has been installed in the City Council chambers so those with enabled hearing aids can use it.

Mayor Maxwell reported that during a recent car fire on SR20 a City of Anacortes sanitation worker, Chris Graham, used his fire extinguisher to help control the fire. The mayor thanked Mr. Graham for responding.

Mrs. Pickett reported on the recent ceremony at Dakota Creek Industries to authenticate the keels of the next two ships to be built at the yard. She mentioned the dignitaries in attendance and described the complicated research ships which are being built for the U.S. Navy but will be operated by the Scripps and Woods Hole oceanographic research institutes. Mrs. Richardson added that a ship currently in for repairs at Dakota Creek, the Thomas G. Thompson, was named after the father of the Tommy Thompson who built the train in Anacortes.

Mr. Adams reported from the Parks and Recreation Committee that N Avenue Park parking improvements are coming soon, Washington Park now has on line campground reservations and a boat launch parking pay machine that takes credit cards, and the Guemes Channel Trail is being worked on by many city departments to make it a reality. Mayor Maxwell added that state legislators viewed the trail when they were in town Friday for a tour and that the city would be asking for an appropriation from the legislature to finish the trail from New York Avenue to Lovric's.

Mr. Turner announced the Traffic Safety Committee meeting the following morning at 9 a.m. and invited citizen comments to him or to city staff.

UNFINISHED BUSINESS

Public Comment: Urban Growth Area (UGA) Boundary Expansion

Mayor Maxwell explained the sign up sheet at the back of the room for those wishing to speak at the meeting, advised that everyone would be given three minutes at the microphone and outlined the procedures for public comment to allow everyone to have a chance to be heard.

Planning Director Ryan Larsen summarized the city's application to Skagit County to add 11.15 acres to the city's UGA as discussed in detail at the Study Session on August 13, 2012. He explained that the parcels in question are currently being evaluated by Tethys Enterprises, Inc. as a possible site for the food and beverage manufacturing facility it wants to locate in Anacortes. Mr. Larsen added that the Samish Indian Nation recently bought 45 acres of LM1-zoned property in the Anacortes UGA and is in the process of converting that land to trust status which would eliminate the City's zoning control of that acreage and diminish the amount of land available for industrial uses in the Anacortes UGA below that allocated in the countywide planning policies. He then displayed a map showing 31.31 acres of LM1-zoned land north of SR20 in the southern portion of the Fidalgo Bay Aquatic Reserve Area that is no longer viable for LM1 use and could be converted to a land use designation that is more environmentally appropriate. Mr. Larsen concluded that staff had prepared a resolution in support of the UGA expansion application for Council discussion and consideration.

Mayor Maxwell then invited members of the public to speak in the order in which they signed up prior to the meeting.

Stephanie Hamilton, 4412 Glasgow Way, remarked she had just helped move the Boys and Girls Club to its temporary home in City Hall and said it is important to vote to expand the UGA to ensure that there is an inventory of industrial land and jobs for the young people who are our future work force. She said the city's application for UGA expansion makes complete sense and the land in question is literally surrounded by industrial zoned property. Ms. Hamilton said the UGA expansion is not about whether Tethys can locate here, it is about allowing property owners to change the zoning of their land to match adjacent properties. She said if Tethys does eventually locate in the expanded UGA the city will be blessed to grow its manufacturing base and urged proponents of job creation to help make that decision.

Kathy Larson, 8662 Southridge Place, said she moved to Anacortes in 1997 because Anacortes had the best education in Skagit County for her children, education that is supported by two large refineries and other large businesses. She said the UGA expansion proposal seems very appropriate and should have been in the UGA originally. She cautioned against NIMBY's and BANANA's and said Anacortes needs family living wage jobs. Ms. Larson said she had just toured the Pepsi bottling plant in Tumwater which provides 400 family wage jobs there and is supported by that community. She urged councilmembers to move the UGA application forward to the county to make that land viable for an Anacortes business.

Peggy Flynn, 2317 18th Street, urged Council to vote in favor of the UGA expansion. She said the added industrial property will benefit the economic development and economic diversity of the community. She reported that Envision 2060 discovered a dearth of industrial land in Skagit County, only 1800 acres, and that Envision recommended seeking an additional 1600 acres. She said nearly 50% of Skagit

August 20 (2)

254

County residents leave the county to work and that keeping jobs in our community requires more industrial land. Ms. Flynn also commented on the Tethys business plan, saying it calls for a food-grade manufacturing plant using cutting edge technologies. She said the Tethys goal is to create jobs by creating a center of gravity and called it surprising that Anacortes would consider turning its back on the potential for 500 or more jobs. She urged giving Tethys a chance to perform under its contract with the city.

Alex Taylor, 1907 Cedar Springs Lane, said he read in the Skagit Valley Herald that the mayor filed this application without consulting Council and asked for clarification. He said he was glad Council would be well aware of what's going on. He urged council to act based on the preferences of the people in the city who elected them. Mayor Maxwell responded to Mr. Taylor's request that under his administrative authority the County asked for his signature on the application, which he provided, and now the legislative body is doing its work.

William Harpham, 1403 Portalis Court, said his concern is just who is Tethys. He said Tethys has no ties to this area and is a vulture capital firm that wants to develop a property to make a lot of money. Mr. Harpham said they want to sell the commons of the people, the river, without any respect to the local citizens. He said if global warming reduces snow pack, there goes the Skagit water flow. He said he is against selling off the commons that belong to the people so Tethys can make a huge amount of money.

Christie Betz, 1612 9th Street, said she has numerous worries about the UGA expansion but her major concern was we are on a slippery slope towards allowing a major bottling company to exist and produce in our city. She agreed that we need more jobs but asked why do we want to encourage a business that uses one of our most valuable and important natural resources and makes, sells and deposits into the environment one of the worst ecological products of the 21st century. She urged Council to deny the UGA expansion and deny Tethys.

Don Wick, Executive Director of the Economic Development Association of Skagit County (EDASC), spoke in favor of the project. He said Skagit County has 9.2% unemployment and 47% of the county work force leaves the county daily to work. Mr. Wick said EDASC focuses almost exclusively on manufacturing companies because manufacturing has the highest multiplier effect on local economies. He said EDASC had prepared a feasibility study for the Tethys project which he was happy to provide. He said manufacturing is central to jobs and a good standard of living. Mr. Wick said the GMA stipulates that most population growth should take place in cities so it is incumbent on cities to make sure there is industrial land to service that growth and provide a tax base. Mr. Wick said he is very impressed with Tethys and the quality of jobs that will be created, jobs that can't be outsourced. He added that Tethys has always been interested in making sure bottles are biodegradable and using green energy for internal systems.

August 20 3

251

Ted Gage, 15619 Harrison Avenue, said he spoke in favor of this not because he believes in a bottling plant but because he believes in good long range planning. He said he has been a professional urban planner for over 35 years including with the state GMA program. Mr. Gage said this expansion makes sense for the simple reason that it provides an option for the future. Whether or not Tethys is the right occupant for the site, having a chunk of industrial land to convert to a tax-generating source of jobs is important. Mr. Gage urged Council to support the UGA expansion.

Meg Kershaw, 618 L Avenue, said Council should deny the resolution. First, she said, the government has confounded and confused the issue of UGA expansion by complementing it with an overlay of a site plan for the proposed Tethys plant. Second, she said the city felt no urgency to mitigate the reduction of the UGA from the Samish land purchase four years ago. She said this can't be hurriedly resolved today.

Andrea Doll, 1319 8th Street, addressed the process: now or after the fact? She said city government handles day to day issues without fanfare but other issues are momentous. Ms. Doll said signing a contract to supply 5 MGD of water and helping secure land for what may be the largest bottling plant in the nation is momentous and deserves and requires citizen education, participation, and a public nod of approval. She said it is imperative that the public be involved in the process from the outset. She asked Council to do what is necessary to ensure public support and even enthusiasm before proceeding.

Wilhelmus Houppermans, 3412 K Avenue, said it is not just jobs for the future that matter but also how Council acts in the future. He said the memory care center decision drew appeals and this one will too. He said in that case Council lumped all the appeals together and decided to deny them all. Mr. Houppermans said that was not the right way to treat the efforts of the appellants. He urged Council to consider each appeal individually. He then pointed out that in the past year the Anacortes added 42 acres of new industrial land at Sharpe's Corner, with rail access, and asked why drag the Samish casino into this discussion. He said at this meeting he learned that the south edge of Fidalgo Bay will be industrialized, which is new to him. He said Council can't decide today, it needs to let the public speak and absorb all the information, there is no hurry.

Matt Miller, 818 Haddon Road, referenced his letter supporting the mayor's role as chief executive of the water plant to negotiate with potential large water customers and reiterated his support. He called on the elected leaders of the city to act and said that actual industry is required to get our economy and our community back on a steady footing. He asked what would happen without the good refinery jobs that employ Anacortes residents and the financial support the refineries give to schools and community organizations in addition to tax revenue. He recalled the bleak economic future in Anacortes before the refineries and urged Council not to close the door on this small step towards a brighter future. He asked council members to vote yes to expand the UGA as proposed.

August 20 4

252

Patsy Martin, Executive Director of the Port of Skagit, echoed comments made by Don Wick and Peggy Flynn. She said there is a dearth of industrial land in Skagit County and the county needs upwards of 1600 more acres of industrial land to provide jobs for future generations. She said the current UGA expansion proposal makes sense. She stressed that we need land and infrastructure to provide jobs. Liz Smith, 2020 41st Street, requested that Council look carefully at the application filed with the county to be sure it is complete. Ms. Smith pointed out that the Carnell's ownership certification was not notarized and the lot of record certification for Separovich's lot was not present. Ms. Smith also reviewed the answers provided to Questions 7 and 12 in Section 3 of the application and suggested that the responses do not address the questions or are so vague as not to be considered responsive.

Keith Rubin, 915 Haddon Road, said his family chose Anacortes 35 years ago because it offered good jobs and good schools. He praised early Anacortes residents who planned for a working community. He said Anacortes could turn into a retirement community but it's important to provide jobs for the next generation. He encouraged Council to support the UGA expansion.

Mike Cook, 4117 Kingsway, encouraged Council not to proceed with approving the petition. He said he would prefer not to develop a water plant but respects Council's interest in providing jobs and the mayor's right to enter into contracts. He said he objects to the permit at this time because Anacortes has made a bad deal. He said water will soon be one of the most precious resources on the planet and jobs pale in comparison. He said Anacortes can develop its water on its own without outside capital. He would prefer that Council rethink the entire opportunity and make it an Anacortes City venture. He said if the plant is going to be developed, he'd rather see Anacortes have the jobs and the profit as well.

Bill Dietrich, 11660 Marine Drive, said his objections are the same as they were a year ago because the specificity of the project has not advanced. He said the UGA is premature because the city has not demanded from Tethys a specific proposal nor done an independent economic and environmental review. He said Tethys is not a bottling company but a middleman that wants to market its water right to other beverage companies. He urged Council to slow down, demand Tethys provide a more complete description of what they want to do, review it as a community and move forward in the future if that's what the community wants to do. Mr. Dietrich said he is not anti-job but has a slightly different vision for the future of Fidalgo Island, one that is not industrial-based but rather a more robust and recession-proof economy with tourism and consulting as well.

Phyllis Dolph, 2320 26th Street, urged council to deny the UGA expansion for now because it is a means to the end of having the Tethys or Nestle bottling plant built. Mrs. Dolph said Tethys is wrong for Anacortes. She said there is no legal guarantee of jobs and reported that other cities have rejected Tethys because of that. She said

August 20 5

453

climate change is happening faster than scientists expected and water supplies are decreasing as demand for water grows. Mrs. Dolph said the gargantuan amount of fossil fuel going into plastic and transportation used by Tethysis immoral. She said we need to do all we can to slow climate change but bottling plants speed it up. She said the huge plant at the entrance to Anacortes would define the personality of Anacortes by its size, ugliness, and noisy trucks and rail cars. She asked Council to deny the UGA expansion at least for now.

Hal Rooks deferred his three minutes to Dr. Ross Barnes and asked to speak in Dr. Barnes' slot later. Mayor Maxwell said time could not be deferred.

Nick Petrish, 1907 9th Street, said Anacortes has always been a working class town and used to stink of salmon canneries and pulp and plywood mills, some of which were worker owned. He recalled his grandfather's remark that the one thing that stinks the worst is unemployment. He said he is a working class man himself, in favor of jobs. He agreed with an earlier speaker that if this thing is going to be built, all of Anacortes should profit from the endeavor, it should be a community business. He said this is a common, vital resource and he doesn't want a vulture capitalist company controlling Anacortes water. He urged the community to find a way to control its destiny and the profits of this project. He said if that can't be done, the project should not proceed at this time.

Tom Glade, 210 Mansfield Court, spoke on behalf of Evergreen Islands and the natural environment. He said Anacortes is a small town in a small county and the Tethys plant is huge, oversized for what Anacortes can handle. He displayed a site plan and said the plant footprint is too small for the storage the plant would need, so would need more rail siding and the siding would extend out of the UGA into rural marine industrial county land, maybe into rural reserve land. He noted the extension right into the lagoon on Turners Bay that has just been restored with a sizable salmon recovery grant. Mr. Glade called this a huge environmental impact. He encouraged Council to stop this thing and look for a more suitable thing to go in this location.

Joan Cross, 708 South 4th Street, La Conner, spoke of her concerns about the volume of water and length of contract. She asked what happens if glaciers start to dry up in the 50 years of the contract and whether Anacortes would be committed to this contract over and above the other citizens of Skagit County. She asked if La Conner's water prices will go up. She said it will take a lot of infrastructure to move the product out of Anacortes. She inquired again how much will this cost residents of La Conner and other Skagit County citizens.

Arlene French, 1411 8th Street, said she is a Board member for Evergreen Islands and agreed with comments by Tom Glade, Phyllis Dolph and Nick Petrish. Ms. French said she appreciates our local industries such as Dakota Creek, the rope company, and Trident, but none of these are the largest of their type of plant in the country. She said she has a manufacturing background herself, is a member of the

August 20 6

254

Chamber, and supports jobs. She said what she objects to is not expanding the UGA but that it is designed specifically for a company that is inappropriate for our beautiful area.

Rick Haley, 1804 Lea Place, agreed Anacortes needs jobs and said UGA expansion in this area may be appropriate but not in this case because it is specifically designed for Tethys. Mr. Haley said bottled water is an unsustainable practice so before the 50-year contract is up Anacortes will be stuck with a red herring. He urged Council to recall prior testimony on this question and reject the proposal.

Ross Barnes, 1004 7th Street, #202, applauded the mayor and Chamber of Commerce for seeking good wage jobs. He said County code requires a UGA expansion application to include a viable, detailed development proposal that is consistent with the applicable designation criteria. He said application Item 2c errs when it says the dogleg was an anomaly of the original UGA boundary. He said the original UGA was bounded by Stevenson Road and the spot zone was created later. Dr. Barnes said the current application makes the dog leg worse because it leaves the Turner's Bay western shoreline and the estuary in county jurisdiction. He asked if anyone believed the county would allow filling the estuary to build the rail storage and switching yard shown on the Tethys site plan. He said the application response to Question 12 is inaccurate. He said the application does not meet contractual requirements for job creation in Anacortes since the city/county boundary passes through the middle of the building and the rail storage yard will be in the county in incompatible RMI and RR zones as well as critical estuarine habitat and within shoreline jurisdiction. Dr. Barnes concluded that the application in no way facilitates or supports the viability and the required detailed development proposal.

Kristi Hein, 3100 B Avenue, said she was deeply concerned that citizen objections were being trivialized by council members and said the well researched and thoughtful concerns voiced include water privatization, plastic pollution, wasteful consumption of fossil fuel and its contribution to human-caused climate change, transportation bottlenecks, and diversion from other potentially more positive economic development. She recalled the boom and bust cycles in Anacortes history and said relying on resource extraction industries is risky even when products meet a real and enduring need. Ms. Hein warned the economic impact can be devastating when resources are depleted and market demands change. She said the Tethys project is not the only option for job creation and tax revenue and questioned the number of jobs created by bottling plants. She recommended The Great American Job Scam. She asked Council to decide based on the best interests of the many not the enrichment of the few.

Steve Winter, Arlington, Washington, spoke on behalf of Tethys to address concerns about the plant. Mr. Winter said he is not a vulture capitalist, he has only used his own capital for this project. He called the Tethys project a personal quest to avoid outplacement of jobs to foreign countries. He said he wants to bring jobs to the region that cannot be outsourced and that job creation is essential to the Tethys project. Mr. Winter said his family is from Whatcom, Snohomish and Skagit counties.

August 20 7

and he has deep ties in and is committed to the region. He said he shares concerns about the environmental impact of plastic bottles and his view is that business needs to do everything it can to change that equation even if incrementally. He said he is committed to eliminating unrecyclable plastic bottles but still provide products consumers want and provide jobs. He reported the U.S. Bureau of Labor Statistics says beverage manufacturing jobs average \$40K per year. He added that it takes 14-18 jobs per manufacturing line and the planned plant would have 45-60 manufacturing lines so there would be 500 jobs created even before the multiplier effect which predicts 2.4 supporting jobs in the community for each direct job created. Mr. Winter said Tethys wants to create jobs in a responsible way and listen to the community. He said it is popular to assume the only motivation is profit and agreed Tethys hopes to make a profit but said he is willing to invest in this community and the region and the environment. He said Tethys has not asked for tax breaks and will pay for water and sewage system upgrades for the plant and make sure the plant doesn't adversely impact the community. Mr. Winter concluded that Tethys wants to contribute and change the environmental footprint of the industry.

At approximately 8:18 p.m. Mayor Maxell called a 10 minute break. At 8:30 p.m. the mayor called meeting back to order.

Resolution Supporting the Continued Skagit County Processing of a Proposed UGA Expansion for the City of Anacortes

Mr. Adams said the extensive public testimony provided a lot to absorb and think about and he preferred to continue the discussion at the next regular City Council meeting on Tuesday, September 4, 2012. Mr. Johnson, Mr. Turner and Mr. Geer agreed. Mr. Walters said he would be comfortable continuing the discussion at the study session the following week. Mr. Johnson moved, seconded by Mr. Turner to continue this two weeks hence to the next regular City Council meeting. Mr. Walters asked that a Tethys representative be available to answer questions in the interim and at the September 4 meeting. Mrs. Richardson suggested Council questions be directed to Mr. Larsen who could forward them to the appropriate party to respond. Council members and staff discussed the future opportunities for the public to comment on and Council to deliberate on the Tethys project and the UGA expansion application. City Attorney Brad Furlong reminded that if the property is added to the UGA the City would still have to adopt comprehensive plan designation and development regulations before permitting could happen. He said Council would have the authority and duty to make the rules for how the property would be used and that process requires significant public comment. Mr. Walters added that annexation is also a separate process. Mrs. Richardson said she was nervous that the current UGA expansion application leaves the Turner's Bay estuary in the county and asked if the estuary could be included in the UGA so Anacortes could set the rules for protecting it. Vote: Ayes - Pickett, Adams, Turner, Richardson, Geer, Johnson and Walters. Motion carried.

August 20 8

City Council Minutes - September 4, 2012

At 7:00 p.m. Mayor Dean Maxwell called the regularly scheduled Anacortes City Council meeting of September 4, 2012 to order. Roll call found present: Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson and Brian Geer. Roll call was followed by the Pledge of Allegiance.

Minutes of Previous Meeting

Mr. Johnson moved, seconded by Mrs. Pickett, that the minutes of August 20, 2012 and August 27, 2012 be approved as if read. Vote: Ayes - Walters, Pickett, Adams, Turner, Richardson, Geer and Johnson. Motion carried.

Citizen Hearings

Sharene Elander, 1406 8th Street, asked why the approved minutes of the August 20, 2012 City Council meeting do not include remarks made by Mayor Maxwell. Mrs. Elander asked that those minutes be amended or that the current minutes reflect her comments with a verbatim quote of the mayor from August 20: "And I'm just going to editorialize a little bit, too, along the lines that Miss Pickett talked about earlier. We said we were going to have this discussion. There seems to be for whatever reason a group that wants to get ahead of a discussion and not have the discussion and typically in a community we're going to have the discussion, at least as long as I'm the mayor. It may be uncomfortable. There is at least one individual who has taken this a little bit too far so, you know, from now on act like you belong to this community, act like these commissioners and these planning commissioners, these councilors and these planning commissioners, are your neighbors because they are. It's a very small town and I don't appreciate a couple of things I've seen in the last couple of years so you're on notice." Mrs. Elander asked the meaning of that comment and said she found it chilling.

Mayor Maxwell reiterated that under the rules governing the council chambers applause is not appropriate while City Council is in session. He clarified that the minutes are a reflection of actions taken and that all proceedings are recorded and played on Channel 10. He invited Mrs. Elander to meet with him to discuss things that have come across his desk that he felt were inappropriate.

Gail Marie, 13575 Gibraltar Road, said that she and everyone in the community would like to hear the answer to Mrs. Elander's question. The mayor invited Ms. Marie to join Mrs. Elander to meet with him.

Mayor/Council Communication and Committee Reports

Mrs. Pickett reminded the community about the 9th annual Fidalgo Bay Day on September 15, 2012 at the Fidalgo Bay Resort and RV Park from 11 a.m. to 3 p.m. with lots of activities for kids and adults both.

Sept 4 (1)

257

UNFINISHED BUSINESS

Resolution: Asking Skagit County to Process a Proposed UGA Expansion for the City of Anacortes

Mayor Maxwell opened the discussion by describing the need for blue collar jobs to ensure a sustainable economy and support schools and city services in Anacortes, particularly in the face of state revenue cuts. He said that annexing this property into the Anacortes tax base is the right thing to do for schools, the community, and workers who are unemployed and underemployed. The mayor said that adding this eleven acres to the Anacortes UGA is appropriate since it is surrounded by light manufacturing in the city's UGA and he encouraged councilmembers to forward the petition to the Skagit County Commissioners and ask them to consider it.

Mr. Geer, Mr. Adams and Mr. Turner spoke in turn that they did not want to terminate discussion of the Tethys proposal and the potential it has for adding jobs to the community. Mr. Turner and Mrs. Pickett addressed citizen concerns about water flow and said Anacortes will have sufficient water now and in the future to honor the terms of the contract with Tethys without placing drinking water or other water customers at risk. Mrs. Pickett urged letting the UGA expansion petition move forward to see how the opportunities unfold.

Mrs. Richardson raised a number of questions about what might be proposed to be built on this 11 acres, how the county process for UGA expansion works, and how the Samish land figures into the Anacortes UGA allotment. She said that setting aside any discussion of water and Tethys, the city should ask what makes sense in the area in terms of land-use planning. She said the shape of the current area does not make sense and argued that long term the eleven acres in question should be in the Anacortes UGA, allowing the city to decide in the future whether or not to annex it if the right opportunity came along.

Mr. Johnson called for a cost-benefit analysis of the Tethys project. He acknowledged the need for more industrial land in Skagit County and supported expanding the UGA as a step in that direction that would provide continuous pieces of ground someone could actually build on. He suggested more study of the region's future water needs as well as transportation and environmental impacts while Tethys refines its proposal.

Mr. Walters asked Planning Director Ryan Larsen if the Samish Indian Nation had submitted a letter supporting the UGA expansion request. Mr. Larsen said he was not aware of one. Mr. Walters said that under the terms of its contract Tethys has to identify no later than December 1 which site it wants. He suggested the city wait until Tethys identifies its chosen site and then decide whether or not to pursue the UGA expansion. He said a downside to pursuing UGA expansion now is that the city can only change its UGA boundary once in every seven-year UGA planning period so this application should include any other needed boundary changes, such as designating unbuildable land currently included in the UGA. Mr. Walters said he also

needed to know more about the Samish Indian Nation's plans for its property since the application assumes that the city will be down zoning the Samish property soon. He said that pursuing the UGA expansion now would diminish the Council's opportunities to impose conditions on the project.

Mrs. Richardson said she appreciated Mr. Geer's remark that not moving the UGA application forward would cut off the discussion about the Tethys project. She did not favor waiting until December 1 but said she wouldn't mind waiting a couple more weeks so some of the questions could be resolved and answered and the application could possibly be slightly modified based on answers to those questions. She said if the UGA can only be adjusted every seven years she'd like to know there's nothing else on the horizon the city would be precluding. She also asked for a more accurate site plan from Tethys.

Mr. Adams said analyzing impact vs. benefit will be a huge part of this project. He said that manufacturing businesses bring benefits to the community including jobs but said knowing how many employees per square foot a business would hire is important because the city only has a limited amount of space. He said he needed that information to make an educated decision and asked again if City Council would have opportunities to condition the project further down the road. Mr. Larsen replied that conditions would be established through the EIS process, which is an administrative staff process including public comment.

City Attorney Brad Furlong reminded the Council that there was not currently a development application before the Council so there was nothing to condition. He said if the county were to approve the UGA expansion the city would then have to go through an annexation process, and then amend its Comprehensive Plan to address this piece of property, and then apply development regulations to it, and those regulations would start to set standards for use of the property. After that, any development applications would receive environmental review under SEPA and an EIS if a DNS were issued.

Mr. Turner said he was excited at the prospect of having more light manufacturing land in Anacortes, said manufacturing plants provide the most benefits to the community, and called this an opportunity to regain some lost manufacturing zoning which the city needs for the future tax base and jobs.

Mr. Johnson echoed Mrs. Richardson's comment about waiting a couple weeks to avoid unintended consequences involving the Samish land and the seven-year UGA window. He asked to get those questions answered as well as several questions raised by Dr. Barnes in his letter.

Mayor Maxwell cautioned that the Samish may not choose to respond and noted that Anacortes has lost 43 acres of industrial land to estuary habitat so there's plenty of lost acreage to justify the expansion request to the county. He reiterated

the need to make the community sustainable and develop jobs to pay for basic services. He said he'd like to let Tethys move forward.

Mr. Johnson warned against the city working itself into a box if it is unable to make any more changes to its UGA in the next seven years.

Mr. Geer expressed concern that Council wouldn't have much input on the project specifics at a later stage and asked what the Swinomish think. Mayor Maxwell said he'd spoken with the tribal chairman about it. Mr. Geer said he supported the mayor using his administrative authority to file the application with the county but said it was now up to Council to decide if that direction is appropriate. He asked if Council would have enough more information in 2-3 weeks to make a different decision. Mr. Larsen advised that he was meeting with Samish Indian Nation in two weeks about how they would like their property rezoned so it would not be a stretch to be able to include that in a few weeks as part of the application.

In response to a question from Mrs. Pickett, Mr. Larsen said that under County code, the city will have another chance to amend its UGA boundary in 2015 when the Comprehensive Plan is updated. Mrs. Pickett asked to have a letter to that effect from the county in the file.

In response to a question from Mr. Walters, Mr. Larsen said he did not know what zoning the Samish wanted for their property but said they don't want light manufacturing. Mr. Walters said the UGA allocation is for industrial and commercial land so if the Samish wanted to rezone to something other than commercial that wouldn't affect the city's allocation.

Mr. Turner said postponing the decision any further might cause this business and others to want to locate elsewhere.

Mrs. Richardson moved, seconded by Mr. Johnson, to postpone any decision to the next regular City Council meeting. Mr. Adams said he would not be able to attend that meeting and asked staff for a timeline showing the hurdles and deadlines to see if there would be any impact to waiting until December 1 to vote on this application. He said he would be at the Council study session on September 24. Mrs. Pickett asked what deadlines there are. Mr. Larsen said the county is waiting for an up or down from City Council so it can forward the application to the County Commissioners. Mr. Geer asked if waiting three weeks would cause Tethys to miss a deadline. Mr. Larsen said he didn't believe so. Mrs. Richardson amended her motion to postpone action until September 24, 2012 and Mr. Johnson seconded the amendment. Vote: Ayes - Adams, Richardson, Geer, Johnson and Walters. Nays - Pickett and Turner. Motion carried.

At 8:30 p.m. Mayor Maxwell called ten minute break. At approximately 8:40 p.m. the mayor called the meeting back to order.

City Council Minutes – September 24, 2012

At 7:00 p.m. Mayor Dean Maxwell called the advertised special Anacortes City Council meeting of September 24, 2012 to order. Roll call found present: Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson and Brian Geer.

Resolution: Asking Skagit County to Process a Proposed UGA Expansion for the City of Anacortes

Planning Director Ryan Larsen summarized the history of this item as previously discussed at City Council meetings on August 20, 2012 and September 4, 2012 and presented a draft Resolution 1850 for Council's consideration supporting the continued processing of the Urban Growth Area expansion application by Skagit County and asking the County to consider removing Parcel 19696 owned by Robert Separovich from the application. Mr. Larsen reported that at the September 4, 2012 meeting Council requested an outline of the County process for UGA expansion requests and also asked how a delay in adopting the draft resolution would affect the County process for processing the expansion application. He said staff provided answers to those questions in the memo dated September 18, 2012 that was included in the evening's City Council packet. Mr. Larsen reported that at the September 4, 2012 meeting Council requested a revised site plan for the proposed Tethys bottling plant. He said that the plan was received on Friday, September 21 so was provided to councilmembers separately from the other packet materials. Mr. Larsen addressed Council's question about the seven year period for UGA modification. He said Skagit County Code Chapter 14.08.020(5) says that each UGA boundary may be considered for modification once every seven years. The seven year period shall begin the year immediately following the County's completion of its GMA-mandated seven-year comprehensive plan update. He said the current seven-year window for UGA boundary modifications runs from 2008-2015. He said the UGA boundary would also be addressed during the 2016 comprehensive plan update.

Public Works Director Fred Buckenmeyer then reviewed some timelines addressed in the City's water agreement with Tethys. Mr. Buckenmeyer said site selection must happen by December 1, 2012 including providing the City with a legal description and map of the chosen property. He said permit applications must be submitted no more than two years after site selection. Finally, occupancy and use must occur either 24 months from issuance of permits or 42 months from permit application. Mr. Buckenmeyer also reminded that the expiration of the contract does not relieve the City water utility of the duty to serve the development with water pursuant to the Skagit County Coordinated Water System Supply Plan which obliges Anacortes to serve all customers within its designated service area.

Mr. Geer explained his support of the opportunities that could be provided by the UGA expansion and moved, seconded by Mr. Turner, to approve the UGA for further discussion.

Mrs. Richardson and Mr. Johnson each spoke at length to correct misconceptions that had arisen during the public discussion of the project. Mr. Johnson suggested

waiting to approve this application for two more months to put the UGA request in context of the final site chosen by Tethys. Mr. Walters moved, seconded by Mr. Johnson, to postpone consideration of the motion until December 1. City Attorney Brad Furlong said to take precedence over the motion on the table the motion must be a motion to table and must be to a date certain. Mr. Walters moved, seconded by Mr. Johnson, to table until December 1. As a point of order, Mrs. Richardson reminded that that there is no City Council meeting on December 1. Mr. Walters moved, seconded by Mr. Johnson, to table until December 3, 2012. Vote: Ayes - Walters, Adams, Johnson. Nays - Pickett, Turner, Richardson and Geer. Motion failed.

Mr. Turner spoke to the complexity of the proposed project and the good faith efforts made to date by Tethys. Mrs. Pickett gave examples of current businesses operating successfully in Anacortes that might have seemed too large when first considered. Mr. Geer reiterated the need to plan for industrial expansion to provide jobs for the next twenty years. Mr. Geer called for the question. Motion died for lack of a second.

Mr. Adams spoke in support of manufacturing jobs but said staff had indicated that waiting to consider the resolution until December 1 would not affect the process. He said knowing where Tethys proposed to build would help Council make an educated decision. Mr. Walters enumerated additional information needed to make a decision and contrasted the current UGA application with the UGA expansion process underway in Sedro-Woolley. He urged not voting down the UGA expansion application at the current meeting but reconsidering it after receiving more information. Mr. Geer cautioned against sending an anti-business message. Mrs. Richardson and Mr. Turner spoke in favor of allowing the County process to move forward. Mr. Johnson and Mrs. Pickett indicated there would be future opportunities for councilmembers to consider the common good and hear from the public regarding this project. Mr. Walters argued that City Council would not have opportunities to condition the proposed Tethys project, only to zone the parcel if it were added to the Anacortes UGA.

Vote: Ayes - Pickett, Adams, Turner, Richardson, Geer and Johnson. Nays - Walters. Motion carried.

There being no further business, at approximately 8:23 p.m. the advertised special Anacortes City Council meeting of September 24, 2012 was adjourned.

Sept 24 (2)

1-2

APPENDIX G

Public Participation Program

263

APPENDIX G

PUBLIC PARTICIPATION PROGRAM

This program is adopted under the authority of the Growth Management Act (GMA), RCW 36.70A.140 in order to formalize established practice. It applies only to the adoption of a comprehensive plan, sub-area plans, development regulations, and amendments thereto, adopted under GMA, and does not apply to site specific official applications or projects or the amendment of Countywide Planning Policies. Generally, the policies herein described provide for review by the Planning Commission or the Planning Commission with the assistance of advisory committees.

(A) Citizen's Advisory and Technical Advisory Committee input:

Citizen's Advisory Committee (CACs) and Technical Advisory Committees (TACs) have been used by City of Anacortes in the development of the Comprehensive Plan sub-area plans, development regulations and amendments thereto under the GMA. Based upon this experience, the following procedures will be adopted for the formation of CACs and/or TACs:

- (1) A CAC or TAC may be initiated by one of the following methods:
 - (a) The City Council may establish one by resolution; or
 - (b) Any citizen may request the City Council to consider calling for a new CAC or TAC relating to a GMA purpose. The City Council will take public comment on the request. If the City Council is convinced that a new CAC or TAC would be useful, the City Council may authorize its formation by resolution.
 - (c) The City of Anacortes Planning Commission may recommend to the City Council the establishment of a CAC or TAC to participate and assist the Planning Commission and staff in the development of the Comprehensive Plan Elements, sub-area plans, development regulations and amendments thereto.
- (2) If the City Council authorizes the formation of a new CAC or TAC, the City Council will establish a procedure for taking applications and selecting membership to the CAC or TAC, including establishing a term of service and a method of reappointment (if any) for replacement of members. In the formation of a CAC or TAC, the City Council will seek to have a variety of interests represented. A CAC or TAC may be chaired by a member of the Planning Commission to assist the committee in their deliberations and coordinate their efforts with the Planning Commission.
- (3) If a CAC or TAC is recommended as part of a proposed comprehensive plan amendments, the applicant(s) as part of their application shall provide the City Council and Planning Commission with a recommendation for CAC or TAC members, including members from the immediate area or neighborhood (where a sub-area plan is involved). In addition, the applicant(s) shall provide a detailed summary or analysis indicating a proposed timeline to complete the proposed plan or activity, estimated costs, estimated

264

demands on City staff and resources, a proposed schedule for neighborhood meetings, a plan to disseminate information to affected property owners within the area, how minutes of the meetings will be prepared and documented, and how an accurate record of the committee activities will be maintained for public review. NOTE: these requirements may vary or be expanded depending on the nature of the amendment or activity.

- (4) After formation, the CAC and/or TAC shall follow the requirements in the State Open Public Meetings Act (RCW 42.30). All meetings of the CAC or TAC shall be open to the public and shall be held on a site and times when the working public can attend. The CAC and TAC shall establish and publish a schedule of meeting days, times and locations for committee meetings and shall keep minutes of committee meetings. The City Council may establish by resolution rules of procedure and time frames for recommendations by a CAC or TAC.
 - (5) A City of Anacortes Planning Department staff person may be assigned, depending on staffing levels and department activities, to each CAC and TAC to provide staff support and to maintain a copy of the minutes and activities of such committee for public review.
 - (6) Notwithstanding these procedures, if the City Council determines that time constraints imposed by orders from the Western Washington Growth Management Hearings Board or other legal requirements likely cannot be met if a CAC or TAC is established and utilized as provided in this section, the City Council need not form the CAC or TAC.
 - (7) The Planning Commission may make suggested changes to a CAC or TAC recommendation and either remand it back to the CAC or TAC for further consideration, or forward the CAC or TAC recommendation to the City Council with the Planning Commission's recommended changes.
- (b) Public Review, Comment and Hearing Procedures:
- (1) The Planning Commission will review all plans and implementing regulations and then make recommendations to the City Council. The City will follow the procedures in RCW 36.70 and 36.70A, including the right to adopt interim or emergency ordinances if circumstances warrant. The City Council may consider minor or clarifying amendments to plans directly pursuant to RCW 36.70.430-440 or interim ordinances directly. The City Council may set time lines for recommendations by the Planning Commission.
 - (2) Proposed drafts of the plans or ordinance(s), together with any SEPA analysis, shall be available for public review when the notice of public hearing is published; this notice shall be published at least fifteen (15) calendar days before the date set for hearing. A staff report or memo, including a description of all documents relied upon, shall also be available at least fifteen (15) calendar days before the public hearing. The public record shall be kept at the Planning Department and shall be available to the public during the hours when that City office is open to the public consistent with the requirements of RCW 42.17.250 *et seq.* The City will strive to maintain an updated index to the record for each proposed draft of a plan or ordinance. Such index shall be available to the public upon request. Confirmation on the location of the record can be made by contacting the Planning Department. Requests for immediate access to such public record will be accommodated whenever possible, given staffing levels. The requirement for the submittal of information from staff at least fifteen (15) calendar days before the public

hearing, shall not preclude staff from providing new information or a new recommendation based upon additional information which does not constitute a substantial change warranting new public comment. Further, staff may present additional information or analysis in the course of those deliberations to address substantive issues, particularly those raised by public comment or comments or questions from the Planning Commission or City Council.

- (3) Unless adopted as an interim ordinance under the provisions of RCW 36.70A.390, the Planning Commission will hold at least one public hearing at the beginning of its deliberations. Depending on the course of the deliberations, the Planning Commission may hold additional hearings or conduct a neighborhood meeting before making a recommendation, but is not required to do so.
- (4) The Planning Commission will make a recommendation, together with findings, to the City Council unless it is unable to reach a decision on a recommendation. The City Council retains the right, in the event it determines the Planning Commission or CAC or TAC will not return a recommendation in a timely, efficient, and cost effective manner, to terminate the Planning Commission's review and consider the proposal as recommended by the Planning Department.
- (5) The City Council will always hold its own public hearing prior to amending the Comprehensive Plan or Development Regulations, except when establishing a moratorium.
- (6) If, in the opinion of the City Council, the Planning Commission recommendation is substantially different from that which the public last had the opportunity to comment on, or if the City Council determines a substantive change to the recommendation is appropriate, the City Council shall follow the action options found in RCW 36.70, 36.70A, and in addition shall:
 - (a) Allow at least fifteen (15) calendar days for written public comment after notice by one publication in a newspaper of general circulation in the City before taking any final action on the current recommendation, and
 - (b) Provide for at least fifteen (15) calendar days notice of public hearing in the event that another public hearing is to be held.
 - (c) Assure that copies of the proposed recommendation, staff reports, and findings are available at the start of any such public comment period or public hearing notice period.
- (7) The City Council shall not be prohibited from having information sessions on the status of Planning Commission deliberations, nor from providing input regarding the Planning Commission review, as long as any such discussion or input is conducted in public meetings and, if it results in substantial changes to the plan or regulation that had public comment, the procedure for additional comment described above is followed.
- (8) The provisions of RCW 36.70A.390 for interim maps or controls, if applicable to any specific action, would supersede the provisions of this program:

266

City Council Minutes – February 4, 2013

At 7:00 p.m. Mayor Dean Maxwell called the regularly scheduled Anacortes City Council meeting of February 4, 2013 to order. The assembly recited the Pledge of Allegiance. Roll call found present: Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Bill Turner and Cynthia Richardson. Brian Geer was absent.

Minutes of Previous Meeting

Mrs. Richardson asked to amend the minutes of January 22, 2013 regarding Citizen Hearing comments made by Tom Glade. She said the draft minutes reflected Mr. Glade's statement but did not fairly represent her comments at the March 5, 2012 meeting. Mrs. Richardson moved, seconded by Mr. Walters, to approve the minutes of January 22, 2013 striking the second sentence of the paragraph reporting Mr. Glade's comments and to approve the minutes of January 28, 2013. Vote: Ayes – Walters, Pickett, Adams, Turner, Richardson and Johnson. Motion carried.

Citizen Hearings

Sandra Spargo, 1408 11th Street, commented that the supplemental packet on the UGA submitted to the county referred to the redesignation of 16.57 acres along the Padilla Bay shoreline that had been discussed by the Council and asked if this was the same as the 31.31 acres of LM-1 land addressed by Mr. Larsen at the August 20, 2012 City Council meeting, saying the two don't coincide. Mrs. Spargo said the public would like to know about any discussion Council has had about the 16.57 acres. Mayor Maxwell said that acreage was discussed in the referenced minutes.

Tom Glade, 210 Mansfield Court, said he agreed with Mrs. Richardson's amendment to the minutes of January 22, 2013 but that he was paraphrasing the minutes from the March 5, 2012 meeting, that there was no public hearing on the Water System Plan, and that he would get back with Council on what was quoted in the minutes.

Mayor/Council Communication and Committee Reports

Mayor Maxwell thanked everyone who had a hand in the parade celebrating the completion of chemotherapy for 6-year-old Madelyn Kuhnlein.

Swearing In of Police Officer Scott Ray: Police Chief Bonnie Bowers introduced Police Officer Scott Ray and provided background on his education and prior career in the Navy. Chief Bowers said Officer Ray recently graduated from the police academy second in his class in firearms, second overall, and was voted Partner Officer by his classmates. Mayor Maxwell administered the oath of office to Officer Ray.

Skagit Valley Tulip Festival Presentation: Cindy Verge, Executive Director of the Skagit Valley Tulip Festival, presented Anacortes with its copy of the 2013 Tulip Festival poster and described the work of featured artist, Karen Sistek. Ms. Verge

257

City Council Minutes - February 19, 2013

At 7:00 p.m. Mayor Pro Tem Erica Pickett called the regularly scheduled Anacortes City Council meeting of February 19, 2013 to order. The assembly recited the Pledge of Allegiance. Roll call found present: Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson and Brian Geer.

Minutes of Previous Meeting

Mr. Johnson moved, seconded by Mr. Adams, to approve the minutes of February 11, 2013 as presented and to approve the minutes of February 4, 2013 as amended to include the following under Unfinished Business - Parliamentary Procedures: "Mr. Johnson referred to Table D: Table of Rules Relative to Motions on page 194 of Robert's Rules of Order Newly Revised, In Brief and noted that since Anacortes procedures vary from The Robert's standard, it would be advantageous to have a single table that summarizes the motions available to Anacortes City Councilmembers that reflect Anacortes procedures." Vote: Ayes - Walters, Pickett, Adams, Turner, Richardson, Geer and Johnson. Motion carried.

Citizen Hearings

Tom Glade, 210 Mansfield Court, speaking on behalf of Evergreen Islands, quoted RCW 35A.63.070, Comprehensive Plan - Notice and hearing. He then quoted from the City of Anacortes ordinance that adopted the 2011 Water System Plan and incorporated it into the City of Anacortes Comprehensive Plan. He then quoted from the Anacortes City Council minutes of March 5, 2012 reporting Mrs. Richardson's remarks about hearing requirements for the water system plan. Mr. Glade said his land use attorney advised that a hearing was required for the 2011 Water System Plan. Regarding the plan, Mr. Glade asked why the plan includes only 3.4MGD for future industrial use when the Tethys Water Service Agreement specifies the need for 5.5MGD. He also asked why on December 7, 2001 the city voluntarily relinquished 9.7MGD of supplemental water rights. He asked why the public is not being allowed to participate in water planning.

Sandra Spargo, 1408 11th Street, quoted from a February 2, 2013 article in the Skagit Valley Herald regarding the UGA petition which reported comments attributed to Mrs. Richardson. Mrs. Spargo said she spoke with the editor and the reporter at the Herald and was told no one had called to make a correction to the quote so they assumed the article was correct. Mrs. Spargo said that neither before nor during the August 20, 2012 City Council meeting did the City Council discuss or generally agree on any Fidalgo Bay aquatic reserve acreage as an UGA petition option. She stated that citizens had no advance information on the 16.57 acres to be rezoned from LM1 to P including in the packet for that meeting. Mrs. Spargo said sneaking past citizens weakens the democratic process and public trust.

Mayor/Council Communication and Committee Reports

12 5 8

Feb. 19, 2013

To: Council members Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Cynthia Richardson, Bill Turner and Brian Geer.

From: Sandra Spargo, 1408 11th St., Anacortes, WA 98221

On Feb. 2, 2103, the Skagit Valley Herald reported on UGA Petition No. CPA-PL-12-0258:

- *Richardson said the alternative plan of using the land near Fidalgo Bay instead of signing the 14.47 acres over to the Samish Tribe was discussed by the council and staff in council meetings. She said the council did not officially vote to change the plan from the original application, but the council generally agreed on the use of the Fidalgo land as an alternative. No complaints against the action surfaced through public comment, Richardson said.*

I spoke to Colette Weeks, Skagit Valley Herald editor, around 1 p.m. today. She said, "We stand by the reporting until someone calls us and tells us that something was done wrong. We assume that we are correct until someone tells us that we are not." I also spoke to Mark Stayton, the reporter. No one called Mark to ask for a correction of the article, 17 days after publication. No one asked editors Colette Weeks and Beverly Crichfield for an article correction. Therefore, I must assume that Councilwoman Richardson was quoted correctly.

A city council discussion, set by city council precedent, is an exchange of ideas and opinions among city council members at a public meeting within these city chambers that eventually results in an agreement.

However,

- During or previous to the Aug. 20, 2012, city council meeting, the Anacortes City Council **did not discuss nor generally agree** on any Fidalgo Bay Aquatic Reserve acreage as an UGA petition option.
- In addition, the City of Anacortes gave its citizens no advance information regarding the 16.57 acres to be rezoned from LM1 to P. The online packet of Aug. 20, 2012, contained no map of the 16.57 acres. On Aug. 20, one minute and four seconds lapsed between the time Mr. Ryan Larsen presented the Fidalgo Bay acreage map and Mayor Maxwell's commencing a public hearing regarding the UGA petition. Shame.

The City of Anacortes sneaks past its citizens, weakening the democratic process and public trust. Going along to get along is not what the people deserve.

269

Debra L. Nicholson

From: website
Sent: Friday, April 12, 2013 3:05 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Dennis and Elizabeth Lengel
Address : 12901 S Wildwood Ln
City : Anacortes
State : WA
Zip : 98221
email : lengels@mac.com
Phone : 360 2938703
PermitProposal : UGA EXPANSION PROPOSAL
Comments : We very deeply appose this project.

Dennis and Elizabeth Lengel

From Host Address: 76.28.203.69

Date and time received: 4/12/2013 3:04:05 PM

270

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Thursday, April 11, 2013 2:10 PM
To: Dale Pernula; KirkJohnson; 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: Thursday, April 11, 2013 10:00 AM
To: Planning & Development Services
Subject: PDS Comments

Name : Victor Leroy Lesher
Address : 1475 Lakewood Drive
City : Camano Island
State : WA
Zip : 98282
email : rlesher88@gmail.com
Phone : (360) 387-0483

PermitProposal : Expansion of Anacortes UGA

Comments : The classic joke about capitalism is that we will sell our last length of rope to our enemy who will use it to hang us with. The UGA expansion is no joke, but it does represent the wrongful use of economic opportunities to replace longer term protection of your valuable water and aquatic life resources. Regardless of your disclaimers on the limitations in the process in your hands at the moment, you are taking a giant step towards approval of the water plant development project. Your due process should include a longer term analysis on how the manufacture will guarantee you zero impact on the quality of living and the environment. Please reject the UGA expansion at this time until you get full support from the entire community. Thank you.

From Host Address: 24.113.5.41

Date and time received: 4/11/2013 9:59:06 AM

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Monday, April 15, 2013 8:35 AM
To: Debra L. Nicholson; Dale Pernula; KirkJohnson
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 4:30 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Ronna Loerch

Address : 116 Aspen Drive

City : Everson

State : Washington

Zip : 98247

email : anatum@telcomplus.net

Phone : 360-305-2936

PermitProposal : Anacortes water bottling plant UGA Comments : Please allow a public comment period for this action.

Please make changes to the Anacortes community through an open process.

This is a significant project and deserves to have community input to maintain integrity.

Thank you so much for your attention.

Sincerely,

Ronna Loerch

From Host Address: 50.47.226.49

Date and time received: 4/13/2013 4:29:06 PM

Debra L. Nicholson

From: Commissioners
Sent: Monday, March 25, 2013 12:40 PM
To: Dale Pernula; KirkJohnson; GaryChristensen
Subject: FW: Urban Growth and Water Bottling Plant

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

From: Sara Longworth [<mailto:sdlongworth@gmail.com>]
Sent: Wednesday, March 20, 2013 10:14 AM
To: Commissioners
Cc: Tom Longworth
Subject: Urban Growth and Water Bottling Plant

Greetings Skagit Commissioners:

My name is Sara Longworth, and my husband Tom and I are residents of Anacortes.

We are both vigorously opposed to Mayor Maxwell's plan to bring the Tethys Bottling plant to Anacortes for a variety of reasons.

We feel the Mayor's actions were not in the interest of the residents of Skagit County, and most specifically Anacortes. We also believe he acted without appropriate transparency and we will be working actively to see that Anacortes elects a new mayor.

Now that the approval for the change in zoning and the bottling plant has moved to the County level, we urge you to be judicious in your consideration of these proposals. We hope and believe that careful analysis will lead you to oppose the Tethys plant.

Thank you for your consideration.

Sara & Tom Longworth
4219 Mitchell Dr.
Anacortes, WA 98221

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Tuesday, April 16, 2013 9:59 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 4:30 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Kathleen Lorence-Flanagan
Address : 2005 10th St.
City : Anacortes
State : WA
Zip : 98221
email : tomflanagan1@comcast.net
Phone : 3602934090
PermitProposal : CPA-PL-12-0258

Comments : In regards to the Anacortes UGA petition: yes, I am absolutely opposed to it, for its proximity to fish habitat and wetlands. I know it is said that any judgement will not be based on proposed use of the site, but let's not be naive, the Tethys plant is the clear motivation for this annexation. The impact of THAT: with its increased train and truck traffic, the size of the plant, its generation of more plastic, its high water usage, the impact of its product on health issues.....all of these are part of the bigger picture here. Again, I oppose the annexation and urge you to do likewise.

From Host Address: 174.61.141.223

Date and time received: 4/15/2013 4:27:08 PM



To our County Commissioners Dillon, Wesen and Dahlstedt:

As a concerned citizen, mother and environmentalist; I am appalled at the proposed Tethys plant to be located on Fidalgo Island. While other municipalities are working to ban single-use bottles in their towns, Anacortes is hoping for the largest facility of its kind - bringing in traffic problems, environmental impact and pollution to our town. The job creation is questionable, the permitting process negligible and the public transparency beyond problematic. As your constituent, I urge you to deny this project from becoming a reality. Think of future generations having to deal with the mess this would create in response to a short-term need for jobs.

Thank you for your time.

Sincerely,

Liz Lovelett
2111 23rd St.
Anacortes, 98221

Anacortes UGA Expansion Application Issues

- I. **The County Staff erred when it categorized the Anacortes UGA Expansion application as NONPROJECT SPECIFIC.**
 - A. If the County deems that the current Anacortes UGA Expansion petition is a nonproject process and not about Tethys, the Comprehensive Plan process will be fatally flawed because the city's application is specifically about the specifically about the Tethys bottling plant.
 1. The UGA Expansion Application Still Contains the Tethys Language
 2. Since an amendment to remove both the Tethys Language (32%) and the Samish 'land swap' language (39%) is a substantial change, the County should deny the City's application and require the City to submit a new amendment next year.
 - B. A non-project process will deprive Skagit County residents of the right to participate in a massive development with countywide adverse impacts, which will affect Skagit County residents for generations to come.
 - C. County Codes Requires a Detailed Development Proposal for a Rezone Application
 1. The 11 acre will be rezoned from Rural Reserve (RRv) to Anacortes UGA Development District (A-UD).
 - D. From the very beginning, the UGA Expansion Application has always been about Tethys.
 1. Tethys paid the application fees for the UGA Expansion Application
 2. The City of Anacortes billed Tethys Enterprises for the consultant's costs to prepare the City's Response (the E.D. Hovee memo) to the County.
 - E. Anacortes Staff Reports to the Anacortes City Council mention Tethys as the justification for the UGA Expansion for four different City Council meetings.
- II. **The Proposed 'Zoning Swap' Sets a Bad Precedence**

275

1. Will have a Statewide impact
2. Will discourage the Growth Management Act's goal for long term planning and Encourages spot zoning.
3. Skirts the requirement to GMA requirement to demonstrate need.
 - a. Municipalities can bypass the GMA requirements (such as population forecasts and acreage calculations) to justify their UGA expansion.
 - b. The City Council must amend the Anacortes Comprehensive Plan before Skagit County amends its Comprehensive Plan.

III. Turners Bay Marine Estuary

A. Jurisdictional Conflicts

1. Skagit County Shoreline Master Program shoreline protections.
2. City of Anacortes Shoreline Master Program shoreline protections

B. Environmental Impacts on the recently restored marine estuary, which cost \$670,000

IV. Tethys Rail Yard

A. The land requirements for the Tethys bottling plant's rail yard, which is required for the 100-unit water trains, have never been identified.

B. A complete site plan for the 1 million sq-ft bottling facility has never presented. Tethys statements indicate that a complete site plan would require land in excess of 40 acres. The newly proposed Sunland Topsoil site is 30 acres and the UGA Expansion land is 11 acres which comes to a total of 41 acres.

C. Local newspapers have interviewed Steve Winters, the Tethys CEA and attended presentation by Mr. Winters. Their articles have included the following statements by Mr. Winters:

1. "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."
2. "Foremost issue is obtaining a parcel of property proximate to rail that could serve our needs 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"
3. Most of the sites down there (Everett) were in kind of the 35- to 40-acre range, which really limited our ability to do rail transportation.

V. Catch 22

A. If it's a non-specific project then the UGA Expansion can and should occur in 2014 as part of the County's general Comprehensive Plan Update.

- ~~1. To be non-project-specific, the original application should be withdrawn and an amended application submitted for the 2014 Full Comprehensive Plan Update.~~

B. If it's a specific project application that's specifically about the Tethys bottling plant, County Code requires a Detailed Development Proposal.

276

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Thursday, April 11, 2013 1:55 PM
To: Dale Pernula; KirkJohnson; 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: Thursday, April 11, 2013 10:00 AM
To: Planning & Development Services
Subject: PDS Comments

Name : Mary Lynn Lyke
Address : 14351 Jura Drive
City : Anacortes
State : Washington
Zip : 98221
email : lyke.ink@gmail.com
Phone : 3602992588

PermitProposal : UGA: Anacortes

Comments : I'm concerned about the lack of public input on this expansion, which, if developed, has the potential to affect salmon and heron habitat, and increase truck and rail traffic in ways that affect the quality of life for residents of the region.

From Host Address: 24.113.229.47

Date and time received: 4/11/2013 9:58:47 AM

277

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Monday, April 15, 2013 8:31 AM
To: Debra L. Nicholson; Dale Pernula; 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 12:15 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Scott and Jean Majury
Address : 4544 -- 88th Av enue SE
City : Mercer Island
State : WA
Zip : 98040
email : jeamaj@msn.com
Phone : 206-232-1898
PermitProposal : Tethy's
Comments : Re: Tethy's

We support Evergreen's list of reasons why Anacortes' city council should rethink its position favoring Tethy's. Immediate gain based on faulty employment and other statistics coupled with environmental damage paints a bleak future picture. Once the Tethy's damage is done, it cannot be repaired, revoked or rescinded. Listen to the public and delete Tethy's place in Anacortes' future.

Sincerely,
Scott and Jean Majury

From Host Address: 4.179.33.239

Date and time received: 4/14/2013 12:14:12 PM

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Monday, April 15, 2013 8:34 AM
To: Debra L. Nicholson; Dale Pernula; KirkJohnson
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 6:25 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Nathan Malcomb
Address : 411 Coffman Ln.
City : Sedro Woolley
State : WA
Zip : 98284
email : nmalcomb@gmail.com
Phone : 740-336-8333

PermitProposal : PL12-0258 ANACORTES UGA EXPANSION PROPOSAL Comments : This proposal shows little concern for the long-term vitality of the environment and communities of Skagit county and should be critically examined with respect for our planet and future generations.

From Host Address: 173.160.167.74

Date and time received: 4/13/2013 6:23:21 PM



Skagit Audubon Society
P.O. Box 1101
Mount Vernon, WA 98273



April 12, 2013

Skagit County Commissioners
1800 Continental Place
Mount Vernon, WA 98273

Dear Commissioners Dahlstedt, Dillon, and Wesen,

I am writing on behalf of Skagit Audubon Society regarding the request by the City of Anacortes to change its Urban Growth Area (UGA) to include 11.15 acres south of Stevenson Road. Our concerns about this expansion relate to the nearby heronry at March Point and the proximity of the acreage to Turners Bay. We urge you to not support inclusion of this acreage in the city's UGA.

Skagit Audubon Society is the National Audubon Society chapter focused on Skagit County. Our 210 member families support the Audubon mission of conserving and restoring natural ecosystems, focusing on birds, other wildlife and their habitats for the benefit of humanity and the earth's biological diversity. We find that the proposed Urban Growth Area boundary change has the potential to affect wildlife and wildlife habitat to a significant and unacceptable degree.

The bays and other wetlands in the vicinity of the acreage requested for inclusion in the Anacortes UGA are of profound ecological importance. This fact is recognized in Padilla Bay's designation as one of only 28 National Estuarine Reserves in the United States and the sole such reserve in Washington State. Fidalgo Bay, as you know, is one of Washington's just 7 Aquatic Reserves. The importance of these bays due to the species diversity they support is recognized too in the portion of the City of Anacortes's present request which would take 16.57 acres on the southern shore of Fidalgo Bay out of further consideration for industrial or commercial development. Similk Bay is similarly important as is Turners Bay, connecting to Similk and paralleling the 11.15 Rural Reserve acres requested for inclusion in the UGA.

We recall that the Skagit County Hearing Examiner's Findings referenced in Skagit County Commissioners' Resolution Number 18220 dated April 9, 2001, refer to the ecological importance of Turner's Bay. The subject at the time was a planned R.V. campground and equestrian facility west of the bay. Detailed attention was focused then, as it should be now, on the possibility and unacceptability of degradation of the bay.

We note that the proposal under consideration calls for retaining a strip as Rural Reserve along either side of Turners Bay in compliance with the county's Shoreline Master Program. The competitive selection a few years ago of upper Turners Bay for restoration using Salmon Recovery Board funds speaks to the importance of this wetland to salmon and the forage fish on which they feed. Nearly \$700,000 of the public's money was invested here to restore the ecological functioning of the salt marsh and lagoon at the head of the bay. As you know, this pocket estuary was identified as a high priority restoration site in the Skagit Chinook Recovery Plan. We are concerned that the narrow strip of land along Turners Bay which is to remain in Rural Reserve under the Anacortes request provides insufficient assurance that this wetland will not again be degraded. Industrial development on the 11.15 acres now in Rural Reserve will generate stormwater and other potential run-off into this bay which will be difficult to control. Development of this and other nearby parcels within the UGA may well lead to re-establishment of the former rail line along the shore of Turners Bay with a resulting increased threat of fuel or other chemical spills or leaks to this recently restored aquatic habitat.

The March Point heronry is one of the outstanding avian features of Skagit County. In fact, as the largest nesting colony of Great Blue Herons around Puget Sound and the Straits and probably the largest in the western U.S., this heronry is of extraordinary significance. The county's Critical Areas Ordinance recognizes Great Blue Heron nest sites as a Habitat of Significance. An aerial view of the heronry location dramatically illustrates its vulnerability, existing in an island of trees surrounded by highways and development. The heronry's presence in such a setting should not fool us into imagining these birds are infinitely tolerant. Washington Department of Fish & Wildlife's March 2012 publication *Management Recommendations for Washington's Priority Habitats and Species* (Great

~ to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity ~

280

Blue Heron; Azerrad, J.M.) notes that, "Great Blue Herons are highly vulnerable to human disturbance, predation, and competition for nesting habitat. Their habit of nesting in large groups makes herons especially susceptible to these types of impacts. A single event involving human disturbance can lead an entire colony to terminate a nesting attempt. ... (E)arly termination of even one breeding attempt can lead to a considerable loss of offspring. This is especially a problem in Puget Sound and the Georgia Basin, where half the breeding population is concentrated into four large colonies." Some large colonies have been abandoned from one year to the next. It is not well known specifically what types of human activities disrupt this species.

Everything wildlife biologists have learned and all that they do not yet know about Great Blue Herons counsels a conservative approach to altering this bird's key habitat, including nest sites, foraging areas (which change seasonally), and staging areas. The cumulative development of industry in the Anacortes UGA and associated activities such as increased rail use, depending on the type of activities and the care with which mitigation is planned and implemented, could eliminate the March Point heronry. This failure of stewardship would not only be an embarrassment to our county and city but more importantly a very significant blow to the population of this protected species. A conservative approach is in order.

The March Point heronry lies approximately two-thirds of a mile from Turners Bay. This is well within the distance Great Blue Herons fly in their daily foraging. It is essential that Similk and Turners Bay, along with Fidalgo and Padilla Bays, retain the ecological integrity needed to support Great Blue Herons, as well as Chinook, Dungeness Crabs, forage fish, and the many other species for which these areas provide essential habitat. Keeping the 11.15 acres in Rural Reserve is the conservative approach needed to help protect Turners Bay for these and other species. We agree with the City of Anacortes' contention that the 16.57 acres along the south shore of Fidalgo Bay should not be developed. The 11.15 acres proximate to Turners Bay should be regarded in the same light. We urge you to reject the boundary change of the Anacortes UGA which would absorb this acreage.

Thank you for your consideration.

Sincerely,



Timothy R. Manns
President, Skagit Audubon Society

281



April 15, 2013

To:

Honorable Skagit County Commissioners Ken Dahlstedt, Sharon Dillon, and Ron Wesen,

I oppose the Anacortes UGA Expansion Petition. The acreage named for this zoning swap is seriously flawed for this use for many reasons; I ask your consideration of the two most obvious to many concerned citizens.

The populations of Fidalgo Island, Guemes, mid to north Whidbey Island, the San Juan Islanders and the multitude of heavy seasonal/ year round-tourist travelers have only the use of this single route out of the greater area to travel east, accessing further travel north or south. Highway 20 is surrounded on three sides by salt water and the Swinomish Indian Reservation at this carotid artery-like flow for traffic. Both the Duane-Berentson Bridge and the Rainbow Bridge would be profoundly affected by any increase of manufacturing truck trailer traffic and any associated rail and support traffic at this locked bottleneck. Serious dangerous backups occur daily now at the turn south at Sharpes Corner on the highway. There is no question added industrial traffic congestion at Reservation Road would produce a dangerous backup pattern that will coalesce. The mega infrastructure of Highway ramps and overpasses and the funding must be considered vitally necessary to any expansion at this area.

East is the only route out. East (or west to Anacortes) through this spot is the route travelled daily for police, fire, emergency medical access, job commute to greater Skagit county, shopping/commerce, personal business, tourism, seat of county government and all the activities of daily life required by our citizens. Let's not be fooled by Anacortes city government believing they don't have enough growth area to work with. This small acreage functions best as rural reserve for the functional ability of the greater region.

Secondly, a map review or personal walk of this area indicates that a majority of the site is either wetland or hydric soils (estuary). An assessment and wetland buffer delineation leaves no room for mitigation. A fish stream runs through the site. What will the impact be for Skagit County regarding the Tribal fish co-op rights and state regulations regarding the Turner Bay salmon estuary? An LMI acreage will involve water runoff and pollutants into Turner Bay and shoreline buffer degradation without question. The standing marsh conditions are legally recognized as a functional part of the existing system. What is the intensity of the proposed use for this area? What kind of jurisdictional conflicts would be created?

As the rest of the Washington State, our nation and indeed the world is responding to science and law demonstrating our need for estuarian functions I do not want to see Skagit County in litigation. This is a hot spot we need prove worthy of our leadership.

I hope to see the docketing of this non-project petition application denied. This is an area to be considered in the 2014 Full Comprehensive Plan Update.

82

Community consensus on regional issues through information and citizen involvement is the pride we take in our government process. Let's continue with the best practices of urban growth process, creating worthwhile living wage jobs, and manufacturing we can be proud of. I appreciate the commitment, intelligence and good decisions you work so hard to provide as our Commissioners.

Best regards,



Deborah Martin

6407 Dow Lane

Anacortes, Washington

98221

360-293-7987

283

April 9, 2013

Skagit County Commissioners Office
Board of Commissioners
Ron Wesen
Ken Dahlstedt
Sharon Dillon



1800 Continental Place # 100
Mt. Vernon, WA 98273

Re.: Anacortes City Application for UGA expansion

I live on Fidalgo Island since I was born in 1962 south of the UGA acreage.

My main concern is that those 11 acres are located in the same vicinity as Turner Bay Estuary, the Heron Rookery, wetlands and a small stream running through. The Salmon Estuary was restored recently with 671,000.—of our tax dollars. The acreage in question is not suited for additional light manufacturing location. Such environmentally sensitive area should be put under protection of unincorporated buffer regulations of Skagit County. Should an annexation be approved, then the City of Anacortes requirements for buffers would apply. According to past history that would be disastrous! Park Status should be given to the area, otherwise pollutants and toxins from storm water run off, will kill the very creatures we want to save and protect.

What would have an even more devastating impact on this project is the fact that an old, abandoned rail line which runs on a long narrow piece of land parallel to the Salmon Estuary and the proposed expansion acreage, squeezed in between the two. It could easily be resurrected to provide rail service to light or heavy industry which then would cross Reservation road to connect on the east side with another abandoned old spur, on another long narrow piece of land. The pollution from that would jeopardize and therefore wipe out the whole project. We already have one giant industrial corporation considering exactly that! ! We are facing a grave reality here in the future, once this land has been annexed in to the City of Anacortes.

Some one came up with the "bright idea" of having an overpass constructed to accommodate for the rail crossing.. Who would bare the enormous cost for that, we the taxpayer A G A I N ?

Jeffrey Mass
Jeffrey Mass
16059 Snee-Oosh Rd.
La Conner, WA 98257

287

Skagit April 9, 2013



County Commissioners Office
Board of Commissioners
Ron Wesen
Ken Dahlstedt
Sharon Dillon

1800 Continental Place # 100
Mt. Vernon, WA 98273

*fwed:
Pennula*

Re.: Anacortes City Application for UGA expansion.

I believe the UGA expansion is wrong. I oppose this action for very important reasons. I need for you to consider my concerns before you make such a vital decision affecting the future of our beloved Fidalgo Island and the citizens who make their living here and raise our families here.

I live on Fidalgo Island since 1956 at the same address, 2.5 miles south of intersection Reservation road and Stevenson road. I am here to represent my children and grandchildren who live in this area.

My main concern is that those 11.15 acres are located in the same vicinity as Turner Bay Salmon Estuary, Heron Rookery and 2 different wetlands. Turner Bay Estuary was created with our tax dollars in the sum of \$ 671,000.--. After being involved in a lot of research, we have come to the conclusion that the acreage in question is not suited for additional light manufacturing location.. Such environmentally sensitive area should be put under protection within the boundaries of Skagit County and receive Park Status. Pollutants and toxins will kill the very creatures we want to save.

Furthermore what could have an even more devastating impact on this project, is the fact that on old, abandoned rail line runs on a long narrow piece of land parallel to the Salmon Estuary and the proposed expansion acreage, squeezed in between the two. It could be easily resurrected to provide rail service to light or heavy industry which then would cross Reservation road to connect on the east side with another abandoned old spur, on another long, narrow piece of land. The surface water run off, laden with industrial pollutants, would wind up in the estuary and other environmentally sensitive areas, jeopardizing the whole project. We already have one giant industrial corporation considering exactly that ! ! We are facing reality here in the future, once this land has been annexed in to the City of Anacortes.

Another point I need to make about manufacturing congestion, trucks and/or rail traffic.

I am also speaking on behalf of hundreds of families here on Fidalgo Island south of the proposed UGA Expansion acreage. Communities such as Shelter Bay, Snee-Oosh Beach, Shorewood, Swinomish Tribe and their Police Force, folks in my neighborhood living

275

along Snee-Oosh road and Reservation road. For us Reservation road is thoroughfare to Anacortes and beyond via Highway 20. We are closely tied to Anacortes. Some of us travel the road daily. Several physicians who are our neighbors, work at Island Hospital or have their own clinics in the City . Two Anacortes Police officers are our neighbors too. So are several refinery workers and employees of Anacortes businesses. Many of us like to do business with Anacortes. Because it is shorter and faster to get to than Burlington or Mt. Vernon but foremost we have grown accustomed to that charming, peaceful little City, rich on natural beauty second to none in the world. We like the restaurants, shop for groceries, hardware, furniture, appliances, medicine, our family physicians practice there, we have our vehicles repaired there and on and on! Anacortes Leadership might want to do the math, how much revenue they'd lose, when many of us decide to travel the opposite direction to Burlington and Mt. Vernon via La Conner in order to escape congestive traffic and a noisy, polluting industrial nightmare in the future. Worst of all, since our medical and fire emergencies contract with Island Hospital, some lives might be lost.

Recreational Vehicles from Thousand Trails Campground use this route. Soon the State Park on Kiket Island," Kukatali Preserve" will be operating, adding a substantial amount to the traffic on Reservation road. Please don't burden us down with additional traffic caused by manufacturing congestion via trucks and/or rail.

Another real possibility is to call for alarm. If you should grant the UGA after everything that has been brought to your attention and Anacortes City Government should decide to allow the resurrection of the rail lines, traffic would be blocked. We would have to wait at the crossing for trains to clear the tracks. What an additional nightmare that would create!.

Some one came up with the "bright idea" of having an overpass constructed to accommodate for the rail crossing. Who would bare the enormous cost for that, we the taxpayers again? And for what? Maybe to satisfy revenue grabbing opportunity for the Mayor of Anacortes and Co. or the greediness of industrial opportunists. All of them hiding behind "Job creation" for a very few workers? Is that justification to wreck the way of life for the rest of us?

Thank you for your consideration.

Ursula Mass
Ursula Mass

15797 Snee-Oosh rd.
La Conner, WA 98257

286



April 9, 2013

Skagit County Commissioners Office
Board of Commissioners
Ron Wesen
Ken Dahlstedt
Sharo Dillon

Re: Anacortes City Application for UGA expansion.

I believe the UGA expansion is wrong. There are so many issues involved with this. I just want to touch on the most vital for the time being. I need you to consider this in earnest because your decision will reflect on the way of life we, the Fidalgo Island dwellers are allowed to live, whether in the City of Anacortes or out in the County. This small Island is our home. We raise our families and make our living here. We also have a vision for our neighborhoods besides Mr Maxwell and Company.

Soon there'll be a real possibility that our little island will be swallowed up by a bottling plant, one of the largest plants in the United States, taking up at least 100 acres, according to Mr. Winters C.E.O. of the Plant.

Whether or not you have chosen not to address the Plant's impact on the environment nor the communities, doesn't change the facts. Big money or lawsuit threats should never be considered as the driving force behind your decision making. When we voted you into office, we believed that you would look out for the welfare of all the citizens and not just a handful of people in control, may it be to satisfy their revenue grabbing opportunity or the greediness of industrial opportunists, robbing us of our most vital and precious resources.. All of them hiding behind "Job Creation "for a few workers making low income wages. These Plants are fully automated. Is that justification to wreck the way of life for the rest of us?

*Ursula Mass
15797 Snee-Oosh Rd.
La Conner, WA 98257
360-466-3257*



Ursula Mass
15797 Snee Oosh Rd
La Conner WA 98257

*This was also
received at the
counter on 4-9-13.
(same letter)
Cheri*

287



cc: Hammons

Dear Skagit County Commissioners,

I am writing to voice my concern over the fact that the Tethys application for expansion is being put forth as non project-specific, when it is clearly obvious that this is project-specific. I am opposed to the plant coming in and I want to be able to keep having input in the process. As I understand it, if this proposal is approved as non project-specific, then the City of Anacortes can move forward without further public input, which is extremely unfair to those of us who do not support it.

Mayor Dean Maxwell and Tethys CEO Steve Winters are promoting the water bottling plant as creating local jobs and revenue. 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. Single use beverage bottles are one of the worst environmental offenders- they clog landfills, create pollution, contribute to the absorption of BPA in humans and animals, and are completely replaceable by glass, polycarbonate, and stainless steel reusable water bottles.

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.

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,

5300 W. Shore Rd
Anacortes, WA 98221

288



Dear Skagit County Commissioners,

I am writing to voice my concern over the fact that the Tethys application for expansion is being put forth as non project-specific, when it is clearly obvious that this is project-specific. I am opposed to the plant coming in and I want to be able to keep having input in the process. As I understand it, if this proposal is approved as non project-specific, then the City of Anacortes can move forward without further public input, which is extremely unfair to those of us who do not support it.

Mayor Dean Maxwell and Tethys CEO Steve Winters are promoting the water bottling plant as creating local jobs and revenue. 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. Single use beverage bottles are one of the worst environmental offenders- they clog landfills, create pollution, contribute to the absorption of BPA in humans and animals, and are completely replaceable by glass, polycarbonate, and stainless steel reusable water bottles.

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.

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,

James Mayo
PO box 1303
Anacortes WA
98221

289



cc: Hammons

Dear Skagit County Commissioners,

I am writing to voice my concern over the fact that the Tethys application for expansion is being put forth as non project-specific, when it is clearly obvious that this is project-specific. I am opposed to the plant coming in and I want to be able to keep having input in the process. As I understand it, if this proposal is approved as non project-specific, then the City of Anacortes can move forward without further public input, which is extremely unfair to those of us who do not support it.

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Respectfully,

The Juicy Dog
408 Commercial Ave.
Anacortes, WA 98221
360-840-3041

290



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,

We are writing as concerned taxpayers 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 the owners of not only two properties in Skagit County but also a thriving business in the downtown Anacortes corridor, we 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,

Fletcher and Angela McLean

Concerned Taxpayers of 2 properties in Skagit County and proud business owner in Anacortes

McLean
7444 Holiday Blvd
Anacortes, WA.
98221

291



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

I object to the city of Anacortes expanding to include land for a non-project specific site, which is obviously the land that is being earmarked for the Tethys plant.

As a mother, Anacortes citizen, and environmental advocate, I am appalled at the proposed Tethys plant to be located on Fidalgo Island. While other municipalities are working to ban single-use bottles in their towns, Anacortes is hoping for the largest facility of its kind - bringing in traffic problems, environmental impact and pollution to our town. Single use beverage bottles are one of the worst environmental offenders- they clog landfills, create pollution, contribute the the absorption of BPA in humans and animals, and are completely replaceable by glass, polycarbonate, and stainless steel reusable water bottles.

This is the 21st century, and Anacortes should be a model for environmental stewardship.

The small number of jobs the plant would create is nothing when compared with environmental and health damage that the plant would bring.

Thank you,
Clarity Miller
Anacortes



Clarity Miller
508 4th St
Anacortes WA 98221

292