



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

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,

Britt Shellenberger

Mount Vernon, WA

Shellenberger
20535 Dike Road
Mount Vernon, WA 98273

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



Dear Skagit County Commissioners,

Please stop the Tethys 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. There are so many shenanigans here. I think you know the issues. Please don't side with the Goliath of this situation.

Respectfully,

A handwritten signature in black ink, appearing to read "Matthew Shellenberger".

Matthew Shellenberger

Mount Vernon, WA

Shellenberger
20535 Dike Road
Mount Vernon, WA 98273

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April 12, 2013



Dear Commissioners

To whom it may concern,

I am opposed to the expansion for the reasons listed below. Please consider carefully this request as it opens the door for many unsound policy practices and irreversible environmental changes. Laurie Sherman

Anacortes UGA Expansion Application Issues

I. The County Staff erred when it categorized the Anacortes UGA Expansion application as NON-PROJECT SPECIFIC.

- A. If the County deems that the current Anacortes UGA Expansion petition is a non-project 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 their right to participate in a massive development with a countywide adverse impact, 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).

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- A. 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.
- B. 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

- 1. And 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,

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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 presentations by Mr. Winters. Their articles have included the following statements by Mr. Winters:
 - 4. "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."
 - 5. "Foremost issue is obtaining a parcel of property proximate to rail that could serve our needsThere 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"
 - 6. 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.

Sheerman
4596 Binnett
Anacortes 98221



Debra L. Nicholson

From: ja siniscal <jasiniscal@yahoo.com>
Sent: Monday, April 15, 2013 12:10 PM
To: Commissioners
Subject: CPA-PL-12-0258 - Reject docketing request

Dear County Commissioners:

RE: CPA-PL-12-0258- CITY OF ANACORTES PETITION TO MODIFY UGA BOUNDARY

We were in attendance at the Board of County Commisioners' public hearing of April 9th 2013. We are residents of Fidalgo Island and we request that the Skagit County Board of Commissioners **reject** CPA-PL12-0258 for docketing. We support the comments for rejection presented by each of the members of Evergreen Islands, Sandra Spargo, Andrea Dahl, Richard Beigner and Gene Derrick. We ask you to investigate and respond to each of the reasons presented against the docketing of **CPA-PL12-0258 - CITY OF ANACORTES PETITION TO MODIFY UGA BOUNDARY.**

Joyce Siniscal
Stephen Farmer
429 Cayuse Place
La Conner, WA 98257

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Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Wednesday, April 10, 2013 11:45 AM
To: KirkJohnson; Debra L. Nicholson; Dale Pernula
Subject: FW: PDS Comments

From Dept Email

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

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Wednesday, April 10, 2013 10:55 AM
To: Planning & Development Services
Subject: PDS Comments

Name : Frank Spargo
Address : 1408 11th Street
City : Anacortes
State : WA
Zip : 98221-1939
email : fspargo@gmail.com
Phone : 360-982-2105
PermitProposal : Spargo Frank
Comments : Re: City of Anacortes request to expand its UGA and docketing.

The Skagit County government was correct to ask COA to answer some additional questions to clarify their initial request July 31, 2012. However, the city later proposed swapping some land that is sometimes under water at high tide for some drier land near Turner Bay. The land under water can in no way be considered good land for a swap.

As such, I believe their request is nonresponsive and nothing more than a pea-in-the-shell game. It is a shame that Skagit County is continuing to consider docketing the request from the City of Anacortes.

The request should not be docketed for further consideration. It is nonresponsive to the county's own criteria for consideration, a sloppy application, and engages in subterfuge. Its agenda is clearly project oriented to satisfy Tethys.

Please deny the docketing request until the County engages in its next comprehensive plan update and require COA to submit a better application following substantial public input..

Thank you.

From Host Address: 24.19.175.2

Date and time received: 4/10/2013 10:54:58 AM

Debra L. Nicholson

From: Sandra Spargo <writingconnection@gmail.com>
Sent: Friday, April 05, 2013 3:11 PM
To: GaryChristensen
Cc: Commissioners; Sharon D. Dillon; Ron Wesen
Subject: COA amendment to July 31, 2012, UGA petition?
Importance: High

Dear Gary,

Please know that Betsy Stevenson has been most helpful. I appreciate the customer service that you and your staff have shown me over the last couple of years.

As I consider the Anacortes UGA petition public hearing of April 9, 2013, did the City of Anacortes submit to the County an amendment of its original petition of July 31, 2012, which included significant language regarding Tethys and the Samish land swap? Please note the chart's emphasis on Tethys and the Samish land swap in the original petition, as follows:

Original Application

	Word Count	Percent
Basic	652	29
Tethys	715	32
Samish	870	39
Total	2237	100

Tethys + Samish 1585 71

- If no COA amendment exists, why should not Skagit County citizens include the Tethys project in their public comments of April 9?

In addition, Dale Pernula's letter to Ryan Larsen of Oct. 10, 2012

(<http://www.cityofanacortes.org/Planning/UGA/file.asp?ID=3>) stated, "While the petition materials reference the Tethys project, please understand that the merits and impacts of the Tethys proposal are not within the scope of the County's review."

- Did Skagit County excuse itself from the Tethys project without a COA amendment to the original petition of July 31, 2012? The general conversation is that Skagit County fears Anacortes, lest Anacortes sue again.

***Gary, an important realization is that the April 9 public hearing may be the only opportunity that the citizens of Skagit County--outside the COA--may have to comment on the Tethys project. Once an UGA annexation is approved, the Tethys' SEPA/EIS is back in the hands of the COA, and, frankly, the COA, in my opinion, gives

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at whatsoever about the impact that the largest bottling plant in North America would have on the citizens
of Conner, Burlington, Mount Vernon, Sedro Woolley and surrounding towns.***

In the words of Mayor Dean Maxwell himself at one of the COA council meetings: "Only Anacortes counts." I
urge Skagit County to represent its citizens to the fullest extent.

All the best,
Sandra Spargo
Anacortes



April 9, 2013

Skagit County Commissioners
Ron Wesen
Ken Dahlstedt
Sharon Dillon
County Commissioners' Office
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

Re: 2012 Comprehensive Plan Amendments (CPAs) Docket Recommendations, PL12-0258

One of the docketing criteria is that the proposed amendment contains no legal or procedural flaws that would prevent its implementation. I would like to point out the following flaws in the Anacortes UGA petition supplemental of Jan. 23, 2013.

1. **Parcel 19920:** On Page 36, note that Parcel 19920 is shown as owned by the State of Washington DOT. However, the Samish Indian Nation owns this parcel. On April 2, I called Leslie Eastwood of the Samish Indian Nation and informed her of this mistake. She said that she would call Anacortes Planning and Development Director Ryan Larsen for a correction.
2. **Parcel 19931:** Page 36 shows this parcel consisting of 4.68 acres. However, the parcel consists of only .65 acres—as discussed and confirmed in the attached emails of Mr. Dave Parnicky, Skagit County GIS specialist with Mr. Dave Thomas, Skagit County Assessor's Office. On April 4, Mr. Parnicky labeled the remaining 4.03 acres as, "Lot – 3, no legal found." Dan O'Donnell, La Conner councilman, originally found this inconsistency.

In addition, on March 12, 2013, I called Heidi Nornes of Ryan, Swanson & Cleveland, PLLC, which manages the Dom-Le Property, Parcel 19931. At that time, I was led to understand that the City of Anacortes had not notified the agent for Dom-Le Property of the parcel's land use re-designation in the UGA petition supplemental dated Jan. 23, 2013.

All these inconsistencies are confusing to the public—and if any corrections have been made, they have not been available to the public in advance of this hearing. The proposed amendment does contain legal or procedural flaws that prevent its implementation.

I urge you to decline the docketing of UGA petition PL12-0258.

Thank you.


Sandra Spargo
1408 11th St.
Anacortes, WA
360-982-2105

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From: Sandra Spargo <writingconnection@gmail.com>
Subject: Dom-Le Property along Fidalgo Bay, Anacortes, Wash.
Date: March 12, 2013 3:23:31 PM PDT
To: Heidi Nornes <hnornes@ryanlaw.com>
▶ 3 Attachments, 5.5 MB



Dear Heidi,

Thank you for the telephone conversation.

As I explained, the City of Anacortes ~~is~~ has petitioned Skagit County to rezone parcels along Fidalgo Bay from light manufacturing (LM1) to public use(P) in order to justify adding 11.15 acres to the Anacortes urban growth area (UGA) and later rezone the acreage to LM1 for a proposed beverage bottling plant--that would be the largest in North America.

In case the agent has yet to learn about such that affects Parcel 19931 of Dom-Le Properties along Fidalgo Bay, I am attaching the following:

- Anacortes UGA Boundary Modification Petition Supplemental of Jan. 23, 2013, to Skagit County
- Skagit County's memo to the Growth Management Act Steering Committee (GMASC) that will meet on March 20, 2013.
- A newsletter that explains the need for the 11.15 acres, triggered by the bottling plant.

If you have already been informed, that's great!

All the best,
Sandra Spargo
Anacortes, WA
360-982-2105



[March 2013, ...tter \(3.0 MB\)](#)



[UGA Supple...3.pdf \(2.1 MB\)](#)



[PDS memo t...l.pdf \(432 KB\)](#)

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From: "Dan O'Donnell" <laconnerdan@gmail.com>
Subject: Fwd: FW: Parcel 19931
Date: April 4, 2013 4:18:55 PM PDT
To: Sandra Spargo <writingconnection@gmail.com>
Reply-To: laconnerdan@gmail.com
▶ 2 Attachments, 75.7 KB

Sandra - Here is the background. Dan OD
----- Forwarded message -----
From: Dave Thomas <davet@co.skagit.wa.us>
Date: Thu, Apr 4, 2013 at 2:37 PM
Subject: FW: Parcel 19931
To: Dan O'Donnell <laconnerdan@gmail.com>

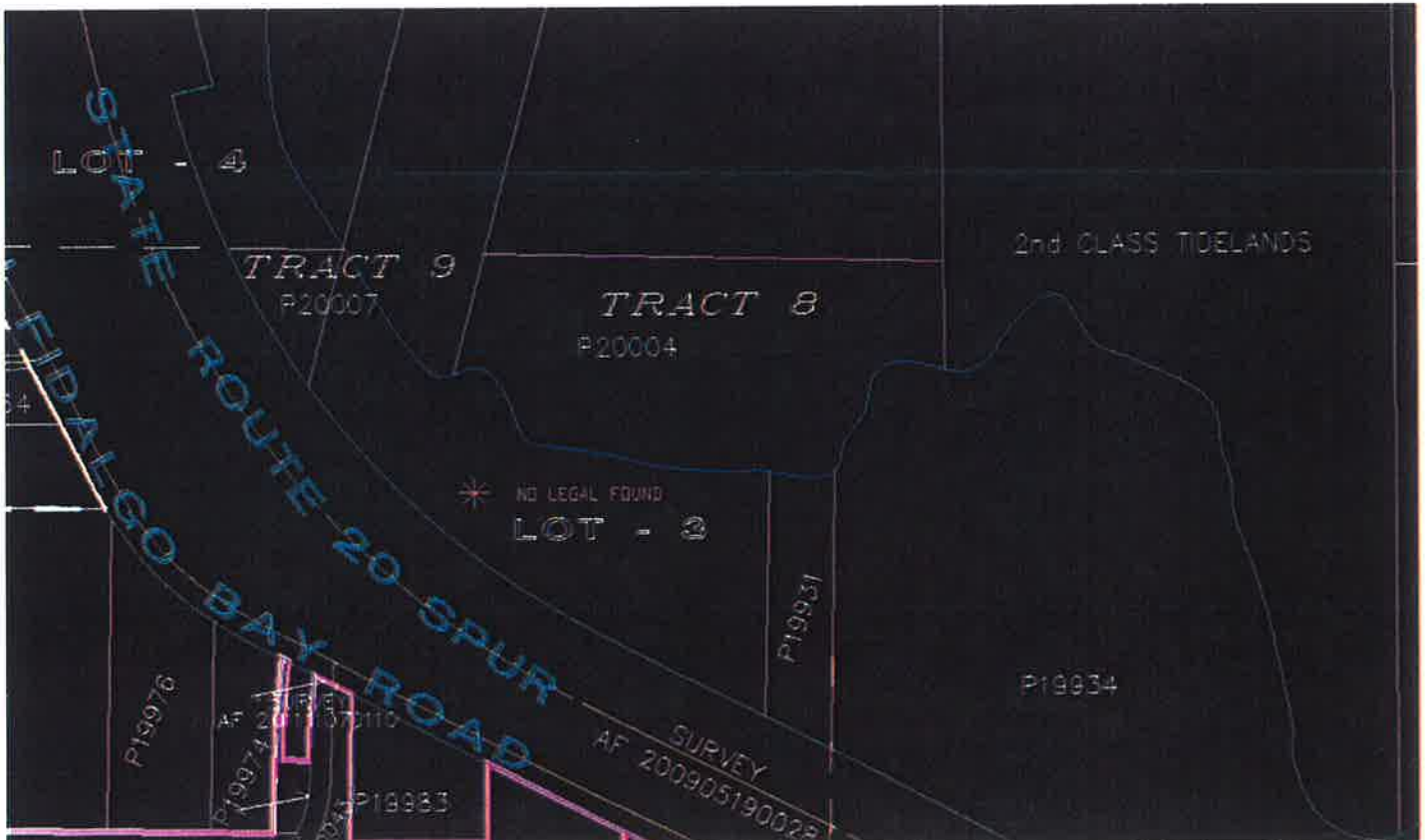
Dan,

This is the correspondence regarding the incorrect mapping of parcel 19931.

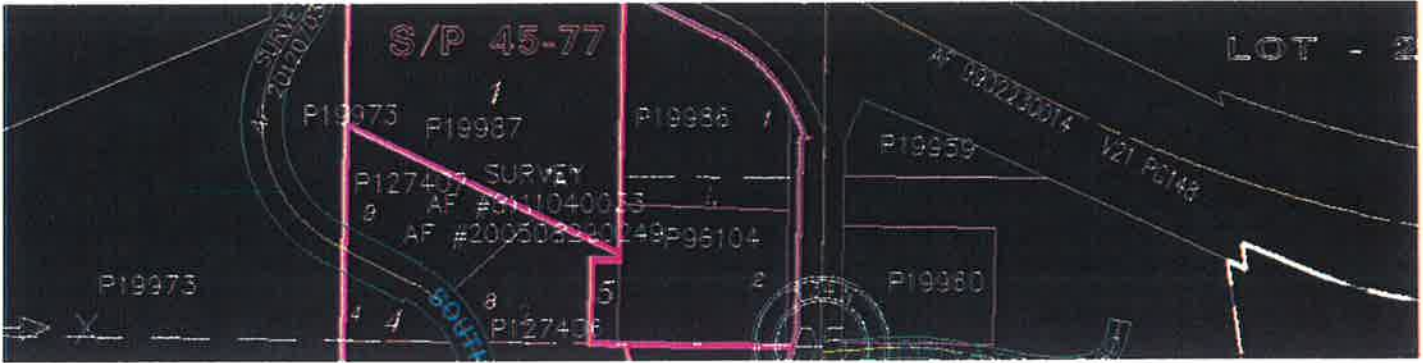
Dave Thomas

From: David M. Parnicky
Sent: Thursday, April 04, 2013 11:39 AM
To: DaveThomas; Katherine M. Sotnik
Subject: RE: Parcel 19931

Thanks Dave! I corrected P19931 on the map. I can't find any existing Pnumbers to take the place of what we previously showed as P19931. I put an alert star there to hold this place until we find a Pnumber or create a new one. My final revisions can be seen in the following image.



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From: DaveThomas
Sent: Thursday, April 04, 2013 7:58 AM
To: David M. Parnicky
Subject: RE: Parcel 19931

Thanks David. I have corrected the legal.

From: David M. Parnicky
Sent: Wednesday, April 03, 2013 4:17 PM
To: DaveThomas
Subject: RE: Parcel 19931

Hi Dave,

I agree, the first part of the legal description in the deed recorded under AF # 200401140039 only describes P19931 as being 95' wide. This would make it .81 acres on the map which due to some parcel shift could easily be the .65 acres that shows in our records. It currently displays on our map as being 4.69 acres in size. The parcel appears to be mapped from the current legal description in the Assessor System which reads '792.5 Ft. W of E line', instead of '95' West of East line of lot 3'. If we get that one distance corrected in the legal description and combine everything West of that line to another Pnumber, I think everything will be in check. Based on AF # 200401140039, I think P19931 should be the .65 acres that we have in our system and not the 4 acres on the report. I agree that the 4 acres on the report was probably scaled off of the map which was mapped using the incorrect distance on the legal description. Does this help? Let me know if I can help in any other way regarding this issue. Also, if you could let me know when the legals get updated, I will correct the map. Thanks!

Assessed Value: \$4,400.00

[View Value History](#)

* Effective date of value is January 1 of the assessment year (2012)

Legal Description [Definitions](#)

(0.6500 ac): LT 3 N & E OF CO RD & E OF A 11 FT W & 792.5 FT W OF E 1130 LT 1E3S 5T HWY

Land Use (110) HOUSEHOLD SFR OUTSIDE CITY

David Parnicky

GIS Specialist 1

Skagit County GIS

Outside Phone: (360) 336-9368 ex.12

County Extension: 5604

From: DaveThomas
Sent: Wednesday, April 03, 2013 1:46 PM

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To: David M. Parnicky
Subject: Parcel 19931

David,

I have an inquiry on this parcel that is included in a report for the UGA re-classification for Anacortes. In reading the legal description below (AF#200401140039) it appears the first sentence describes 19931 but indicates it is only 95 feet in width while the assessor map shows it to be much larger. Our records show it as .65 acre while the report I was told of says it is over 4 acres (possibly from scaling the map). The remainder of the description describes parcel 19934. Can you please verify to see if the map is accurate and your interpretation of the legal. Thanks,

EXHIBIT A

LEGAL DESCRIPTION

That portion of Government Lot 3 in Section 5, Township 34 North, Range 2 East W.M., lying North & East of road and East of a line parallel with and 95 feet West of the East line of said Lot 3, Except State Highway.

ALSO, that portion of the following described tract lying North & East of road and North of old right of way of Anacortes Electric Railroad line.

The North 9.41 acres, more or less, of that portion of Government Lot 2 of Section 5, Township 34 North, Range 2 East, W.M., lying Northerly of the county road as said road existed in 1918.

Except from the above described tracts the portion conveyed to the State of Washington by deed dated September 25, 1956, recorded October 19, 1956, under Auditor's File No. 543089.

Situate in the County of Skagit, State of Washington.

Subject to those easements, restrictions and reservations of record, if any.

Together with: All real estate and/or mineral leases, if any.

Dave Thomas
Skagit County Assessor's Office
700 South 2nd Street Room 204
Mount Vernon, WA 98273
360 419-3443

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GERALD STEEL, PE
ATTORNEY-AT-LAW
7303 YOUNG ROAD NW
OLYMPIA, WA 98502
Tel/fax (360) 867-1166

RECEIVED
APR 15 2013
SKAGIT COUNTY
PDS



April 15, 2013

County Commissioners:
Sharon Dillon, Ken Dahlstedt, Ron Wesen
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

Re: Evergreen Islands Requests that you Defer Docketing the Anacortes UGA Modification until 2014 - Legal requirements cannot be met

Dear Commissioners,

I submit this letter on behalf of Evergreen Islands. We continue to request that you defer docketing the Anacortes UGA Modification - PL 12-0258 ("UGA Modification") until 2014. We are updating our November 8, 2012 analysis letter. If this UGA Modification is approved in the current cycle, it is likely that the Growth Board and Court will reverse this approval and the County will have wasted its time and have to do the process over again after the 2014 update cycle is complete.

In our November 8, 2012 letter, we concluded that:

- The County is required to meet SEPA requirements specific to both project and non-project actions for the UGA Modification;
- The Application is incomplete;
- The County should defer this proposal to the 2014 update cycle.

These points remain valid as will be further discussed below. If you include the UGA Modification in the 2013 docket you will be precluded from reviewing it in the 2014 docket. (SCC 14.08.020(3) ("In no case, even in separate 7-year periods, shall a proposal on the same property be reviewed in consecutive years.").)

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SEPA

The term "nonproject" appears in Skagit County Code only in regard to SEPA review. WAC 197-11-774 (as adopted by SCC 14.12.230) states "nonproject means actions which are different or broader than a single site specific project, such as plans, policies, and programs." *Klickitat County Citizens Against Imported Waste v. Klickitat County*, 122 Wn.2d 619, 629-30, 860 P.2d 390(1993) ("Nonproject" means actions such as plans, policies, or programs which are different or broader than a single site-specific project."). WAC 197-11-704(2)(b) (as also adopted by SCC 14.12.230) states:

Nonproject actions. Nonproject actions involve decisions on policies, plans, or programs.

(i) The adoption or amendment of comprehensive land use plans or zoning ordinances;

Because there is an amendment of a comprehensive land use plan, the proposal meets the definition of a non-project action. However, as in the instant case, when a nonproject action is taken in the context of a proposed development, the County combines a nonproject action with a project action and is required to meet the SEPA requirements specific to both project and nonproject actions. (*Citizens Alliance To Protect Our Wetlands v. City of Auburn* ("Citizens"), 126 Wn.2d 356, 362, 894 P.2d 1300 (1995).) In *Citizens*, NWRA wanted to build a racetrack on a piece of property in Auburn and initially applied for a rezone. (*Id.*) Midway through the rezone process, NWRA changed course and asked for a zoning text amendment to allow its use without a rezone. (*Id.*) The Court found the text amendment was a non-project action but the text amendment was being done in order to build the racetrack and the racetrack was a project action. (*Id.* at 362-63.) The Court found the EIS had to address both the requirements for a nonproject action and the requirements for a project action. (*Id.* at 362-70.) We note that the County is not given deference in its interpretation of state laws and regulations regarding SEPA. (*City of Federal Way v. Town & Country Real Estate, LLC*, 161 Wn.App. 17, 38, 252 P.3d 382 (2011).) Under this record, it cannot be disputed that the UGA Modification is being made for the Tethys project. (See July 31, 2012 Application.) An EIS is required to consider the indirect impacts of a proposal which in this case would include the impacts of the Tethys project. (See WAC 197-11-060(4) adopted by SCC 14.12.020.)

In order to do a credible EIS on the Tethys project action, the County should have already been provided with the "detailed development proposal" that is required for this proposed rezone by SCC 14.08.020(7)(b)(i). One item that is particularly necessary for environmental review is the proposed full layout of the new rail tracks that are needed for the Tethys project, including their location on and off of the Tethys proposed sites and an operational analysis of when Padilla Heights Rd., Similk Bay Rd., Stevenson Rd., and Reservation Rd. will be impacted during maximum operation of the Tethys Plant and how that will impact traffic including emergency traffic. Attachment A-1 hereto is a copy of WAC 197-11-080 as adopted by SCC 14.12.020. Without a detailed development proposal, the County is required to present the worst case analysis for environmental impacts in its EIS. (WAC 197-11-080(3)(b).) Then if the worst case analysis "would be likely to result in significant adverse environmental impacts" and "reasonable mitigation measures are insufficient" the County may use SEPA authority to deny the UGA Modification. (See WAC 197-11-660(1)(i) adopted in SCC 14.12.190.) If the County docket the UGA Modification, and later defers decision or issues

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a denial, the earliest the County could again review the project would be in the 2015 cycle because of SCC 14.08.020(3). (*Supra*, this letter at 1.)

It would be unfortunate for Tethys, if the lack of a detailed development proposal leads to the conclusion that unmitigable significant adverse environmental impacts are likely and that leads to denial of the UGA Modification. Nevertheless, to aid the County in assessing these unmitigable environmental impacts, we provide in Attachment A-2 hereto the rail track layout used by Tesoro for its 100-unit trains.¹ The diagram shows in green the 6,477 feet of continuous track that is required for a "unit train ready for pick up." Another 6,309 feet (2,065 + 2,073 + 2,171) is required for a loading and unloading area, another 8,297 feet (4,085 + 4,212) is required for parking and switching units, and 3,733 feet (1,145 + 1,144 + 721 + 723) is required for miscellaneous purposes, all in addition to the existing tracks. The most significant limitation appears to be the 6,477 feet necessary for a train ready for pick up. We have plotted this 6,477 foot length on a map of the proposed Tethys sites in Attachment A-3 hereto. Such a continuous length of track simply cannot be accommodated on the proposed Tethys sites. The worst case is that all of the RMI designated property and the RRv wetland property adjacent to the UGA Modification would have to have tracks for product storage in order to park a train "ready for pick up." As we stated on page 3 of our November 8, 2012 letter:

These impacts on the RMI zoned land are not allowed by the comprehensive plan and zoning. There may also be inappropriate impacts on the RRv zoned land south and southeast of the proposed UGA land.

Such a train ready for pick up would cutoff access to Reservation Rd., Similk Bay Rd., and Padilla Heights Rd and cut off northern access to the Swinomish Indian Reservation on Fidalgo Island. (*See* Attachments A-3 and A-4 hereto.) These are all unmitigable environmental impacts that justify denial of the UGA Modification under SEPA. It does not make sense to docket a proposal that does not provide sufficient information for this Board to seriously consider approval. Please, delay docketing to the 2014 cycle and request a detailed development proposal from Tethys.

INCOMPLETE APPLICATION

The UGA Modification should only be approved by the County for the benefit of Tethys if the 2000 Coordinated Water System Plan ("CWSP") is updated to give Anacortes a significant increase in its industrial water supply allocation and the Skagit County Comprehensive Plan ("CP") is amended to incorporate the amended CWSP. The UGA Modification application should be considered incomplete because it did not include a policy amendment to incorporate an updated CWSP in the CP. Without an updated CWSP, the UGA Modification for Tethys would be a planning activity out of conformity with the CP. The GMA requires that the County's planning activities be performed in conformity with its CP. (RCW 36.70A.120.)

¹ "Tesoro Unit Train Unloading Facility SEPA Checklist – BP11-0280," Tesoro letter to Skagit County Planning and Development Services, July 25, 2011.

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The detail relevant to this issue begin with the fact that the CWSP is incorporated into the CP. (CP Preface at i.) CP Policies 9A-8.4 and 10A-1.4 require industrial water supply service to be consistent with and meet the criteria of the CWSP. The CWSP, in Tables 8-8 and 8-9, allocates industrial water supply to Anacortes at 16 million gallons per day ("MGD") and to the PUD at 5 MGD. Anacortes has allocated 12.92 MGD to Shell and Tesoro in the Anacortes Water System Plan at Table 4-10. Therefore, the Anacortes industrial water supply would have to be increased to at least 18 MGD in the CWSP before the UGA Modification for the benefit of Tethys would be in conformity with the CWSP and therefore with the Skagit County CP. A complete application for the UGA Modification should have included a policy amendment to incorporate an amended CWSP into the CP and the CWSP needed agreement by the parties that Anacortes could have an increased industrial water allocation. Absent an amendment to the CWSP, Skagit County cannot legally approve the UGA Modification. This is a conflict with SCC 14.08.020(4)(a)(v) not identified by E.D. Hovee in his January 23, 2013 supplemental information.

In our November 8, 2012 letter, we argued that Anacortes needed to have removed the industrial designated Samish Indian Nation lands from its industrial lands before it submitted its UGA Modification or it could not justify an industrial land swap. The current proposal suffers from the same deficiencies. Anacortes needed to have removed the industrial designated Fidalgo Bay lands from its industrial lands and UGA before it submitted its UGA Modification or it cannot justify an industrial land swap. But, as we said in our November 8, 2012 letter, we believe that there is a fundamental problem with the City's concept that it can redesignate existing industrial-designated lands to another use and then request the County to put more industrial lands in its UGA. The County does not have to agree to this process and it should not agree to this process. To have any UGA Modification, the City must show compliance with SCC 14.08.020(5)(a) in its application. The City has not shown compliance with this regulation in either its application or its supplemental information. In situations where a land swap is proposed, the County should only add lands to a City UGA in a 7-year Update when new allocations are made.

The City UGA Modification Application should not be put on the 2013 Docket because the application is incomplete for other reasons. These other reasons are apparent when the following subsections of SCC 14.08 are considered:

020(1): When the term "comprehensive plan amendment" is used without qualification it includes all comprehensive plan amendments: policy, map with no change to UGA boundary, and UGA modifications.

020(3): The County's current "7-year review period" began the year after the 2007 comprehensive plan was adopted. This "7-year review period" ends in 2014 and that is when the next full comprehensive plan update should be completed ("2014 Update"). This is the standard that currently governs County updates. The GMA has been amended so that the next GMA-mandated update is "on or before June 30, 2016, and every eight years thereafter." RCW 36.70A.130(5)(b). This new GMA amendment schedule should be incorporated in the 2014 Update.

020(4): The UGA Modification must include the relevant details required in subsections (a) and (b) or the Petition is not complete. The responses in the application should not be

considered complete. For example, subsection (a)(ii) requires anticipated impacts of the change to be addressed. This must include anticipated impacts of the Tethys plant because the UGA Modification is being made to accommodate this plant. We analyzed the train impacts *supra*, this letter at page 3. These impacts on the RMI zoned land are not allowed by the comprehensive plan and zoning. There may also be inappropriate impacts on the RRv zoned land south and east of the proposed UGA land. Subsection (a)(v) requires demonstration that the adopted Capital Facilities Plans of the City support the needs of the proposed Tethys plant. Subsection (b)(i) and (ii) require the UGA Modification to be consistent with Urban allocations. Subsection (b)(ii) requires a detailed study by the City on industrial infill opportunities in its UGA and the January 23, 2012 supplemental information provided by E.D. Hovee is not credible. (*Infra*, this letter at 6-7.) The failure of the application to address all of the issues in subsections (a) and (b) makes the application incomplete and gives reason to defer the application to the 2014 Update Docket.

020(5)(a): The Anacortes UGA may only be modified once in each 7-year review period unless one of the provisions in 020(5)(a)(i) to (vii) is satisfied. Subsections (vi) or (vii)(B) are the two possible justifications for an Anacortes UGA change in 2013. There are not adequate studies included in the application or supplement for the County to be able to find compliance with these justifications. Even if one of these provisions in 020(5)(a) were met, the Board is not obligated to process the UGA change in 2013.

020(5)(b): The Anacortes UGA modification is subject to this subsection. Anacortes needed to include in its application the analysis described in subsections (iii) to (vi). Because it has not provided this analysis in either its application or supplement, the City should be given until July, 2013 to update its application to make it complete and the current incomplete application should be deferred for consideration as part of the 2014 Update.

020(7): Rezones. Rezones shall be processed with a comprehensive plan amendment. A rezone is defined in SCC 14.04.020 to be "a change in zone classification from one zoning district to another." With this UGA modification the zoning district would change from RRv to A-UD immediately and later to LMI as a part of the same proposal, so there is a rezone. Subsection (7)(b)(i) requires "A detailed development proposal that is consistent with the applicable designation criteria." It is not clear what the phrase "applicable designation criteria" means but it is clear that a rezone requires a "detailed development proposal." I suggest that the "applicable designation criteria" would include the criteria for the Anacortes LMI designation and zone. These criteria should also include criteria for RMI and RRv designations and zones because the project proposes impacts to these zones. SCC 14.16.220 allows a county development permit in the A-UD zone when the development proposal is consistent with the Anacortes zoning. Subsection (7)(b)(ii) requires a "1-inch equals 100 feet" map for the Petition to be complete. These requirements were not met in the UGA Modification Application or supplement and so the application should not be put on the 2013 Docket.

In summary, the UGA Modification Application even with the supplemental information is not complete and does not have sufficient information to allow it to be put on the 2013 Docket and be timely reviewed. It should not be put on the 2013 Docket because, to be adopted, the Fidalgo Bay properties need to have been removed from the industrial UGA and that amendment was not in the UGA Modification Application and was not timely submitted (SCC 14.08.030(3)(b)); because criteria in SCC 14.08.020(4)(a), -020(4)(b), -020(5)(a), -020(5)(b)

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and -020(7)(b) were not met by the Application; because the development proposal doesn't fit on the property and would require bottled water storage on tracks in the RMI (and possibly RRv) designation which is not allowed by zoning and the comprehensive plan (SCC 14.08.030(3)(d)); because the Application was incomplete (SCC 14.08.030(3)(e)); and considering the staff obligations in preparing for the 2014 update and the inadequate information in the Application and Supplement, the staff doesn't have adequate resources to process the Anacortes UGA change in 2013 (14.08.030(3)(a)).

In his October 10, 2012 letter to the Anacortes Planning Director, your Planning Director identifies a number of deficiencies in the UGA Modification Application and requests additional information in order for the County to continue processing the application. But your Planning Director misses some of the deficiencies that we have identified in our letters. Because the UGA Modification is also a rezone the requirements of SCC 14.08.020(7) must be met which require a "detailed development proposal" that must be reviewed for environmental impacts and for consistency with City and County codes. SCC 14.08.040(1). This is a requirement despite the fact that the City and County planning staff made an agreement that the UGA Modification would not address the Tethys project. A "detailed development proposal" must include a full disclosure of the property to be occupied by the proposed use. A detailed site plan at 1-inch equals 100 feet (SCC 14.04.020(7)(b)(ii)) should be required showing the full scope of the proposed Tethys' development so that impacts both inside and outside of the proposed UGA Modification can be adequately addressed in the required site-specific review.

DEFICIENCIES IN THE LAND CAPACITY ANALYSIS

When industrial lands are allocated to a UGA, the needed net developable amount of industrial land is calculated first. This acreage is increased by adding acreage for roads and critical areas and a market factor to get the gross developable industrial land area that is actually allocated to a UGA. The City's proposed land swap is to take lands burdened by critical areas that were in the gross developable industrial land allocation but not in the net-developable lands. The City proposes to redesignate these burdened lands to public lands and then seek to add more net-developable industrial acreage. This results in an increase in, and over-allocation of, net-developable industrial lands. If a land swap were allowed, and the Skagit County Code does not say it is, then the City should have to swap equal amounts of net-developable industrial lands to preserve the original allocation. The City's proposed land swap should fail because there are not equal amounts of net-developable industrial lands.

The E.D. Hovee ("EDH") land capacity analysis in the January 23, 2013 supplemental information is not credible. For example, on page 34 of this report, EDH color codes the LMI lands in the Anacortes UGA as light green if vacant, light brown with a single family home, and light blue for undevelopable. EDH then reports on page 33 that 169 of 476 acres are vacant. But EDH ignores the approximately 120 acres that have individual single family homes. These parcels are also available for commercial and industrial development. Further EDH ignores about 30 vacant acres that EDH labels undevelopable, but all of this land is available for water dependent and water related commercial and industrial development. EDH also does not calculate the developable acreage remaining for commercial and industrial development on parcels that are only partially developed with commercial and industrial uses. But just considering the light green, light brown, and light blue color codes, there is actually

319 acres available for commercial and industrial development in the LMI Lands in the Anacortes UGA.

On page 48 of the of the supplement information, EDH shows the map used for the HM land capacity analysis. But EDH ignores the vacant land owned by the refineries when on page 33, it states that the vacant HM land is just 82 acres. This 82 acres is shown in light brown on said page 48. But, as an example, consider the land with parcel ID P33496. This tax parcel is plotted on the County Assessor's Map on Attachment A-5 hereto. This parcel has 56 acres. (Attachments A-6 and A-7 hereto.) This parcel has \$0 building market value. (Attachment A-6 hereto.) While this parcel is associated with a refinery, it is still available for refinery industrial expansion. Comparing said page 48 with Attachment A-5 hereto, we estimate that there are at least 300 additional acres of vacant land with the HM designation that are available for refinery industrial expansion in addition to the 82 acres reported as vacant on said page 33. So there are a total of least 382 acres of vacant land with the HM designation in the Anacortes UGA.

When these corrections are made to the data on said page 33, the total available commercial and industrial acreage in the Anacortes UGA is at least $(2 + 19 + 319 + 382) = 722$ acres instead of the 272 acres reported by EDH. This compares to the 2007 allocation in Countywide Planning Policy 1.1 of 558 acres. Therefore Anacortes has at least 129% of its 2007 allocation of commercial and industrial available lands and none of the criteria in SCC 14.08.020(5)(a)(i) to (vii) can be used to justify a UGA Modification.

Additionally, EDH reports at page 35 of the supplemental information that only 82 acres of commercial and industrial lands have developed in the Anacortes UGA since 1999. The last UGA expansion was in 2007. Comparing the years, it can be assumed that less than half of those 82 acres developed since the last UGA expansion. So because Anacortes was allocated 558 acres of commercial and industrial development in 2007 and it has used less than 41 acres of that allocation in the last 6 years, this also shows that Anacortes still has more than 50% of its 2007 allocation and that supports a finding that none of the criteria in SCC 14.08.020(5)(a)(i) to (vii) can be met to allow a UGA Modification.

WAIT FOR THE 2014 UPDATE

There is simply not enough time for the City and the Planning Staff to properly address the current deficient UGA Modification Application. If you do put this application on the 2013 Docket, you are likely to find that deficiencies prevent you from approving the application. In such a case, SCC 14.08.020(3) will prevent the County from considering any comprehensive plan amendment on the same property in the 2014 Update. Therefore, we strongly recommend that you consider the burden on staff resources of processing this incomplete application and defer consideration of this application to the 2014 Update.

Staff must begin preparing now for the 2014 Update. In the 2014 Update, there will be new allocations of industrial, residential and commercial lands to be divided among the UGAs. Anacortes will have time to do the necessary studies and submit a complete application for UGA modifications by the July 31, 2013 deadline for the 2014 Update. It is clear that Tethys requires substantially more than 30-acres to accommodate the development that it desires. Tethys should be convinced to adequately disclose its acreage and layout needs. Anacortes

Defer Docketing the Anacortes UGA Modification until 2014

November 8, 2012

Page 8

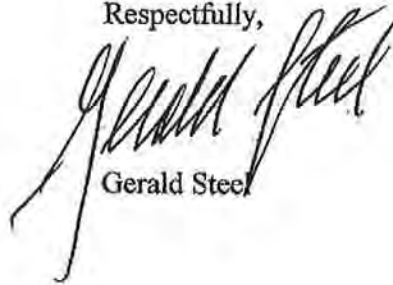
may find that there is a need to provide an industrial site with rail access for Tethys or another significant industrial center that is much larger than 30-acres. As part of the non-project environmental analysis, the County should consider alternative sites that could be in or become part of the Anacortes UGA or other UGAs including Bay View Ridge. Anacortes may be able to negotiate supplying its water allocation to a site in Bay View Ridge or in another UGA that is more suitable for such a new industrial center and share property tax revenues as a condition of supplying water.

It will benefit Tethys, the County and Anacortes, and the residents of the County and Anacortes to process all UGA Modifications for Anacortes and the other UGAs in the 2014 Update, and to do the necessary studies now for the cities to all be able to submit complete UGA Modification applications by July 31, 2014.

We ask the County to not docket the Anacortes UGA Modification for 2013 and instead give the City of Anacortes time to prepare a complete application for the 2014 Update and consider all of the Cities' proposed UGA modifications at that time.

Thank you for consideration of our request.

Respectfully,

A handwritten signature in black ink, appearing to read "Gerald Steel". The signature is written in a cursive style with a long, sweeping underline that extends to the left and then loops back under the name.

Gerald Steel

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197-11-080

Incomplete or unavailable information.

(1) If information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant; agencies shall obtain and include the information in their environmental documents.

(2) When there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies shall make clear that such information is lacking or that substantial uncertainty exists.

(3) Agencies may proceed in the absence of vital information as follows:

(a) If information relevant to adverse impacts is essential to a reasoned choice among alternatives, but is not known, and the costs of obtaining it are exorbitant; or

(b) If information relevant to adverse impacts is important to the decision and the means to obtain it are speculative or not known;

Then the agency shall weigh the need for the action with the severity of possible adverse impacts which would occur if the agency were to decide to proceed in the face of uncertainty. If the agency proceeds, it shall generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed.

(4) Agencies may rely upon applicants to provide information as allowed in WAC 197-11-100.

[Statutory Authority: RCW 43.21C.110, 84-05-020 (Order DE 83-39), § 197-11-080, filed 2/10/84, effective 4/1/84.]

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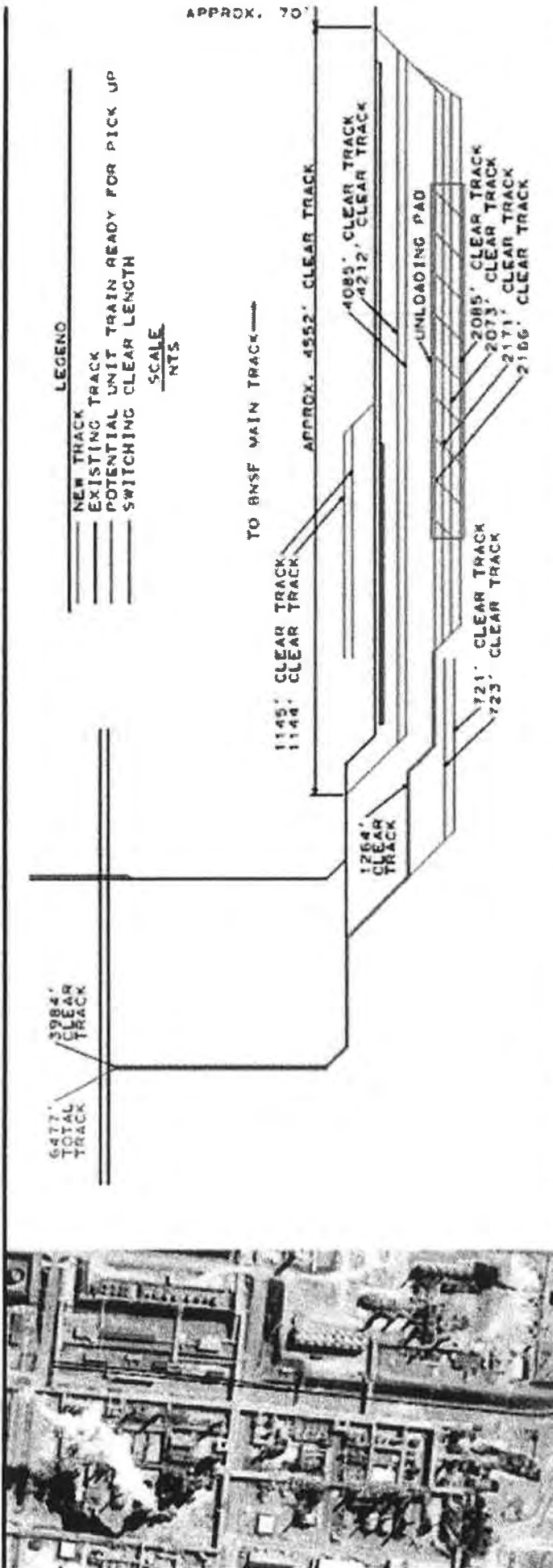
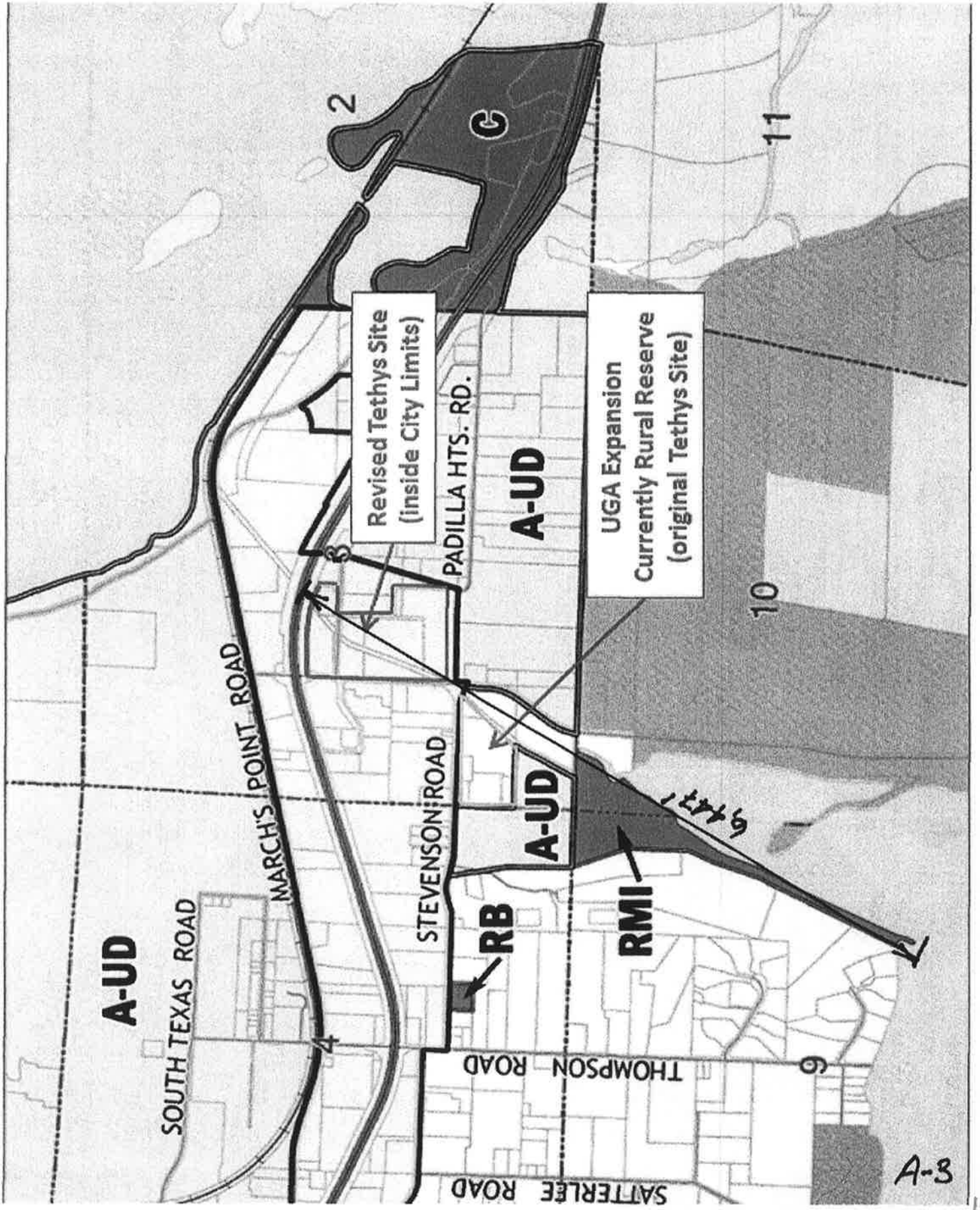


Figure 0

WILSON & COMPANY

TESORO TRACK EXHIBIT

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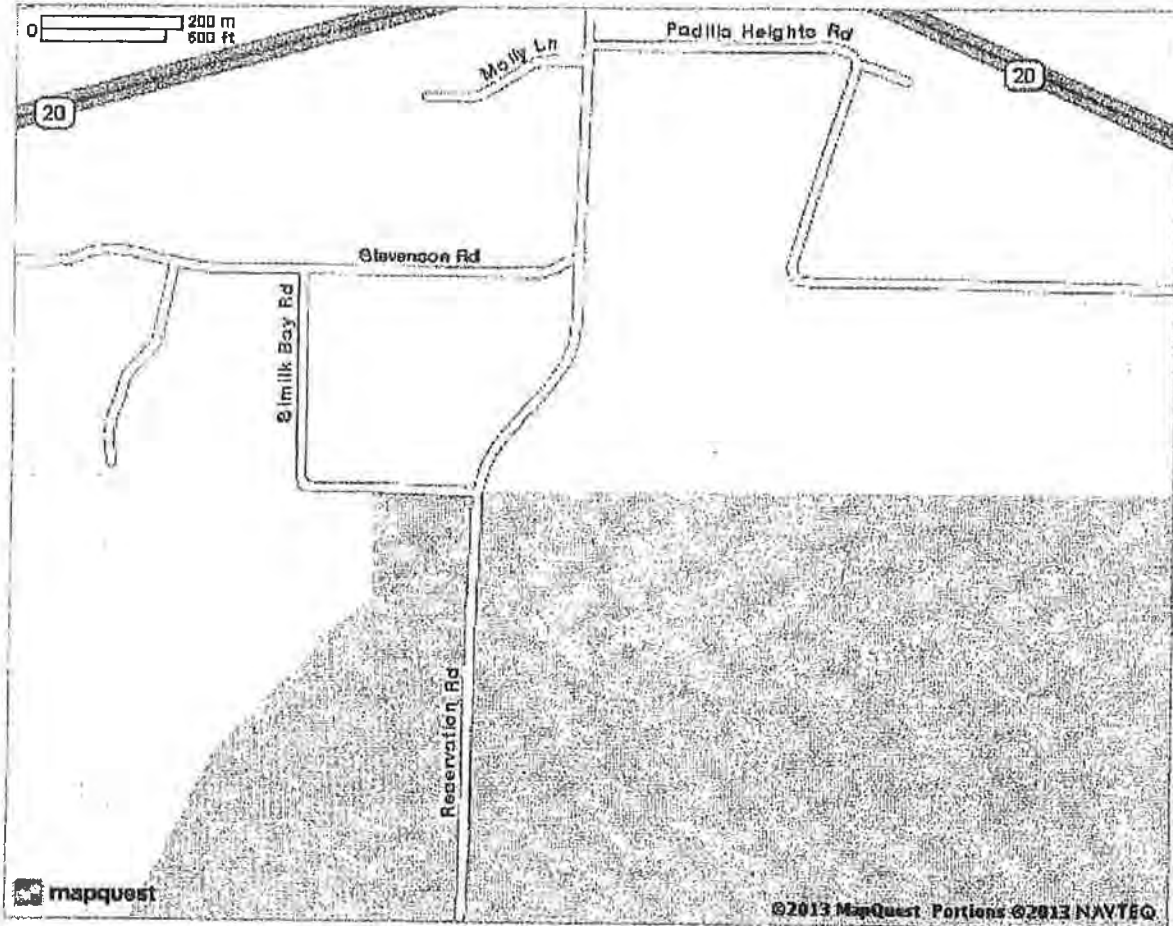
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MAPQUEST.

Map of Anacortes, WA

Notes

Map showing 100-car trains in Tethys project will cross Padilla Heights Rd. and Reservation Rd.

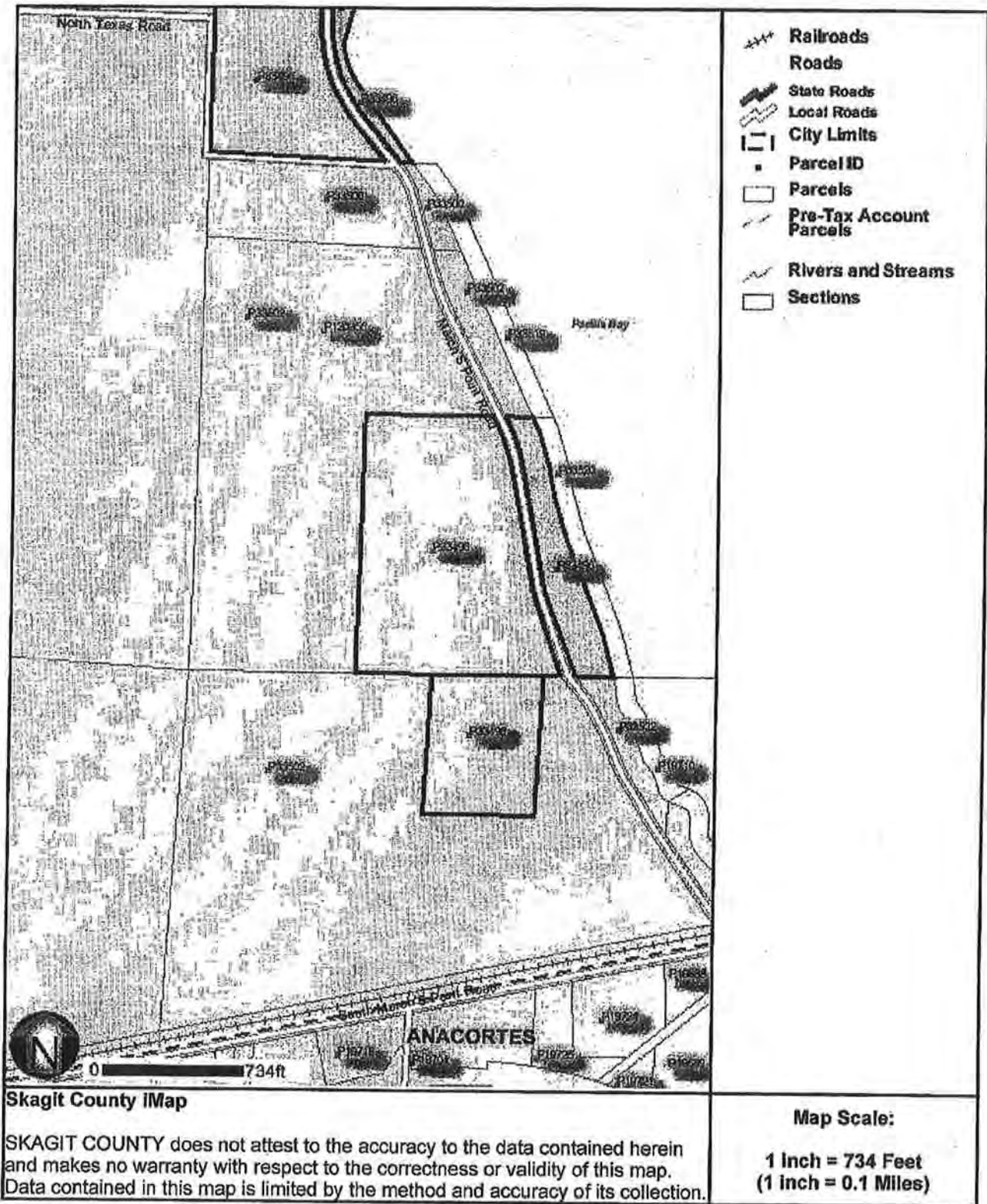


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Skagit County GIS Map



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Directory Quick Guide Search

GO

Record Searches

April 14, 2013

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[By Xref ID](#)

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Improvements	Land Segments	Account History	Transfer History	Tax Statement	Permits	Print Version
------------------------------	-------------------------------	---------------------------------	----------------------------------	-------------------------------	-------------------------	-------------------------------

Parcel Number	XrefID	Quarter	Section	Township	Range
P33496	350234-0-005-0002	02	34	35	02

Owner Information	Site Address(es)	Location Map
EQUILON ENTERPRISES LLC DBA SHELL OIL PRODUCTS US/TAX DEPT PO BOX 4369 HOUSTON, TX 77210	-	Locate this Parcel on iMap Assessor's Parcel Map: PDF DWF

2012 Values for 2013 Taxes	Current Use	Transfer Information	2013 Property Tax Summary
Building Market Value	\$0.00	Deed Type	WARRANTY DEED
Land Market Value	+\$3,330,600.00	Transfer Date	2/29/2000
Total Market Value	\$3,330,600.00	Transfer Price	\$150,000.00
Current Use Adj	-\$2,612,300.00		
Assessed Value	\$718,300.00	View Transfer History	
Taxable Value	\$718,300.00		
View Value History			2013 Taxable Value \$718,300.00
			General Taxes \$6,823.41
			Special Assessments/Fees
			Total Taxes \$6,823.41
			View Tax Statement

* Effective date of value is January 1 of the assessment year (2012)

Legal Description [Definitions](#)

O/S AF 201003100028 THAT PORTION OF GOVERNMENT LOT 2 DESCRIBED AS FOLLOWS BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 5 ACRES OF SAID LOT 2 AS CONVEYED TO CARL S HOV BY DEED DATED MAY 25 1946 AND RECORDED MAY 27 1946 UNDER AUDITORS FILE NO 382272 RECORDS OF SKAGIT COUNTY THENCE NORTH ALONG THE WEST LINE OF SAID LOT 2 FOR 231 FEET THENCE EAST TO THE MEANDER LINE OF PADILLA BAY THENCE SOUTHERLY ALONG SAID MEANDER LINE TO THE SOUTH LINE OF SAID GOVERNMENT LOT 2 THENCE WEST ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID GOVERNMENT LOT 2 THENCE NORTH TO THE TRUE POINT OF BEGINNING EXCEPT COUNTY ROAD TOGETHER WITH THE FOLLOWING DESCRIBED TRACT BEGINNING AT A POINT ON THE SOUTH LINE OF GOVERNMENT LOT 4 AT A POINT 872.54 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION 34 THENCE EAST ALONG THE SOUTH LINE THEREOF TO THE LINE OF ORDINARY HIGH WATER THENCE NORTHERLY ALONG SAID LINE OF ORDINARY HIGH WATER TO THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 4 THENCE WEST ALONG THE NORTH LINE OF GOVERNMENT LOT 4 TO A POINT 872.54 FEET EAST OF THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 4 SAID POINT BEING THE NORTHEAST CORNER OF THAT CERTAIN TRACT CONVEYED TO CECIL EAGLE BY DEED RECORDED UNDER AUDITOR FILE NO 543149 RECORDS OF SKAGIT COUNTY THENCE SOUTH 1-40 WEST ALONG THE EAST LINE OF SAID EAGLE TRACT 1328.4 FEET TO THE POINT OF BEGINNING EXCEPT ROADS. PARCEL "Y" OF SURVEY RECORDED AF# 200003290040. TOGETHER WITH THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL "A" LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE, BEING A PORTION OF GOVERNMENT LOT 2, SECTION 34, TOWNSHIP 35 NORTH, RANGE 2 EAST, COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 34; THENCE NORTH 0 DEGREE 40' 40" EAST ALONG THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 635.79 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE DESCRIPTION; THENCE NORTH 90 DEGREES 00' 00" EAST, 690.22 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 2 AND THE TERMINUS OF SAID DESCRIBED LINE. PARCEL "A" THAT PORTION OF GOVERNMENT LOT 2, SECTION 35 NORTH, RANGE 2 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 2, 132 FEET

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SOUTH OF THE SOUTHWEST CORNER OF THE NORTH 5 ACRES OF SAID LOT 2 (SAID POINT BEING THE SOUTHWEST CORNER OF THAT CERTAIN TRACT CONVEYED TO ANNABEL ERICKSON BY DEED DATED MARCH 19, 1930 AND RECORDED APRIL 7, 1930 UNDER AUDITOR'S FILE NUMBER 232619); THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 2 TO A POINT 231 FEET NORTH OF THE NORTHWEST CORNER OF THE SOUTH 5 ACRES OF SAID LOT 2 (SAID POINT BEING THE NORTHWEST CORNER OF THAT CERTAIN TRACT CONVEYED TO HENRY B MYREN AND BETTY MYREN, HIS WIFE, BY DEED DATED JUNE 2, 1947 AND RECORDED NOVEMBER 10, 1947 UNDER AUDITOR'S FILE NUMBER 410978); THENCE EAST ALONG THE NORTH LINE OF SAID MYREN TRACT TO PADILLA BAY; THENCE NORTHERLY ALONG SAID PADILLA BAY TO THE SOUTH LINE OF THE ANNABEL ERICKSON TRACT; THENCE WEST ALONG THE SOUTH LINE OF SAID ERICKSON TRACT TO THE POINT OF BEGINNING.

Land Use	(390) LAND ZONED INDUSTRIAL WITH RESIDENCE	<u>WAC 458-53-030</u>
Neighborhood	(717ANA) ANACORTES REFINERY	
Utilities	SEP,WTR-P	<u>Septic Information</u>
Levy Code	1460	
City District	Skagit County	
School District	SD103	
Fire District		
Year Built		
Acres	55.51	
Living Area		
Bedrooms		
Appliances		
Exemptions		
		Foundation
		Construction
		Style
		Exterior Walls
		Roof Style
		Roof Covering
		Floor
		Construction
		Plumbing
		Heat-AirCond
		Fireplace



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Karl & Becky Stout
8580 Turners Bay Place
Anacortes, WA. 98221

9 April 2013

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

Commissioners;

This letter is to tell you that we are in support of the proposal to expand the Urban Growth Area (UGA) of the City of Anacortes by approximately 11 acres.

We are supporting the Tethys Enterprises to build a bottling plant in this area, and adjacent areas in or near the City of Anacortes.

Karl G. Stout

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DEAR SUAGIT COUNTY COMMISSIONERS,



cc: Hammons

I AM WRITING THIS LETTER TO VOICE MY OBJECTION TO THE PROPOSED LAND DESIGNATION CHANGE FROM RURAL COUNTY LAND TO ANACONTES LAND SUBJECT TO THE CITY UGA. THE PROPERTY NEAR MARCA POINT AND RECREATION ROAD IS BEING PROPOSED AS BEING ADOPTED INTO THE ANACONTES UGA AS "NON-PROJECT SPECIFIC" TETHYS COMPANY, WHICH IS ATTEMPTING TO ACQUIRE THE LAND FOR A MASSIVE WATER BOTTLING PLANT, PAID FOR THE APPLICATION FILING FEE.

OBVIOUSLY, THIS ISSUE IS "PROJECT SPECIFIC" AND SHOULD NOT BE CONSIDERED.

THANK YOU,

NICK STONE
1016 16TH ST.
ANACONTES, WA

98221



bikespot
210 Commercial Ave.
Anacortes, WA 98221
360-588-1676

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Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Friday, April 12, 2013 8:10 AM
To: Dale Pernula; Debra L. Nicholson; KirkJohnson
Subject: FW: PDS Comments

From Dept Email

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

From: website@co.skagit.wa.us [mailto:website@co.skagit.wa.us]
Sent: Thursday, April 11, 2013 3:15 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Marcy Stringfellow
Address : 12365 Windward Way
City : Anacortes
State : WA
Zip : 98221
email : marcystingfellow@gmail.com
Phone : 360-299-0376

PermitProposal : Tethys Bottling Plant proposal Comments : As an Anacortes citizen 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 to 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 long-term environmental and health damage that the plant would bring to our city.

Please seriously consider the big picture here instead of making decisions based on purse strings.

Sincerely,
Marcy Stringfellow
Anacortes, WA

From Host Address: 66.224.207.82

Date and time received: 4/11/2013 3:11:44 PM

Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Monday, April 15, 2013 8:33 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 6:55 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Caroline Sumpster
Address : 26814 3rd Ave Ne
City : Arlington
State : WA
Zip : 98223

email : c.d.artsmiths@earthlink.net

Phone : 360-939-0749

PermitProposal : Tethys project and UGA Expansion Comments : I. The Anacortes UGA Expansion Application is NON-PROJECT SPECIFIC.

A. The County Staff Has Erred When Says the UGA Expansion is NON-PROJECT

B. If the County deems that the current Anacortes UGA Expansion petition is a non-project process and not about Tethys, the UGA expansion application is fatally flawed because the city's application to the county is specifically about a specific development proposal. C. The Anacortes UGA Expansion Petition must not be docketed until the 2014 Full Comprehensive Plan Update.

II. 2014 Full Comprehensive Plan Update

A. This proposal should be docketed in the 2014 Full Comprehensive Plan Update.

B. Incomplete Proposal

1. Shoreline Jurisdictional Conflict

a. Difference between City and County shoreline protections.

2. Acreage Required for the huge Tethys Rail yard not accounted for.

A. Sets bad precedence

1. Statewide impact

2. Encourages spot zoning.

3. Ship Harbor's nondevelopable wetlands (25 acres) is zoned Commercial Marine, which could potentially be swapped.

4. Skirts the requirement to GMA requirement to demonstrate need.

5. Municipalities would not require be to justify their UGA expansion.

a. Population Forecasts

b. Acreage Calculations.

B. Anacortes City Council Bypassed the Required Comprehensive Planning Processes for Zoning Changes

1. The City Council opened the Public Comment period for 1minute after announcing the proposed zoning swap.

2. The City Council needs to complete the Comp Plan Amendment required for the zoning swap before the County can proceed with its Comp Plan Amendmet

IV. The UGA Application had not been formally revised.

A. The Original Application Contains the Tethys Language (32%) and the Samish Language (39%),for a total of (71%).

B. Under the subheading Amended Proposal (p.35),the Hovee Supplemental Information switches from the proposed Samish zoning swap to the Fidalgo Bay zoning swap without mentioning that they are amending the Samish zoning swap?

C. The frontispiece (E.D. Hovee letter to Gary Christensen) of the Hovee Supplemental Information states, "The proposal is not specific to any individual potential user but would be applicable to any future use of the subject property consistent with the proposed redesignation from Rural Reserve (RRv) to Anacortes Urban Development (A-UD) comprehensive plan and zoning designation under Skagit County jurisdiction and associated City of Anacortes Light Manufacturing (LM1) designation." The letter makes no mention of amending the Tethys language in the original application.

D. The Hovee Supplemental Information (p. 35) does state the following:

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1. Amended Proposal. With this supplemental information package submittal, the City is proposing to convert four parcels totaling 16.57 acres from LM1 to P (public use) during the City of Anacortes annual Comprehensive Plan amendment cycle.

E. When the County asked the City for supplemental information, the County did not ask the City to amend the Tethys and Samish language, but the City took advantage of the County's request to exorcise the problematic language in a deceitful maneuver.

F. The County and the City have colluded to ignore 72% of the language in the original application. By all rights, the County should have demanded that the City retract their petition and resubmit the following year or better yet in 2014.

G. Since 71% percent of the language in the original UGA Application has been changed, the original application should be withdrawn and a revised application should be submitted for the 2014 Full Comprehensive Plan Update.

V. Turners Bay Estuary

A. Jurisdictional Conflicts (Ross Barnes)

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

B. Recently Restored Estuary at \$670,000

- A. Land Requirement Was Never identified
- B. Complete Site Plan never presented.

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

UGA Application IS a Project Specific Application

A. Detailed Development Proposal Required for Rezone Application

1. Rural Reserve (RRV) to Anacortes UGA Development District (A-UD)

B. Always Been About Tethys from the get go Evergreen Islands has many concerns about the proposed amendment to the Skagit County Comprehensive Plan, but one of our primary issues is:

? Skagit County has erroneously classified the Anacortes UGA Expansion proposal as a ?non-project? application, which means Skagit County will evade its responsibility to consider the immediate and long-term impacts of the huge Tethys bottling facility!

? 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!

1. Tethys paid the application fees for the UGA Expansion Application

2. Tethys paid the application costs for the E.D. Hovee Response to the County.

C. Anacortes Staff Reports Mention Tethys as Justification for the UGA Expansion in Four

Differ Staff Memos.

From Host Address: 50.47.216.40

Date and time received: 4/13/2013 6:50:44 PM

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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,

910 35th Street
Anacortes WA
98221

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Debra L. Nicholson

From: LoriAnderson on behalf of Planning & Development Services
Sent: Monday, April 15, 2013 8:33 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 7:05 PM
To: Planning & Development Services
Subject: PDS Comments

Name : Jessie T
Address : 411 Coffman Lane
City : Sedro Woolley
State : WA
Zip : 98284
email : retrojess@gmail.com
Phone : 630-740-2721
PermitProposal : Jessie Tierney
Comments : My name is Jessie Tierney and I live in Sedro Woolley, recreate weekly at Larrabee State Park and frequent Anacortes.

I am writing with grave concern that Skagit County has erroneously classified the Anacortes UGA Expansion proposal as a ?non-project? application.

As a Skagitonian, I am horrified that under this classification, Skagit County can evade its responsibility to consider the immediate and long-term impacts of the Tethys bottling facility.

This non-project process will deprive Skagit County residents like myself of the right to participate in a massive development with countywide adverse impacts, which will affect Skagit County residents for generations to come.

The Anacortes UGA Expansion Petition must not be docketed until the 2014 Full Comprehensive Plan Update.

Please, this will impact people and the environment far into the future.

Thank you,

Jessie

From Host Address: 173.160.167.74

Date and time received: 4/13/2013 7:04:11 PM

Good Evening, Commissioners:

I'M ELIZABETH TOWNSEND, 5214 MARITIME COURT, ANACORTES, WA.

I ASK THAT THIS REZONE REQUEST NOT BE DOCKETED AT THIS TIME FOR THE FOLLOWING REASONS:

WE ARE QUICKLY APPROACHING A CONTENTIOUS ELECTION SEASON IN ANACORTES,
AND WITH LAST WEEK'S ANNOUNCEMENT BY SHELL OIL THAT THEY ARE IN THE PERMITTING PROCESS
TO BRING NORTH DAKOTA OIL TO THEIR REFINERY BY TRAIN, WHICH TESERO IS ALREADY DOING,

~~THE WHOLE PROCESS OF REZONING AND ATTRACTING NEW BUSINESSES~~

NEEDS CLOSER SCRUTINY TO BE SURE THAT THOSE BUSINESSES INTERESTED IN
COMING TO ANACORTES WILL FIT IN WITH THE INCREASING RAIL TRAFFIC.

AFTER THE ELECTION THERE MAY BE NEW LEADERSHIP WITH OPINIONS THAT DIFFER
FROM THE OPINIONS OF THE PRESENT ANACORTES CITY ADMINISTRATION , AND THAT NEW
LEADERSHIP SHOULD NOT BE BOUND BY THE ACTIONS OF A PRIOR ADMINISTRATION.

THANK YOU.

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cc: Hammme

April 11, 2013

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

RE: PL12-0258, ANACORTES/TETHYS UGA EXPANSION APPLICATION)

Dear Commissioners:

Thank you for your decision not to move forward at this time on the review of the above Application until the public comment closes and you have attorneys review legal and procedural concerns before making a decision.

We have enclosed a copy of Elizabeth's presentation made at the hearing on April 9 for the record.

Sincerely,

James M. Townsend
James M. Townsend

Elizabeth A. Townsend
Elizabeth A. Townsend
5214 Maritime Court
Anacortes, WA 98221

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