

**Skagit County Board of Commissioners
Public Hearing: Docketing of 2012 Comprehensive Plan Amendments
April 9, 2013**

Commissioners: Sharon Dillon, Chair
Ron Wesen
Ken Dahlstedt

Staff: Dale Pernula, Planning Director
Kirk Johnson, Senior Planner
Brian Adams, Parks Director

Applicants: Ryan Larsen, City of Anacortes Planning Director
Eric Hovee, Consultant for City of Anacortes
Susan Drummond, Attorney for City of Anacortes
Patrik Dylan, Consultant for Parks (eccosDesigns, LLC)

Commenters: Kathryn Alexandra, Evergreen Islands
Peggy Flynn
Arlene French, Evergreen Islands
Andrea Doll, Evergreen Islands
Richard Bergner, Evergreen Islands
Ursula Mass (for herself and her son Jeffrey Mass)
Jean Taylor
Alex Taylor
Ross Barnes (for himself and Evergreen Islands)
Gene Derig (for himself and Evergreen Islands)
Art Fournier
John Voth
Ellie Herr
Cora Rolfe
Kathy Larson
Cynthia Richardson
Don Wicks
Steve Clark (for himself and Evergreen Islands)
Brian Wetcher (for himself and Evergreen Islands)
Bill Turner
Roger Noar, Del Mar Community Service
Vernon Lauridsen
Tom Glade, Evergreen Islands
Kay O'Connell
Phyllis Dolph
Dwan Oliver
Sandra Spargo
Curt Oppel

Dan O'Donnell
Randy Good
Kristi Hein
Elizabeth Townsend
Ellen Bynum (for herself and Friends of Skagit County)
John Olsen
Patsy Martin, Port of Skagit County
Judy Booth
Sheila Tomas
David Cope, Mount Vernon Chamber of Commerce
Peg Wenke
Janet Casey
Jim Casey
Ed Stauffer
Tony Harrah
Kathy Mitchell
Sara Holahan
Karen Kesselring
Matt Follett
Ellen Cooley
Robin Pestarino

Chair Sharon Dillon: (gavel) I'd like to call the Skagit County Commission to order. We are here for a public hearing to discuss the 2012 Comprehensive Plan Amendment docketing. I have my friend with my so this is my equalization here. Today we're – next week we're celebrating Arbor Day so we were lucky enough to have people come in to talk about it today.

So I'm reading this so I don't forget things. The purpose of this public hearing is to receive testimony and written correspondence regarding the 2012 Comprehensive Plan Amendment docketing. There are sign-up sheets in the back of the room – and Linda has collected some of those – for those of you that would like to testify. The opportunity will be given at the end of the hearing in case somebody didn't get a chance to sign in or after testimony decided that they *did* want to testify, so I will open it up at that time. So that we aren't here till midnight, one o'clock in the morning, I'd really appreciate it if we held our comments to three minutes so that everybody does have a chance to speak that wants to speak. It'd be wonderful if special interest groups, associations and those representing others are encouraged to designate one spokesperson for your group and allow greater participation and cross-representation. Or if you agree with the person that went before you if you could say, I wholeheartedly agree or, Amen, that would be great, too.

Before you testify, clearly give your name and spell – give your name and spell your last name and your address. The recording system will record your comments. Please refrain from any applause, only because it gets picked up on

the microphones and makes it really, really loud. If you agree with speakers, it might be a great idea to show – show of hands to show that you agree with that person. We are going to accept written comments and I believe there's supposed to be a box in the back of the room – no, up here. Yes. Okay, we'll make that. And if you would prefer to put your comments in writing, Linda will collect them and we will go from there.

We have received a number of e-mails. The public notice specifically stated that e-mail comments would not be included in the record of the 2012 Comprehensive Plan Amendment docketing. Written comments may be submitted at tonight's public hearing; may be hand-delivered, faxed or mailed to the Commissioners' office, as indicated above; and may be submitted electronically through our link, which is www.skagitcounty.net/pdscomments. The Commissioners do receive e-mails. They will not be part of the comments but we do look at them all. We are – Linda makes sure that they're to our offices and so we will be – even if they aren't part of the official, we do look at them all. We have gotten some and we have looked at them, so just to let you know that part of it.

As stated in the public notice, written comments will be received at the Skagit County Commissioners' office until 4:30 p.m. on Monday, April 15th, 2013. After that date, we will schedule a date for our deliberation and our docketing process.

The process as we're going forward is that the staff will give brief presentations about the proposals – and I believe there's five of them, some smaller than others, but I believe there are five – followed by the applicants to make comments. So I believe the City of Anacortes will have somebody; somebody from our Parks Department; and then just staff on the smaller items. And then after that we will start with our public comment. The Commissioners do have – I think it's Commissioner Wesen that's lucky enough to have the list, so he will be reading. And what he'll do is he'll read one name – he'll read two names at a time so that you are prepared when that person is through testifying that you would be ready to take that spot. And then he'll just keep going on like that so that we can keep this moving and keep it flowing.

So hopefully everybody understood that. I didn't talk too fast. And so I'm going to now turn it over to our Public – Public Works; yeah, I made you a whole new department over here, Dale! – our Planning Department Director, Dale Pernula, and he will start out this evening's proceeding. And he's going to be a little bit lengthy but some of the times we have to have things on our official record to make sure that they are in our record and our docketing. So if you would proceed, we'd greatly appreciate that. Thank you.

Dale Pernula: Okay, as the Chair mentioned, my name's Dale Pernula. I'm the Director of the Planning Department. And with me is Kirk Johnson. He's our long range planner and he'll be working the slides that you'll be seeing.

As the Chair mentioned, this public hearing is to receive testimony and written correspondence regarding the 2012 Comprehensive Plan Amendment docket. Your comments will be considered by the Board of County Commissioners in determining which of the five proposals will be docketed. Now docketing simply determines whether or not a matter will be scheduled for consideration by the Board this year. It's not final action, even if something is docketed. If something is docketed there will be additional public hearings in the future – or at least a public hearing in the future – on the actual matter itself. And since the issue at this time is just whether or not it's going to be considered or docketed, the threshold for docketing is somewhat low. And it's provided in Skagit County Code section 14.08.030(3), and there are five criteria that County staff has to review in making its recommendations to the Board, and they are as follows.

First: The proposed amendment, in light of all proposals being considered for inclusion in this year's docket, can be reasonably reviewed within the staffing and operational budget allocated to the Department by the Board.

The second: A proposed amendment to be adopted would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the petitioner's application, and is consistent with other goals, objectives and policies adopted by the Board.

C: A proposed amendment raises policy, land use or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program or as part of a regular review cycle.

The next one is some legal or procedural flaw of the proposal would prevent its legal implementation.

Or the fifth one is the proposal lacks sufficient information and/or adequate detail to review and assess whether or not the proposal meets the applicable Comprehensive Plan designation criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting any additional information at any time necessary later in the process. So as we review these, they get docketed. If we need additional information we can obtain it and request it from applicants.

And as mentioned, there were five proposed amendments, four of which were initiated by the County and one by the City of Anacortes. And as I mentioned, the first one – the first non-County-initiated project – was by the City of Anacortes, and it's a proposal to expand its urban growth area by redesignating approximately 11 acres of Rural Reserve land to the Anacortes urban growth area on the Skagit County comprehensive land use map, and to the Anacortes urban growth area urban development district on the Skagit County zoning map. The subject properties are generally described as located on Fidalgo Island

south of and adjacent to Stevenson Road, and west of the Reservation Road and the former Puget Sound and Baker River Railway Company right-of-way.

We are recommending that a .7-acre parcel owned by Mr. Robert Separovich, which was in the original application, not be included in the docketing of this proposal because that was a request by both Mr. Separovich and the City of Anacortes.

In addition to that, the four County-initiated proposals being considered are as follows:

The first one, labeled C-1, is a proposal to designate and zone four parcels, or 1.5 acres in size, to Rural Business. These are referred to (as the) "West Pearle Jensen Way Properties." The subject parcels are generally described as located along the east side of the Swinomish Channel and north and west of the Town of La Conner and the Port of Skagit County. The subject properties were designated and zoned Commercial in 1992. Subsequent Comprehensive Plan updates indicated, in error, that the property was located within the corporate limits of the Town of La Conner, and this would be an amendment to rectify that error.

C-2: This is a proposal to redesignate and rezone an approximately .3-acre parcel owned by Del Mar Community Service, on which are located two water tanks, from Rural Resource-NRL to Rural Reserve. This parcel is referred to in the document as the "Del Mar Community Water Service Tank Site." The subject parcel is generally described as located on Fidalgo Island, south of Marine Drive, east of Rosario Road, and north and west of Sharpe Lane/Sharpe Road. The parcel immediately to the northwest was redesignated from Rural Resource-NRL to Rural Reserve in the 2011 Comprehensive Plan Amendment docket, leaving the subject property as an isolated island or spot zone of Rural Resource-NRL. This proposal would remedy that situation by redesignating it to Rural Reserve, consistent with all the adjoining properties.

C-3, the proposal to amend the Comprehensive Plan. This would be a proposal to amend the Skagit County Comprehensive Plan to incorporate by reference the 2012 Skagit County Parks & Recreation Comprehensive Plan as part of our Comprehensive Plan.

C-4 is a proposal to amend the Skagit County Comprehensive Plan to integrate the outcome of the Bayview Ridge Planned Unit Development and Development Standards Code into the Bayview Ridge Subarea Plan. This is a carryover from the 2011 Comprehensive Plan Amendment docket. It's been a very long process in the Bayview Ridge issue so we're carrying it over for another year. We do expect to be able to complete this project this year.

After reviewing the five proposed amendments with respect to those criteria that I read a few minutes ago, the Planning and Development Services Department is required to base its recommendations on those criteria. And with the exception of the parcel owned by Mr. Separovich and not – that it not be included in the proposal – we recommended going ahead and docketing all five of those proposals. I do have a staff report that's been online for some time and it itemizes why we believe each of those five proposals meet each of the five docketing criteria. And I do have some extra copies of that if people need it.

There will be some steps that will be taken in the future, should any of these items be docketed. And I will go over the longest process and that's for docketing for the UGA boundary modification process, because that seems to be of the most importance to the people in the audience.

The Growth Management Act Steering Committee has agreed to a UGA amendment process with eleven different steps. This is step number 4, and I will briefly mention what the first four have been.

The first is the City or Town may apply once during a period following the County's adoption of the seven-year update without meeting the "exception" criteria in UGA modification. The second – so they had to apply by last – before last July.

Number two: The application must be submitted to the County by the last business day of July. I jumped ahead a little bit. The UGA modification criteria foresee that Comprehensive Plan UGA amendment applications will come from a City or a Town, not an individual, or not from individual property owners.

The third step is the proposal is brought to the Steering Committee for initial consideration and recommendation for docketing. That has been done.

We are now on the fourth step and the fourth step is as follows: The County Planning and Development Services Department makes docketing recommendations to the Board of County Commissioners and the Board of County Commissioners hold a docketing hearing and decide to docket the proposal or not docket, depending on the criteria of Skagit County Code which I read earlier.

The next step, if these items are – if this item is docketed: The County and applicant – the City or Town – negotiate an interlocal agreement regarding the State Environmental Policy Act, or SEPA, co-lead process, costs and responsibility.

Following that, the County and the applicant coordinate the SEPA analysis.

The seventh step would be following completion of the SEPA review the County releases the proposal for agency and project (sic) review and comment

Then there are public hearings – at least a public hearing – maybe public hearings – held before the Skagit County Planning Commission.

The Skagit County Planning Commission deliberates on the basis of record, including public and agency comment, and issues a recommendation to the Board of County Commissioners in the form of a recorded motion.

Then the next step, which would be the tenth step: The proposal and the Skagit County Planning Commission recommendation is brought to the GMA Steering Committee for formal recommendation, pursuant to the Framework Agreement.

And the final step is the GMA Steering Committee and the Planning Commission recommendations are brought to the Board of County Commissioners for final action. The Board may adopt as recommended by the Planning Commission, or remand it back to the Planning Commission and the GMA Steering Committee for further consideration and recommendations.

And that's my presentation.

Chair Dillon: Shew! Just for another point. I probably should have said this earlier. If you can't hear, please raise your hand and then – gah! See, I knew that we had – so when you come up to speak, could you make sure that you're in one of those two mics and close enough that he can hear? Okay? And then if you get tired of standing there is a large TV in the foyer, and I've heard from reports that the hearing out there is really good! So if you do get tired, please go out there and take a look.

The third thing that I was going to say is that we are recording this and you can watch it on Channel 21, probably numerous times, but you can also access it through your computer: Access Skagit County and hit at Channel 21 and you can search and you can watch the whole thing.

So am I turning it over to you, Kirk, or –

Kirk Johnson: No.

Chair Dillon: No. We're going to the applicants then. So is there an order, Dale, that you'd like to take these in?

Mr. Pernula: The first one that was on the list was the Anacortes amendment.

Chair Dillon: Okay. Then, Ryan, I think it's up to you.

Mr. Johnson: Do you want that map up there?

Ryan Larsen: Yes.

Mr. Johnson: Okay.

Mr. Larsen: Good evening, County Commissioners and members of the audience. My name is Ryan Larsen. I'm the Director of Planning, Community and Economic Development for the City of Anacortes. Our address is 1904 6th Street, Anacortes, Washington.

I would like to briefly highlight the City's submittal process and then allow Eric Hovee to briefly discuss what was submitted in the supplemental information to the County. And I would also like to allow Susan Drummond, our attorney, to discuss briefly the overview of the docket criteria.

The City of Anacortes made its submittal to Skagit County on July 31st, 2012, to expand the city's urban growth boundary to include approximately 11.15 acres, located generally south of Stevenson Road and west of Reservation Road. The proposal included five parcels – separate parcels. The City is also proposing to redesignate approximately 16.57 acres of property zoned Light Manufacturing within the city limits to Public Open Space to account for UGA expansion and the additional industrial land to be added to the city of Anacortes. This redesignation process is a City process and not a County process.

After the City staff had made the submittal in July of last year, County staff requested the City supply additional documentation to the County to support the continued processing of the application. The City of Anacortes on September 24th, 2012, voted to support the continuation of the process of the UGA expansion application with the County. Then on October 10th, 2012, Skagit County Planning and Development Services staff provided to the City with a letter highlighting additional information which needed to be submitted in order to continue processing the application. The City hired Eric Hovee of E.D. Hovee and Company to address the County's letter, and we made a resubmittal to the County on July (sic) 23rd, 2013. After this submittal, the County was required to submit the information to the GMA Steering Committee, which is made up of the Mayors and County Commissioners. The GMA Steering Committee reviewed the application and made a recommendation to support the continued processing of the City's application request to expand the UGA application on March 20th, 2013. It should be noted that the County Commissioners abstained from that vote.

A public hearing is scheduled for tonight to consider whether the proposal amendment to the Skagit County Comprehensive Land Use Zoning Map designation should be placed on the 2012 docket of annual docket amendments. It is the City's understanding that this is not a public hearing on a project-specific

proposal, but yet only on the amendment process and the criteria required to ensure that it met the docket criteria, which is SCC 14.08.030(3). The City staff supports the County's staff recommendation, which says to include the City of Anacortes's map amendment proposal in the 2012 Comprehensive Plan Amendment docket, with the exception of parcel 19696, which the City and the property owner have requested to remove from the proposal.

Parcel 19696 is approximately .7 acres and is owned by Robert Separovich. This parcel is located in the northern-most east corner of the proposed expansion.

With that, I would like to hand it over to Eric Hovee, who will briefly describe what was submitted with the supplemental information to the County.

Eric Hovee: Thank you. My name is Eric Hovee. I am the principle of E.D. Hovee and Company. We're a Vancouver-based firm doing economic and development services. The address is 2408 Main Street, Vancouver, Washington. I'm here to address item number 5 of the County staff report, and that's the question of whether the proposed UGA amendment provides sufficient and adequate detail to proceed with the docketing process. As Ryan Larsen mentioned, our firm prepared a report dated January 23 of 2013 that was submitted by the City that provides response to seven items that were raised by the Skagit County related to the additional detail that was requested on seven topics. Those topics were:

Number 1, a statement of the anticipated impacts to be caused by the change – in effect, a summary of the impacts.

Second was a statement of how adopted functional plans and capital facility plans support the change. And we did that with respect to both City and County comprehensive plan and capital facility plan requirements.

Third, a statement of how the change affects the implementing regulations of Skagit County Title 14, which is basically the Uniform Development Code of Skagit County, and changes that would be needed to bring development regulations into plan compliance. And we looked at both existing and vicinity property area plan designations together with the interlocal agreement for urban growth management between the City and the County.

Fourth was a summary of any public review with the recommended change that would be consistent with both City and County processes for review.

Fifth, we addressed any proposed UGA boundary changes that would be supported by and dependent upon population forecasts, urban population distribution, existing urban densities, and infill opportunities phasing and

development of adequate services, natural resource lands, and critical areas that also included Shoreline Master Plan and critical areas.

Sixth: Information to demonstrate compliance, specifically with questions related to employment land capacity and needs analysis, including a proposed land swap.

And seventh, and finally: A demonstration of the municipal legislative request from the City of Anacortes for the UGA modification that was indicated by the letter attached with the submittal document.

My understanding is that the staff report from the County staff to the Board of Commissioners dated March 25th of this year indicates that with the addition of the supplemental information provided by the City of Anacortes the proposed amendment conforms to the submittal requirements cited. Our understanding is that has been mentioned the amendment docketing is an early step in the UGA boundary and Comprehensive Plan Amendment process. If docketing is approved, an important next step will involve SEPA review and analysis followed by additional public hearings before the Planning Commission, GMA Steering Committee and then the Board of County Commissioners for final action.

I'll just conclude by noting that while this response document was prepared primarily to address its submittal requirements, we would also anticipate that it will serve as background information to at least begin that SEPA review process.

Thank you.

Susan Drummond: Thank you, Commissioners. Good evening. I'm Susan Drummond. I represent the City of Anacortes. Do I need to put the map back up? I'll not be referring to it, but...there we go. Okay – fixed that. I'll be very brief because Planning staff and the City Planning Director for Anacortes and Mr. Hovee have already described the proposal in a fair amount of detail, and, of course, there are materials before you on the proposal as well.

Stepping back from it, though, just to summarize what the City is proposing: So, essentially the City is proposing that take a little over a 10-acre area of land that's suitable for Commercial-Industrial development. It's surrounded by those – land that is designated for that type of use. There is infrastructure that is available proximate to the site – there's sewer, there's water – that's all detailed in the application materials. Take those properties, include them within the Anacortes urban growth area. And then to mitigate for that, the City is proposing taking about 16 acres in property that's shown on this slide here and changing the designation from one that allows Industrial and Commercial uses to a public designation, and that recognizes the ecological attributes of those four properties and sort of the mitigation parcels. So one way to look at this proposal is essentially as a land trade.

Now the substance of this proposal, of course, is not before the County Commissioners tonight. All that is before the Commissioners, as the County Planning Director has set forth, is whether or not the proposal should be docketed.

And I'll very briefly run through the criteria because you all are well familiar with the criteria at this point. The proposal certainly has met all the procedural prerequisites in order to be docketed. The Planning Department at the County has indicated the proposal can be reasonably reviewed within staff resources; would not require additional amendments to the Plan or development regulations that are not included in the proposal; there's not a better process or another process – in fact, this is the *only* process for reviewing this particular proposal; there are certainly no legal or procedural impediments to implementing what the City has proposed; and the City has met all of the procedural requirements for submitting this application. And, in fact, with the retention of an outside expert consultant, Mr. Hovee, to prepare an extensive supplemental report, the City has actually gone above and beyond the basic docketing requirements.

There's one thing I did want to mention. There was a question – I reviewed the public comments that have been submitted up to now – there was a question on the acreage figures for the four parcels that are being proposed as mitigation. The City went back and verified the figures for those parcels and they actually – those figures are correct. I believe the inaccuracy stemmed from some inaccuracies with the County Assessor information. But, again, the City did double-check those acreage figures and they are accurate.

I think with that, given that all that is before the Commissioners tonight – it's just the docketing. It's not a particular project. It's only the question of whether this essentially – this land swap should move forward for further consideration by the County Planning Commission, the Steering Committee, and then ultimately, of course, back before the Board of County Commissioners.

I will close and then open it up for the public comment. Thank you.

Chair Dillon: Thank you.

Mr. Johnson: I'm just going to take these off the screen here.

Chair Dillon: They were kind of cool! So the next is – what is it? The amendment – oh, the Parks Plan. Is that right, Brian?

Brian Adams: Yes.

Chair Dillon: Okay.

Mr. Adams: Good evening, Commissioners, and all of you. I know that I'm the only one that stands between – being the last applicant, I'm between the speakers and – between you and I know that most of you came to speak about the prior topic. So I'm going to be short.

We are in front of you today with our Comprehensive Recreation Plan. And we're required to do a plan every six years. The last time we did a plan was more than six years ago. We signed off on it in 2012 by resolution. It had extensive public process with public meetings. We went out to the communities, got a lot of information. Patrik can talk about that in a sec. Patrik Dylan is with me here today. He's with eccosDesigns and he's going to talk a little bit about the model that we put together to do our needs analysis for this plan.

There've been a lot of changes since the plan that we did prior. Primarily, you know, we've reduced staff by more than half. You know there's been an economic crisis between our last plan and this plan. We have made our Recreation Division completely self-sustaining. Our Fair Division is completely self-sustaining. So we've eliminated some of the programs that weren't revenue-generating and so, again, there's been a lot of changes. We had a ranger program. We're down to one ranger. He is a maintenance worker that wears a uniform, essentially. So a lot of changes since then and today.

I am proud to say that we have added some parks during that time. They're dependent on partnerships. We've added the Samish Beach access and that's a popular shell fishing area, so that's been well-utilized. And we work with the Department of Natural Resources, Skagit Land Trust and others to make that happen. All of our acquisitions have had another partner involved so there hasn't been any of our Skagit County general fund dollars used for any of those. We've added Ann Wolford Park, a popular park along the Skagit River, and Montgomery Duban Headlands which, for those of you from Fidalgo Island, it's just north of Sharpe Park and it's a great little place with great trails and I go down there quite often. There's Gulf porpoises and Harbor porpoises moving through there. So it's a great place.

I'm going to put my name tag up. I'm a little late.

And I just want to let you all know that this plan is something that we have to do. It's part of the overall Skagit County Comprehensive Plan, but we're required to put out a plan every six years that has specific components in it. And some of those components require full chapters, and those can be overlooked during a comprehensive planning process. We do our own plan every six years. We work closely with our Parks Board and that was probably almost a two-year process with them. And 90% of our parks have either acquisition dollars associated with RCO dollars. That's how we're required – we're required to do these comprehensive plans to be eligible for these grant dollars from RCO. Either acquisition or development within our parks is at a 90%, probably – I think

it would be safe to say that 90% of our parks have either one of those two things. And so with that, staying current is very critical to our department.

And we have created – there used to be a national standard for how many parks should be in the county or in the community. Those standards were removed. It's important that communities develop their own standards. We developed those standards through an extensive process, and I'll let Patrik talk a little bit about the model that we used to put our Comprehensive Plan together. Patrik?

Patrik Dylan: Thank you, Brian. My name is Patrik Dylan, D-y-l-a-n, and I'm with eccosDesign. We're a landscape architecture firm in Mount Vernon at 505 South First Street, again, in Mount Vernon.

So I'm just going to speak very briefly about the methodology that we used to put this plan together to develop what the needs were for this particular Comp Plan update. As Brian stated, there used to be a national standard that folks compared themselves to, but when you think about a community in the center of this country in Iowa compared to Skagit County it's hard to think that they would have the same level of needs, so that was appropriately disbanded about 1990 or so. So we developed our – really our own model, and I'm just going to briefly go through that.

We basically tried to look at needs from as many different angles as possible because no one way is perfect. So we looked at needs looking at – asking people what they want. We asked actually people to come to open houses and give us just their input about what it is they'd like to see in a community. We took written comments from folks that actually couldn't come to the open houses but then had some thoughts about the Comprehensive Plan and different facilities and levels of service. So they gave us those comments. We actually had an Internet-based survey that was open for about two months for folks that could not make it to public meetings so they could write in and say, These are the things that we like and these are things that we would like to see more of. And so we put all those things together and that was our public input portion of the model.

The second thing we looked at was what we called "level of service." Level of service is basically an objective way to compare how much we have compared to communities that are similar to ours. Because no community is exactly like ours, we created an aggregate fake community which is actually a combination of Whatcom County, Snohomish County and the city of Spokane. And there were several factors that made us pick those three communities, but we basically looked at the number of trails – the miles of trails; the number of boat launches; and a complete inventory of the types of recreation that are available in those communities. (We) averaged them, aggregated them together, and then compared that number to Skagit County.

The next thing we did was to look at use patterns. Use patterns – whereas public input is what the community wants, the use patterns are kind of what the community needs. And so to get that level of information we actually went to the state who developed something called the SCORP document – State Comprehensive Outdoor Recreation Plan – and they have a statistically-based model and a survey that they go through and determine what the use patterns are in recreation. And it's very specific. It says that currently this percentage of the population fishes. Five years ago this population of the – this percentage of the population fished. So it gives you a chance to see what the trends are and how things are changing over time. So that includes passive recreation, like trail use, and fishing and boating – it's all active recreation based upon people's ages. So it tells us how many adults are still playing softball compared to how things were five years ago.

And the last thing we looked at was kind of the catch-all category we call “other factors.” And other factors are a chance for us to just bring other pieces of information that the community is telling us and give some sort of weight to that. So when we were looking at the different types of parks, we looked at – we considered the public input, the level of service, how much we have, what the trends are, and then this last category of “other needs,” which were basically opinions from our Parks and Recreation Advisory Board and some other stuff that has to do with recognizing the fact that we're unique here in Skagit County.

We aggregated all those things together and we came up with a ranked list of facility needs – which is basically chapter 10 of this document – that said, you know, this is, according to this analysis, the most important and this at the bottom of the list is the least important.

The chapter 11 is the other chapter which is the real meat of the document, and that takes that ranked list of needs and puts specific projects to it. And those projects are actually development recommendations for parks and properties that the County already owns, or it's recommendations for the types of things that the County might want to consider doing in the future.

So, briefly, that was the methodology of how we came up with the recommendations that were listed in chapter 10 that was then turned into the actual project recommendations of chapter 11.

So, with that, I'll turn it back over to Brian who will talk a little bit about the conclusions of the plan.

Mr. Adams: Yeah, I'm just going to conclude by saying that I think that we've had some positive feedback from the people that have gone through the process with us. Again, it's had an extensive public process thus far. Common themes in this plan and as you'll see in your own communities – I'm sure the Anacortes plan is much the same – waterfront access is very important to people. Trail access is

to people. And those are, year after year, some of the themes that come up in our surveys, in our public input, and when we go out to people, and what they want to see in their parks department. So I think it was quite the same here with this plan.

Again I appreciate you guys all coming out. I know you're not necessarily here to see me. My – you probably recognize the last name, Adams, for those of you from Anacortes. Yes, my brother is a City Councilman. Don't hold anything that he's done or said in the past against me. But, yeah, he is from Anacortes and we are twin brothers, actually, although we don't look a lot alike, and I look much younger.

(laughter)

Mr. Adams: Thank you all for coming out.

Chair Dillon: Brian, and that plan is on your website if somebody wants to peruse, or not?

Mr. Adams: Right.

Chair Dillon: Okay.

Mr. Adams: Yep.

Chair Dillon: So if you really want, you have – you know, up late some night and want to peruse that plan please go to our website, right?

Mr. Adams: Thank you all.

Chair Dillon: The other three – were you going to speak briefly so it's on the record, or we're just going to move on?

Mr. Pernula: I can just briefly cover it. The West Pearle Jensen Way Properties – that's the 1.5-acre parcel just on the north and west side of La Conner – is really a cleanup issue, and it would remedy an existing problem. Same with the Del Mar Water Tank Site. That's a .3-acre parcel of land on Fidalgo Island that, with the rezoning and Comprehensive Plan Amendment that was done last year, it leaves a little island, a little non-conforming spot zone in that area. And then the third one is Bayview Ridge, where it's a continuation of a long project that we believe we can complete this year.

Chair Dillon: How many years, Commissioner?

Commissioner Ron Wesen: It's getting closer, though.

Chair Dillon: It is. It's closer. It's scary! So, with that, we are going to – I'm in a minute open the public hearing but Commissioner Wesen will read two names and then we'll keep going on like that. As I mentioned at first, if you could keep your comments to three minutes or under it would move us along so that everybody who wants to truly speak can do that. If you agree with the person in front of you, you might want to just say, I agree, or go from there, and we'll just try to get everybody's comments on the record so that we can consider them when we're doing our deliberations. So, with that, I'm going to open the public hearing on the 2012 Comprehensive Plan *docketing*. I know he can't hear. I've got to get closer. Okay, so go ahead.

Commissioner Wesen: So right now we have the sign-up sheets up here. Like we said, we will have people at the end also can add. We've got fifty-two names so far, so if we all take three minutes that's almost three hours, so...

Chair Dillon: Whew!

Commissioner Wesen: First one, Kathryn Alexandra, and next is Peggy Flynn.

Kathryn Alexandra: My name is Kathryn Alexandra and I reside on South Fidalgo at 4311 Ginnett Road. I am speaking tonight as a trustee of Evergreen Islands.

I, like most everyone in this room, know that the sole purpose of the Anacortes UGA expansion is to enable Tethys Enterprises' construction of a massive bottling plant within the Anacortes UGA. I am very concerned that the rural character of Fidalgo Island will be irrevocably degraded if this mega bottling plant is permitted. I am concerned that the recently restored marine estuary at the head of Turner's Bay will be degraded by stormwater runoff from 50 acres of impervious surfaces. I am concerned about the daily impacts of four 100-unit water trains and two 100-unit oil trains on the traffic congestion in Skagit County, particularly on Reservation Road. I am concerned that the herons in the largest heronry in the west coast will be driven away by the train noise and vibrations. I am concerned about the future of industry in Skagit County because the City of Anacortes has pilfered 48% of the industrial water allocated to the Skagit PUD. I am concerned that the massive facility required for a fully automated bottling plant will provide few jobs. Sadly, the Skagit County Planning Department has classified the UGA expansion application as a non-project petition, which means I will be denied opportunities to voice my concerns during the County's planning process.

If you, the Skagit County Commissioners, allow this travesty to go forward without public participation, your legacy will inscribe an indelible milestone in Skagit County history as the Commissioners who turned their backs on Skagit County and its citizens. Please acknowledge the true purpose of this application

and do the right thing. Deny the docketing of this application as a non-project petition. Thank you.

Chair Dillon: Thank you.

Unidentified female voice in the audience: Amen.

Commissioner Wesen: After Peggy Flynn, and then Arlene French.

Peggy Flynn: Good evening, Commissioners. My name is Peggy Flynn, F-l-y-n-n, 2317 18th Street in Anacortes. And I'll be brief and I'll speak directly to the question before us today.

I am speaking in favor of the City's UGA petition. Through the Envision Skagit 2060 process, one of the Citizen Committee's findings was that there's a lack of industrial land in our region and I see this opportunity to approve this UGA expansion as a way to partially remedy that question, that topic. 47% of the residents of Skagit County leave daily for jobs in other places, and if we're to be competitive, if we're to become something other than a bedroom county, we need to focus on industrial land and find ways to bring jobs to our – back to Skagit County.

This proposal by the City of Anacortes meets all of the criteria that you have spelled out and it's an early step in a very long and complicated process. So I urge you to approve the petition so that the process can move forward. Thank you.

Commissioner Wesen: Arlene French and then Andrea Doll.

Arlene French: Arlene French, 1411 8th Street, Anacortes, and I, too, am a board member for Evergreen Islands. We do request that the Board of Commissioners reject the petition to modify the UGA because Skagit County Code 14.08.020(7)(b)(i) requires that a detailed development proposal that is consistent with the applicable designation criteria be submitted with any petition that includes a rezone proposal. This is such a petition. That which is required to be submitted as part of the petition should be subject to review and comment during the deliberations on that petition. The detailed development proposal that *is* attached to PL12-0258 is commonly known as the Tethys Development Proposal and it is located in the response to section 3, question 1 in the petition. If this were *just* a land swap no one would be here. I mean, it's obvious that this is not – this is more than a land swap so it should have the project and the designated criteria and the detailed development go with it. Thank you.

Chair Dillon: Thank you.

Commissioner Wesen: Andrea Doll, and then Richard Bergner, and I'm sorry if I don't do a good job with these names.

Andrea Doll: My name is Andrea Doll. I reside at 1319 8th Street in Anacortes. These comments that I am giving are on behalf of myself and Evergreen Islands.

The Board of Commissioners should not docket this petition because it does not meet the criteria and the process as stated in the Skagit County Planning and Development docketing recommendations of March 25th. And I will address two of them, criteria 4 and 5.

According to criteria 4, a proposed amendment cannot contain legal or procedural flaws that would prevent its legal implementation. According to criteria 5, proposed amendment must conform to the submittal requirements of the Skagit County Code 14.08 and other applicable codes.

To be docketed, a UGA expansion petition must meet the requirements of the section 14.08, Rezones, which includes – *includes* – the requirement of a detailed – quote – “detailed development proposal that is consistent with the applicable designation criteria” – unquote. And Anacortes' petition *does* request a rezone from RRv to Urban Development to LM1. In the revised petition of January 23rd, Hovee removed the detailed development proposal from the original application; therefore, the revised petition does not meet the requirement of the applicable code. When Skagit County instructed Anacortes to remove all references to and discussion of the required detailed development proposal, it created a fatally flawed petition. Skagit County continues to make this procedural error when it instructs all parties to ignore the clear requirements of the applicable County Code. Therefore, we're looking at a petition that does not meet the code and there is a flawed review procedure.

A UGA petition must meet the requirements – again – of 14.08. Hovee has specifically disavowed the applicability of these mandated codes, saying that this analysis will apply in future GMA Comprehensive Plan updates. Hovee states that the current position is presented as some kind of a land swap within the existing Anacortes UGA allocation. However, the code 14.08 does not contain such a provision for justifying a UGA expansion. Swapping is not an allowable justification. By ignoring the clear code requirements for a rezone petition and by disclaiming the application of other mandated code sections, Anacortes and Skagit County have created a situation analogous to a previous attempt to expand the Mount Vernon UGA that was overturned by the Western Washington Growth Management Hearings Board in case of 05-2-0012. The Board disallowed the type of ad hoc speculative UGA expansion that is, in fact, proposed in Anacortes's revised petition where no specific need or project is presented as justification for the expansion. In fact, Hovee on page 33 shows that Anacortes still has 272 acres of available Industrial and Commercial land, including 169 acres of LM1 zoning. By failing to provide the required –

quote/unquote – “detailed development proposal,” Anacortes has failed to show that the existing industrial zoning is insufficient to accommodate some speculative, unidentified future development.

I urge the County not to docket this petition until questions are answered and the challenges are resolved. Thank you.

(several sounds of assent from the audience)

Commissioner Wesen: Richard Bergner and Ursula Mass.

Richard Bergner: My name is Richard Bergner, B-e-r-g-n-e-r. I speak on behalf of myself and Evergreen Islands. I live on South Fidalgo Island at 15515 Yokeko Drive.

The County has wrongly allowed the City of Anacortes to revise its application from the Tethys project to a non-project application. All of the evidence points to the fact that this application for an urban growth area expansion is intended for a massive project for Tethys. The citizens of Fidalgo Island long have had a strong interest in protecting and preserving the rural nature of Fidalgo Island. For example, one example of this happened a few years ago when there was a proposal to change the zoning from one house per 10 acres and 5 acres to one house per 2 ½ acres. The citizens of South Fidalgo rose up in strong opposition.

Over the years, island residents have had to accept many changes that have threatened and eroded the rural character of the island:

- Deforestation. Clear-cutting is still allowed on the island.
- The state highway expansion: It cut a wider swath through the middle of the island.
- Threats to Turner Bay and the estuary, and more.

I want to see South Fidalgo maintain its rural character. The only way the citizens of Fidalgo Island can weigh in on the massive changes that will come with a million-square-foot building, increased rail use, and the resulting traffic congestion is if the County returns the application to the City and requires a detailed project plan. Then the people on the island can – quote – “participate in a meaningful way” – unquote – which the Growth Management Act requires. I ask that you do not proceed with this application and not docket this petition by the City of Anacortes.

Commissioner Wesen: Ursula Mass and then Jeffrey Mass.

Ursula Mass: My name is Ursula Mass.

Commissioner Wesen: Excuse me.

Ms. Mass: And my son was going to present his comments and he has to work late so I'm asking for permission to also make his comment. I live on Snee-Oosh Road in La Conner, Fidalgo Island. This is my son's comment:

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 stormwater runoff 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 cause 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 into the city of Anacortes. Someone came up with the bright idea of having an overpass constructed to accommodate for the rail crossing. Who would bear the enormous costs for that? We, the taxpayer, again? Thank you for your consideration.

Ms. Mass: So now I'd like to read my comment.

Chair Dillon: You know that you can give your comments and we will – that could be part of the record, you know?

Ms. Mass: I would like to read it.

Chair Dillon: Can you summarize it a little bit, though? Can you just summarize it a little bit?

Ms. Mass: I'm here to speak on behalf of my family who live in Fidalgo Island since 1956 and hundreds of families residing 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 along the Snee-Oosh Road and Reservation Road – for us Reservation Road is the thoroughfare to Anacortes and beyond via Highway 20. We are closely tied to Anacortes. Some of us travel the road daily since we either work in the city, own businesses there, visit our family physician and hospital. We like to shop in the city. We have grown accustomed to its charm and natural beauty and it is shorter and faster than traveling to Burlington or Mount Vernon. Anacortes leadership and the Chamber of Commerce might want to do the math – how much revenue and business they'd lose when many of us decide to travel in the opposite direction to Burlington and Mount Vernon via La Conner in order to escape congestive traffic, rail crossing blockade, and a noisy, polluting industrial nightmare in the future. Worst of all, since our medical and fire emergencies contract with Island Hospital lives will be lost, homes will burn to the ground, lawsuits will follow for certain. Recreation vehicles from 1000 Trails Campground use this route. Soon the state park, Kukutali Preserve, on Kikit Island, right across the bay from the estuary and the acreage in question, will be in operation, adding a substantial amount to the traffic on Reservation Road. Please don't burden us down with additional traffic jams and blockades caused by manufacturing congestion via trucks and/or rail. Don't you also have an obligation to the cities in the county and their rights not to have their way of life ruined by a small group of people in power and control over their city for whatever drives them, while they are hiding behind job creation? What a horrible price to pay for their own selfish agenda. Thank you.

Chair Dillon: Thank you.

Commissioner Wesen: Jean Taylor and then Alex Taylor.

Jean Taylor: Good evening, Commissioners. I am Jean Taylor, T-a-y-l-o-r, 1907 Cedar Springs Lane in Anacortes. I incur with Evergreen Island statements this evening. It is wonderful to be able to come after eloquent speakers that are speaking such important statistics to you. I believe that to pass this UGA expansion application without studying it and considering all the things that Evergreen Islands has brought to your attention, it would be a terrible thing if it passed. Do not docket this application.

But there are many issues involved with this. I just want to touch on the most vital of some of the lives of people on Fidalgo Island. There's 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. Winter, CEO 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 you were voted 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 opportunities or greediness of industrial opportunists robbing us of our most vital and precious resources. I thank you.

Commissioner Wesen: Ross Barnes is next after –

Alex Taylor: Yeah, my name is Alex Taylor, Commissioners, and I live at 1907 Cedar Springs Lane, Anacortes. Pretty soon I'm going to be eighty-five. Should I care? Certainly. That's why I am here. I support Evergreen Islands, Mr. Tom Glade's effort to enlighten everyone on the Anacortes City UGA petition for 11 acres, as noted in the application. Mr. Glade has outlined many of the inequities of the present application from the City of Anacortes in his letter to you, the Skagit County Commissioners. I trust that you will give it the utmost scrutiny during deliberation or review of said application.

Also I believe it would be prudent to give any representative of Evergreen Islands to give a rebuttal to the City of Anacortes representation when it's appropriate. Thank you very much for your time.

Chair Dillon: Thank you.

Commissioner Wesen: Thank you. Ross Barnes and then Gene Derig.

Ross Barnes: I'm going to need to use the digital camera. How does that get turned on?

Chair Dillon: In the back – Brian is turning it on right now.

Mr. Barnes: Okay. I'm Ross Barnes, B-a-r-n-e-s, at 1004 7th Street, #202, Anacortes, Washington. I'm speaking on behalf of myself and Evergreen Islands this evening.

The BCC should not docket Anacortes' UGA petition because it does not meet the docketing criteria stated in the Skagit County docketing recommendation of March 25. Criteria 2: The proposed amendment to be adopted *would* require additional amendments to the Comp Plan or development regulations that are not addressed in the petitioner's application, and it is not consistent with other goals, objectives and policies adopted by the BCC.

Criteria 3: The proposed amendment raises policy, land use or scheduling issues that *would* more appropriately be addressed as part of an ongoing or planned work program or as part of a regular review cycle. The UGA expansion, as proposed, creates shoreline and critical area jurisdictional conflicts between Skagit County and the City of Anacortes. Anacortes' revised petition of January 23, by E.D. Hovee, is incorrect at multiple places when it says the properties east and west of the proposed UGA expansion are, in fact, in Anacortes' UGA and

intended for industrial zoning. The 50-foot former railroad right-of-way east of the proposed UGA boundary and the adjacent Turner's Bay Estuary, which is an estuarine salmon habitat recently restored by the Skagit River System Cooperative, will remain in Skagit County jurisdiction with a Rural Reserve zoning designation and a Rural and Aquatic shoreline designation. This photo shows – part of Similk Bay Road was removed in the restoration – this photo shows what remains of Similk Bay Road on the west side. It's very easy to see – this is all water – that the restored area north of Similk Bay Road and adjacent to the proposed UGA is, in fact, part of Similk Bay, without any doubt.

Here's another photo looking at the west side of what remains of the road, with the restored Turner's Bay habitat shown – again, flooded water. Without any doubt, this is part of Turner's Bay and its associated wetlands possibly in the very north area.

The abandoned railroad right-of-way forms the western shoreline of Turner's Bay, so the County's shoreline designation of Rural, associated shoreline regulations, and zoning regulations for Rural Reserve will continue to apply to that 50-foot strip that occupies the actual shoreline of Turner's Bay. The County will have jurisdictional responsibility to protect the critical saltwater habitat of Turner's Bay under its own shoreline and critical area regulations, but it will only control about 50 feet of the 200-foot shoreline setback. The dotted line here shows the full 200 feet. Only the area east of the red line will actually remain in County jurisdiction.

Anacortes will control the remaining approximately 100 feet of shoreline setback, which will be an industrial zoning with land use specifications that are incompatible with the County's obligation to protect the endangered species, critical marine habitat of Turner's Bay.

Commissioner Weser: Gene, and then Art Fournier.

Gene Derig: My name is Gene Derig. I reside at 1302 K Avenue in Anacortes, Washington. I'm reading these comments on behalf of myself and Evergreen Islands, and it'll tie in with what Mr. Barnes just said.

Under County rules, shoreline designation, non-water-oriented commercial and industrial development requires a shoreline setback of 100 feet and a rural shoreline buffer of 100 feet, and under the new draft Rural Conservancy designation non-water-oriented commercial-industrial development is entirely prohibited within the 200-foot shoreline setback. But Anacortes, as stated by Hovee on page 26, would see an urban shoreline designation suitable for industrial zoning, with a 25-foot shoreline setback for non-water-dependent commercial-industrial uses, and policies and regulations that are incompatible with the County's continued mandate, policies and regulations to protect critical marine habitat in Turner's Bay. Likewise, any shoreline-associated critical areas,

wetlands and habitats will have different and conflicting buffer requirements under the County and City critical areas ordinances, such as the County cannot implement their mandated and designated buffer protections that would extend onto Anacortes UGA areas west of the approximately 50-foot shoreline strip that remains in County jurisdiction. Hovee again, on page 27, even suggests restoring a rail line on the old abandoned railroad row which is immediately adjacent to the critical marine endangered species habitat of Turner's Bay with no shoreline setback and which will be located on County land that is incompatible with Rural Reserve zoning and incompatible Rural shoreline designation. Such are Anacortes's stated intentions for this area.

These jurisdictional conflicts over critical areas and shoreline jurisdiction also show that this UGA expansion fails to be supported by critical areas concerns, as required by SCC 14.08.020(4)(v)(ii). The only way to resolve these jurisdictional conflicts is, number 1, to extend the UGA boundary south of Stevenson Road east to join the UGA at Reservation Road, thus eliminating jurisdictional conflicts from that area; or, number 2, to engage in protracted negotiations with Anacortes in an attempt to try to eliminate the policy and land use conflicts and conflicting intentions created by the current UGA expansion petition. Either/or both of these alternatives – 1 or 2 – fail to meet the docketing criteria stated at the beginning of this testimony. Thank you for your time.

Commissioner Wesen: Thank you.

Chair Dillon: And if you'd like to leave those, since they're part of the record – if you give them to Linda we can add them.

Mr. Derig: I'll be turning these in before the 15th in case there're some changes.

Chair Dillon: Okay. Thank you. And the pictures, too?

Mr. Derig: Yes.

Chair Dillon: Okay. That'd be great. Thank you.

Commissioner Wesen: Next was John Voth after Art.

Art Fournier: My name is Art Fournier. I live on South Fidalgo Island at 14785 Gibraltar Road, Anacortes. I drive through the intersection of SR-20 and Reservation Road often. I find it to be a very frustrating experience waiting for the light to change. This is because the traffic on SR-20 is already at the point of saturation. The questionable development of the UGA expansion will result on major traffic congestions.

Ten years ago the County wanted to change the zoning on South Fidalgo. There was a lot of opposition to the box stores. Tethys project is the equivalent of

twenty box stores. Because of the existence of the fragile habitats surrounding the UGA site location, the UGA expansion application needs to include a project-specific review. Everybody knows that the purpose of the UGA expansion is specifically for Tethys project; otherwise it needs to be excluded from the application. The detrimental environmental implications affecting salmon, herons, eagles and humans need to be carefully gauged before any kind of an approval. The impacts to traffic congestion and transportation affecting the Skagit Valley, Anacortes, Burlington, Bay View, La Conner and the San Juan Islands need to be measured engineering-wise. The involvement of the residents is paramount. All the repercussions proceeding from the development will spill over and beyond the UGA and will become the Skagit County's long-term liabilities.

Tethys needs to be a test case for the newly developed shoreline management requirements update. This project is an applicant's dream but an environmental nightmare. Thank you.

Commissioner Wesen: John Voth and then Ellie Herr.

John Voth: Hi, my name is John Voth and I reside in 1907 Fowler Place, Mount Vernon, and I'm here as a citizen and taxpayer of Skagit County, and I'd just like to voice my support for the City's request to move forward with having this docketed. The issue in Skagit County – we have very limited commercial-industrial land and it seems that it really makes sense when we have a piece of land that is fractional, so to speak, that this land swap really does make a lot of sense. And so I would just encourage the Commissioners to put this on the docket. It legally meets the criteria, as stated before by the City employees, City staff and County staff. So I just want to encourage that. Thank you.

Commissioner Wesen: Thank you. Ellie? Then next is Cora Rolfe.

Ellie Herr: Ellie Herr, H-e-r-r, 5702 Rosario Way, Anacortes. As far as C-1, I just want to thank Evergreen Islands. I'm so impressed with all of the work that they did and how they have laid it out for us. I can't top anything they've done. Thank you, Evergreen Islands.

Beyond that I would like you to look at C-3, and C-3 is the proposal to amend the Skagit County Comprehensive Plan to incorporate *by reference* the 2012 Skagit County Parks & Recreation Comprehensive Plan. "By reference" simply means they are going to reference it or talk about it and it will be rolled over. It will not be looked at and scrutinized in a form, and I think this needs a little more scrutiny. Only 300 people – at least as far as I could tell – had access to input on this, and it will affect us. Parks and recreation are things that we use every day, our kids will use, our grandchildren will use. But I think we need to shine some sunlight on this particular proposal. It's over 200 pages, but they just want to roll it in. So I would like them to think about that and maybe not docket it for this time

and give us a little more chance to see some of it up close and personal and some better looks at the statistics on it. Thank you.

Commissioner Wesen: Kathy Larson is next after –

Cora Rolfe: My name is Cora Rolfe, R-o-l-f-e. I live at 5606 Kingsway in Anacortes. And approaching the issue tonight as a change without a project designation, which I understand is the proper, politically correct title, Anacortes, I feel, does not have the infrastructure to support any amount of acreage outside our presently designated city. We are moving into an area that changes the structure, and I think someone said, the charm of Anacortes. We simply do not need to do this. I fully support the Evergreen speakers tonight. I ask that you not docket this item. Thank you.

Chair Dillon: Thank you.

Commissioner Wesen: Thank you. After Kathy is Cynthia Richardson.

Kathy Larson: Good evening, Commissioners, audience. Kathy Larson, 8662 Southridge Place, Anacortes, on Fidalgo Island. And I'm here to speak very briefly. I won't take a lot of time, but I do support the effort, the petition that the City of Anacortes has put forward to have this issue docketed with Skagit County. I'm for business. I work in business. I'm for jobs, and it seems like when the UGA was put together years ago there was a cookie cutter approach because it seems like pretty strange that this small little piece of land was not included in it to make it contiguous so that it could be developed. So, again, I support the petition to have this on the docket. Thank you.

Commissioner Wesen: Thank you. After Cynthia is Don Wick.

Cynthia Richardson: Cynthia Richardson, R-i-c-h-a-r-d-s-o-n, 315 V Avenue in Anacortes. As some of you know, I'm a member of the Anacortes City Council. I'm in my third term on the Council. I also had two terms on the Seattle Planning Commission and five years on the Anacortes Planning Commission, and I also have a Master's degree from the Department of Architecture and Urban Planning at the University of Washington. So I've done a lot of thinking about planning issues over these years of experience. And so I'd like to just focus on one specific planning issue, and that is the fact that this parcel that the City is suggesting be included in the urban growth boundary should probably never have been *excluded* in the first place, because it's bad planning to isolate a funny little odd-shaped piece of land out of a continuous urban growth boundary that extends in a straight line for – I don't know – a mile, two miles. I'm not sure how long that is. But to make a funny little odd-shaped area, as Kathy just mentioned, and keep that in some rural zoning that has nothing in common with the light manufacturing designations of the land around it is just bad planning. And if this petition goes forward in the docketing process, then maybe we can take a look at

some of the issues that other people have brought up that really have no place in this hearing because we're just talking about docketing. We're not talking about the merits of the proposal.

And in terms of docketing, I'm saying that we need to look at, What are the planning issues surrounding, should this go forward, not, What are the merits of a particular industry? Because if this land is changed to be consistent with the zoning around it, then it could be available for many kinds of industry, not just one particular company.

Chair Dillon: Thanks, Cynthia.

Commissioner Wesen: Don Wick and then Steve Clark.

Don Wick: Good evening. Thank you. I work for the Economic Development Association of Skagit County and appreciate everyone being here tonight. We all have – I think we all have the best interest of this community at heart. We just have different ideas about what makes it a great community. I respect everybody's opinion here tonight. I think it's real important.

The Economic Development Association would support the docketing and for this to move on for further review. It's important we do have, as – I agree with what Cynthia Richardson just said and what Peggy Flynn said earlier about the need for more light manufacturing property. We have over 10% unemployment still in this community, far more than surrounding counties have. And if we're to look at the future of this community, we do need more manufacturing somewhere in this community. And the reason we – manufacturing is at the very top of our list in business attraction for several reasons: Number 1, it generally provides living wage/family wage jobs. It provides great jobs in a community. Number 2, it provides a multiplier effect, meaning it allows us to do other things in the community, particularly support social services and we have a growing need for that through taxes and other jobs in the community. And number 3, what we do in looking at the types of companies we want to move here, we match our unemployed and underemployed with those companies which locate here. And we're still a – we're a working class community to a large degree, and if we are to put those people back to work – that 47% that either commutes or is underemployed – we do need manufacturing – those types of jobs. There's other companies we can bring in here that would bring other people and wouldn't employ people that live in this community. So thank you all for being here. And if anytime you have any questions, by the way, don't hesitate to call me at our office. Thank you so much.

Chair Dillon: Thanks, Don.

Commissioner Wesen: Steve Clark and then B.R. Wetcher.

Steve Clark: Good evening, Commissioners. My name is Steve Clark. My address is 1102 G Avenue, Anacortes. I'm a board member and former President of Evergreen Islands. I speak to you on behalf of Evergreen Islands and as a twenty-nine-year resident of Anacortes.

Folks, there is a one-thousand-pound gorilla glumly seated in the middle of this room. We the citizens of Anacortes did not invite him – the majority of us didn't. He arrived by invitation from our Mayor. But we are asked to ignore him, to pretend that the proposed UGA expansion has nothing to do with our hairy friend. But we see the gorilla, and so do you. His name is Tethys. The City of Anacortes says the petition for a UGA expansion is for a non-specific project unrelated to our simian friend. We all know this is false. The City of Anacortes invited Tethys to our city and signed a contract with Tethys to provide five million gallons of water a day, but Tethys required that it be placed within the city limits. Therefore, the Mayor – on his own – submitted a petition for expansion to accommodate Tethys. Interested citizens were not allowed to participate in the process until after it was submitted to the County. Is this democracy?

When the Tethys proposal was returned to City Council members for consideration, the public had scarce opportunity for participation on a colossal change to their environment, and only *after* it had been submitted. Is this democracy?

If you allow the proposal to go forward you will be sending a message to every executive about how to bypass local citizens on major land use decisions. Or you can reject the petition on the grounds that Anacortes has not met the standard of meaningful public participation, a clear violation of the Growth Management Act. When the County staff accepted the revision of the original proposal, it accepted a proposal which is entirely different from the version citizens were allowed to comment on. Is this democracy?

If you accept the non-project classification of this petition, you will set a precedent which will allow other jurisdictions to bypass the protections afforded citizens by law. And the Growth Hearings Board will be surprised to learn how Anacortes used protected wetlands and protected shorelines to justify the expansion of its urban growth area.

You have two options. You can deem this process flawed from the start or you can let the City of Anacortes lead us down the path of an uncertain future. Finally you can ask the gorilla to leave the room, at least until the citizens of Anacortes have a chance to see if they want him to stay around forever. Thank you.

Commissioner Wesen: B.R. Wetcher – excuse me – and Chris Frost after that.

Brian Wetcher: Good evening, Commissioners. My name is Brian Wetcher. I reside at 814 26th Street in Anacortes, Washington. I am also a member of Evergreen Islands. I currently serve as the Vice President.

First of all, I promised both Brian and Patrik that I would wholeheartedly and unreservedly support the Comprehensive Plan for the Parks. Secondly, I would hope that you would not docket the UGA expansion request from the City of Anacortes because this is an obfuscation of the intent of Growth Management in Skagit County. Those of us that participated in the development and implementation of these standards over the last twenty-odd years – and many of you are in the room – we know the intent of our standards, particularly for docketing, was that it be singular projects that were of great benefit both to the community and/or in partnership with community and private enterprise to provide a service which was both necessary and unique to the community, and that the community did not have any other zoned area which could provide for those particular project's services proposed. I would therefore say that the intent, if not the letter, is being violated in docketing this in that there is no project proposed.

Next I'd like to examine the intent that has been expressed in the public media and up until early January by both the City and the proponent was that they intended to propose the UGA request for expansion to facilitate a very specific project. That's what we should be listening to tonight is a specific project. The intent is very clear of all of us who developed these standards, and also of the initial proponents and the City, that this was to be a project on this property. Now we must then question what the intentions of the City are to create a non-project docketing of this UGA expansion request. We specifically designed standards so that our small communities along our rural corridors would not stretch out and create basically urbanized commercial and industrial strip malls along the corridors simply to increase and valiantly so reduce tax base.

Lastly the land swap is somewhat of a legal fiction. When you – and I participated as a citizen in the citizens advisory board for the Fidalgo Bay Plan back in both the '90s, and I believe that plan is still in effect as an area-wide agreement. The protections for that acreage that was supposedly to be traded here, both city shoreline protections and county shoreline protections, should be adequate to forever prevent that property from being in any realistic way considered as industrial, and therefore you're trading something that you do not have for a project that should not be docketed in the first place because it does not meet the basic criteria for the intentions of Growth Management, if not the letter. Thank you.

Commissioner Wesen: Chris didn't mark that he wanted to speak, so Bill Turner was next and then Roger –

Bill Turner: Chris Frost said he doesn't need to speak.

Chair Dillon: Okay.

Mr. Turner: Okay. My name is Bill Turner. I live at 1214 29th Street, Anacortes. Most of you know I'm on the Anacortes City Counsel and I want you to move this forward and docket this UGA request for expansion.

You know, somebody mentioned earlier they thought this wasn't a democratic process. I'm not so sure it is. I would like you three Commissioners – and I thank you for focusing on the process and the process that you set up for this, and stick with it because it's going to be difficult. All of us will have an opportunity to look at the environmental review of any project that's on that property and any other part of review that needs to be done. But I want to ask you three Commissioners to think about the people that I talk to every week, that I've been talking to since this idea came forth, of people who need jobs. And I talk to them a lot. I had a story recently of a guy cleaning my carpet. He had three children. He had a wife and three children and he was having a rough time. So I asked him what – we started talking and I finally said, What's your dream of a dream job? He said, I'd like to get a job at the refineries with benefits for my children. And I talk to those kinds of people every week, and that's one of the parts of our community that I see forgotten here, and because I see these people. I'm in construction. The last five years has been very difficult. And I see manufacturing jobs as having benefits. Some people say, Well, the wages are not going to be as high as they'd like. Oh, they're lying. I'm telling you I know people that will take any decent wage with benefits for their children. And that's the kind of opportunity that this whole county needs, as pointed out in Skagit Envision. We don't have enough industrial base. We need manufacturing jobs. And I see the people every day that need those jobs. And I don't see them at this meeting because they're home with their little baby with a bottle stuck in her mouth taking care of the babies. And so I would like all of you to consider those people, please. And I ask you Commissioners to remember those people when you're deliberating. Thank you.

Commissioner Wesen: Thank you. Roger Noar, and then Ron –

Roger Noar: Good evening, Commissioners. My name is Roger Noar. It's spelled N-o-a-r. I'm President of Del Mar Community Service. I'm here to talk to C-2 on the agenda tonight, and that is the proposal to rezone the .3-acre parcel where our water tanks are located. And first I'd like to thank the Planning Department for moving this proposal forward. We think it's the right thing to do to make the parcel consistent with the surrounding Rural Reserve parcels on all four sides.

So, again, I'd like to state that we agree with the proposal, and that's all I have to say. Thank you.

Chair Dillon: Thank you.

Commissioner Wesen: Thank you. _____?

Chair Dillon: Okay, I don't know. It's Vernon L. – because we are horrible about pronouncing people's names and we apologize.

Commissioner Wesen: And Tom Glade is next.

Vernon Lauridsen: Thank you. My name is Vernon Lauridsen, L-a-u-r-i-d-s-e-n. I live at 2219 32nd Street in Anacortes. I'd like to make just a brief – just a short introductory comment. I would hope the Commissioners would literally follow the law: follow the letter of the law in this case. If, in fact, this is an application about job creation, then where is it? There's nothing in there that talks about a specific project that would create jobs. So talk about job creation is just not relevant here. Similarly, there's nothing in the code that says that the boundaries of the UGA must be elegant. The shape is not relevant either, and I would hope that those kinds of arguments would not be included.

I'm here to suggest that we should look at key points. One of the key points is that the Skagit County Code requires early and continuous public involvement in UGA modification applications. And as you know, this application was submitted on the last day, July 31 of last year, without any public involvement at all – none. And it wasn't just – it can't really be construed as an oversight. The contract for Tethys was negotiated and executed in October of 2010. They had one year to identify 30 acres that would be within the city's annexable property boundaries, or city boundaries. And within a year they weren't able to do it; they had to have an extension. Plainly there was going to be – it was foreseeable that a UGA modification was going to be required. Why wasn't there early and continuous public participation in this process? Why weren't – per our own Comprehensive Plan – why wasn't a citizens advisory committee appointed and to look into the necessity of the UGA modification? The public had no opportunity to participate in this process until August 20 of last year and then it was an entirely different proposal than what you have before you today. The public had never had an opportunity to actually discuss the proposal that's in front of you.

So I see certainly there's a lack of – a legal or procedural defect or flaw in this process that should warrant not placing it on the docket and requiring it be put over into the next cycle so that we can have proper participation.

The other point is that the application lacks sufficient information to determine whether it actually meets the requirements of your code governing a UGA modification. And the most significant thing is – or at least *one* of the significant things – is that the application must compare or present a comparative evaluation of potential areas for UGA expansion, including reasonable alternatives. There's a whole – there's at least five different elements here that need to go into

discussing this. Very quickly. But if you actually look at the application, it acknowledges that there are 272 acres that are currently available and there's no explanation why additional 11 acres, regardless of location, why that is necessary for the future of Anacortes. The only way it makes any sense whatsoever is to put it in the context of Tethys, and if we do that then this should be a project-specific application. Thank you.

Commissioner Wesen: Tom Glade and then Kay O'Connell.

Tom Glade: Good evening. My name is Tom Glade. I reside at 210 Mansfield Court in Anacortes, Washington. I'm here this evening speaking on behalf of Evergreen Islands. Let's see if I can get this for display up here. There's a zoom here somewhere?

Chair Dillon: Uh-huh – on the side there.

Mr. Glade: I'll just go on with that.

Chair Dillon: Okay.

Mr. Glade: The County's Planning staff has erred by classifying the City of Anacortes application for an 11-acre UGA expansion because the City's quintessential reason for submitting the application is to provide land for the Tethys bottling plant, which will be one of the largest – if not *the* largest – bottling plant in the United States. On July 31st, 2012, the City of Anacortes under the Mayor's administrative authority submitted the City's application for a UGA expansion. And surprisingly, County records indicate that Tethys Enterprises paid the \$5,040 fee for the application. This right here is a check in that little slot there.

On December 31st, 2012, the Tethys Enterprises signed an agreement to reimburse the City 100% of all fees and costs paid to E.D. Hovee under the contract despite the outcome of Skagit County's review of the application. On December 31st, the City of Anacortes billed Tethys Enterprises \$15,478 for E.D. Hovee's invoices.

After the UGA expansion was filed, the Anacortes City Council has convened four times to discuss the UGA expansion application or passing a resolution for the UGA expansion. The staff memos for those meetings included the following information: City staff has been in conversations with Tethys Enterprise Incorporated regarding their continued interest in finding a suitable location for a food and beverage manufacturing facility in Anacortes. The company has approached a number of landowners in the city about acquiring and consolidating several properties for this facility; however, a property of suitable size has been difficult to locate. A portion of the property currently being evaluated is outside of

the city's UGA and would need to be incorporated into the UGA to accommodate the proposed facility.

So what I have on the screen now is a cartoon that appeared in the *Skagit Valley Herald*, and it shows a Trojan horse as Tethys trying to come into Anacortes. But if you notice down in here it says, "Tethys still vague about plans for bottling industry." And they're still vague and they're intentionally vague because inside that Trojan horse is a lot more land than the 11 acres that's going to be required for Tethys. So the irony here is the Commission knows what's inside the Trojan horse but seems unwilling to fess up to the truth.

Evergreen Islands requests that the County Commissioners decline docketing the Anacortes UGA expansion petition for the following reasons: From the get-go the petition has been about and for the Tethys bottling facility. The Skagit County Code requires a detailed development for a Comprehensive (Plan) zone to change. This land will be rezoned from Rural Reserve to Anacortes UGA. Since this petition still contains significant language about Tethys bottling plant, the City should be required to withdraw the petition and submit another petition next year. Thank you for the time this evening.

Chair Dillon: Thank you, Tom.

Commissioner Wesen: Kay O'Connell and then Phyllis Dolph.

Kay O'Connell: I'm Kay O'Connell and reside at 1401 10th Street. That's O-apostrophe-C-o-n-n-e-l-l. The Irish hold the apostrophe dear.

Good evening, Commissioners. I appreciate this opportunity to address you with my concerns about the City of Anacortes's application for an expansion to its urban growth area. During a career spanning thirty-three years in this state, I served as both public school and community college teacher, as well as a librarian for the state in Olympia, Snohomish and Island Counties, and the City of Everett. My teaching posts were in Walla Walla and Skagit Counties. I've lived in Anacortes since 1979.

As a public servant, my priorities were to be responsive, accurate, objective, ethical and caring. I assume you hold these priorities in your roles as Commissioners as well. In your capacities, perhaps you can help me identify the benefits to the community of Anacortes in the proposed UGA expansion. I appreciate that you are taking public input on the UGA application per se, not the Tethys proposal, but my concerns about the 11 acres-plus are environmental degradation, the railroad right-of-way, and traffic. All of these figure generically in Anacortes's ultimate goal: making this Rural Reserve into a Light Manufacturing zone. Tethys stands as an extravagant type model and is in the text of the City's original application on July 31, 2012, proposing a water bottling plant. Despite the mantra of j-o-b-s, I fail to see the city prospering at the hands of Tethys

Incorporated, and I have studied Tethys' relationship with the City for the better than two-and-a-half years since Steve Winter came to town. The 11 acres requested is only a portion of the land requirement laid out by Mr. Winter in interviews. A million-square-foot plant, plus the rail yards needed to accommodate 100 car unit trains which Tethys projects using as storage to save square footage in the plant, require much more than 11 acres. The site in question closely adjoins a pocket salmon estuary, a conservation project funded at \$700,000. The rail yards are proposed to be situated by the pocket estuary, and any rail line using that right-of-way would be very close to it. The size of the plant and its railroad requirements are out of scale for the geographic site and the communities of Anacortes and Shelter Bay. Tethys is likely working to attract a supersize buyer, such as Nestle or Pepsico, with an installation which can ship bottled beverages by rail up to 1600 miles. Nestle's water quest has been ousted so far by public opposition in Enumclaw, Orting and Black Diamond. According to the state Department of Transportation, the stretch of Highway 20 at Reservation Road daily averages 25- to 40,000 vehicles. The Reservation Road intersection will be congested with industrial vehicles. Meanwhile the rail crossing needed to take advantage of the rail right-of-way would be less than half-a-mile from the Highway 20 intersection.

Chair Dillon: Ms. O'Connell, can we speed it up just a little bit?

Ms. O'Connell: Excuse me?

Chair Dillon: Can we speed it up just a little bit?

Ms. O'Connell: Okay.

Chair Dillon: Thank you.

Ms. O'Connell: I'm at the end.

Chair Dillon: Okay.

Ms. O'Connell: To sum up: Since the original application was written specifically to accommodate what would be the largest bottling plant in the United States. I think it's indefensible to deny citizen input in a land use decision directly affecting thousands of county residents. Please do not docket the Anacortes application as written for a UGA expansion of 11-plus acres. Thank you.

Chair Dillon: Thank you.

Commissioner Wesen: Phyllis Dolph, and then Don –

Phyllis Dolph: Phyllis Dolph, D-o-l-p-h, 2320 26th Street, Anacortes. Fidalgo Island's extraordinary, one of a kind wildlife habitats need your protection. Our

great blue heronry is called a – quote – “habitat of significance” – unquote – because of its size and its vulnerability. The heronry is adjacent to Padilla Bay’s Natural Estuarine Reserve, which is the *only* one in Washington state, the only one. Wetlands, complicated hydric soil, the estuarine stream and salt marsh in the salmon recovery area at Turner Bay, feeding areas – all these habitats need *your* protection. Because it would destroy any opportunity for these protections, please do not allow this UGA. I concur with statements presented by Dr. Tim Manns, who is sending one to you through the mail; Dr. Ross Barnes; Vernon Lauridsen; Sandra Spargo, who’s going to talk; Ursula Mass; the Evergreen Islands people, including Tom Glade. All of them state excellent reasons for you to deny this UGA expansion. Furthermore, to make this hearing a non-project-specific hearing instead of a Tethys project hearing is like having my clothes standing here without my human person inside of them with the corresponding inability to speak! This UGA expansion has always been about Tethys. We need a determination of significance, EPA and EIS studies to be made, and ample opportunity for public comments. Please do *not* allow this UGA permit to go through. Just say no.

Commissioner Wesen: D. Oliver and then Sandra Spargo.

Dwan Oliver: I’m Dwan Oliver, 13449 Driver Road. And the health and the viability of our community needs inclusion in the immense effect that this change in the zoning will bring. Please give the non-project-specific Anacortes UGA expansion petition a 2014 full Comprehensive Plan update. And I concur with many of the eloquent people that have gone before me against this UGA expansion.

Chair Dillon: Thank you.

Sandra Spargo: Good evening. My name’s Sandra Spargo, S-p-a-r-g-o, and I reside at 1408 11th Street in Anacortes. 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 January 23, 2013, regarding the land swap.

Parcel 19920: On page 36, note that this parcel 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 at 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.

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 e-mails that I will give you this evening 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 ____ of Ryan, Swanson and 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 redesignation in the UGA petition supplemental dated January 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. And in conclusion, I encourage you to personally visit the site, the 11.15 acres, if you have not already done so. Thank you.

Chair Dillon: Thank you.

Commissioner Wesen: So that’s our second sign-up sheet complete. Curt Oppel and then Maggie Sullivan. If you don’t want to speak you can say I agree with the people ahead of you or whatever.

Chair Dillon: Yeah.

Curt Oppel: Curt Oppel, O-p-p-e-l, 2803 B Avenue, Anacortes, Washington. I’m in favor of this project being – not project, but the proposal being moved forward to consideration. I agree with Ms. Richardson. I don’t know how this could have happened in the first place. This is definitely a very large zoning glitch in the first place. The property to the south – yeah; okay, you’re seeing it correctly – the property to the south is already in the LM-1 proposed urban growth area. That parcel is adjacent to the wetlands area that Mr. Barnes was discussing, which I agree needs to be protected. But what I’m trying to say, though, is that there’s already Light Industrial all the way around this property. It’s an island at this point. There’s three residences there. There’s a body shop, and I guess Mr. Separovich has retracted his, you know, willing to go along, but he has a very large commercial building there. The property’s already in Light Industrial use.

The thing is that is that when you look at the – okay, going north – when you look at the parcels here, this is a vacant land piece and there’s pieces up here that are vacant. This property is not shown as vacant but really all that’s there is a big industrial building and a lot of boat storage and that sort of thing. The reason that this is important to the City of Anacortes is because it does open potentially a parcel that could be large enough for a large facility. And the importance with that is the fact that – is that to have the viability of a company come in to provide jobs and provide a synergy for the area you’re going to need that sort of size parcel. And that’s the whole reason for this request for annexation. There is no

guarantee. There's no guarantee from any organization that they're going to end up there, but it does create a potential for a large parcel. This area is accessible from the roads. It's accessible from the railway. And as opposed to Padilla Heights, which is very remote and difficult to get to, which there is also some developable land up there. But the most of the developable land is really cut up and the parcels along the refinery are restricted because of the dangers of the refinery, so Tethys cannot – or not Tethys – I'm sorry – any – any –

(laughter)

Mr. Oppel: My mistake. Any company cannot locate up there with a large population of employees, so it has been difficult for *any* company to find any place that's large enough. Okay, thank you.

Chair Dillon: Thank you.

Commissioner Wesen: Thank you. Maggie Sullivan.

Maggie Sullivan: I'll wait till the end.

Commissioner Wesen: Dan O'Connell, or O'Donnell?

Chair Dillon: Is Dan here? It's probably O'Donnell. It is.

Dan O'Donnell: I have three deeds here.

Chair Dillon: Take them to Linda.

Commissioner Wesen: After him is Randy Good.

Mr. O'Donnell: My name is Dan O'Donnell, Town Council, La Conner, O-D-o-n-n-e-l-l, and I'll include the apostrophe. The problem is that the City of Anacortes is not ready for prime time. See this parcel here, the 19931? Well, that's only .65 of an acre. It's backed up by this deed and it says .65 of an acre. Well, how'd that happen? Well, the County is misleading. It says that this whole property from P193 – 19931 – over to the P122007 is all one parcel. But it's not. It's only 19931. The rest of that is all owned by the state of Washington. It's all water. There's no dry land. So we got .65 of an acre right there.

Now on the other end – I don't have a map for that, but there is a parcel – if we could get the map of the March 25 –

Kirk Johnson: You want it up on the screen?

Mr. O'Donnell: Yeah – March 25 submittal of the –

Mr. Johnson: Let's see – Brian or Dave, do you need to do anything? There we go.

Mr. O'Donnell: There it is. Okay. You know, it's right here.

Commissioner Wesen: Use the pointer on the – the mouse.

Chair Dillon: On the mouse.

Mr. O'Donnell: Oh, okay. Gee, that's ____. Okay, we already know that this is fallacious. Aw, s***!

(laughter)

Mr. O'Donnell: We know that this is wrong, right? Regardless of what the attorney says, they have not checked. They have not checked with the County. They have not checked with reality. But the real deal is over here. That is – it's all by –

Chair Dillon: Oh, it's the big piece.

Mr. O'Donnell: See that arrow? Okay, that's owned by the Department of Transportation. Hovee says that's 10.8 acres. The County says it's 7.92 acres. The owner of that property says it's 5.95 acres. Why? The state highway was built and encroached upon the property and, secondly, they don't use ordinary high water. Well, anyway, so you add .65 and you add 5.95 and you get about 6 acres. That's all that's available for redesignation. Get it? So the land swap is out to lunch.

(laughter)

Mr. O'Donnell: That's it.

Chair Dillon: Thanks, Dan.

Commissioner Wesen: Randy Good and then Kristi Hein.

Randy Good: My name is Randy Good, G-o-o-d. I'm 35482 State Route 20, Sedro-Woolley. I'm here dealing on comments with C-3, the proposal to amend the Skagit County Comp Plan with the Skagit County – to include the Skagit County Parks Plan. One of the Plan's – or Park Plan's – goal is to acquire land everywhere and place it into open space. And there's absolutely no language whatsoever in this Plan to protect private property rights. Under chapter 5 of the Parks Plan, the entire chapter 5 – which is called "Fish and Wildlife Habitat Conservation" – must be eliminated from this before it becomes docketed. This chapter has nothing to do with recreation. In fact, language in the Plan states

chapter is specifically only in this Parks Plan in efforts to acquire grant funding from the WWRP program. These grants, with strings attached, could be harmful to agriculture, forestry and recreational activities all due to these four words – quote – “the potential to pollute” – end quote – with no proof, which is exactly what has happened to two of our ranchers cited in this Parks Plan, chapter 5. By the way, DOE dropped the fines to these two ranchers because DOE has no evidence to convict them. Language included in this chapter 5 contains no true field tested science, only assumptions and accusations spewed from an inexperienced, uninformed consultant – accusations that tide gates and contaminants from agriculture land are causing harm to wildlife and water quality; accusations that agriculture cultivation has reduced species diversity, as has forest management. Yet the populations of these species are continuing to grow and prosper. Careful for what you wish for because DNA testing studies all across the country are proving that wildlife, especially avian, are the largest contributors of water contamination in the shellfish areas and our local creeks and other creeks.

Language in chapter 5 even points out that public viewing of wildlife is resulting in harassment to wildlife. We surely do not need wildlife corridors that create avenues for unwanted elk traveling to areas which cause public safety hazards. Could lead to deaths. And vehicle, drivers and passengers on State Route 20 up to eastern Skagit County, which has almost come close to happening. We encourage the County Commissioners to eliminate chapter 5 completely from the Parks Plan before it is docketed. Thank you.

Chair Dillon: Thanks, Randy.

Commissioner Wesen: Kristi Hein, and then Tim Rosenhan. Is he in here?

Kristi Hein: Are you ready?

Commissioner Wesen: Yep.

Ms. Hein: Kristi Hein, 3100 B, Anacortes – B Avenue, in Anacortes – just the letter “B” – and my name’s spelled K-r-i-s-t-i. The last name is Hein, H-e-i-n. I just want to say briefly I agree with everything that Evergreen Islands has presented and I think a detailed development proposal should be required, as stipulated in County Code.

I also want to say that I really am tired of hearing that anyone who is against the project that cannot be named is against jobs. I’ve worked all my life. I expect to continue working all my life. I am not against jobs. Thank you.

Commissioner Wesen: Tim? Is he here? Rosenhan?

Chair Dillon: I don’t see him. Well, if he comes back –

Commissioner Wesen: John Stevens? John Stevens? Elizabeth Townsend?
And then after her, Ellen Bynum.

Elizabeth Townsend: Good evening, Commissioners. I'm Elizabeth Townsend, 5214 Maritime Court, Anacortes. 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're in the permitting process to bring North Dakota oil to their refinery by train, which Tesoro 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 City administration, and that new leadership should not be bound by the actions of a prior administration. Thank you.

Commissioner Wesen: Ellen, then Ryan Larsen. Eric Flower?

Eric Flower: (unintelligible)

Commissioner Wesen: That's okay. John Olsen.

Ellen Bynum: Good evening, Commissioners. Ellen Bynum. I'm representing myself and Friends of Skagit County. Friends of Skagit County is entering into its twentieth year of being a watchdog and advocate for good land use planning in Skagit County, and we hope that everybody in this room can recognize that the work that Friends has done has made the county look different, look the way it is.

I wanted to answer – before I started my comments – I wanted to answer the question about the strange configuration of the parcels. That area was subject to a previous UGA expansion appeal which a number of parties entered into, and the designation of the land that is Rural Marine Industrial was subject to a settlement agreement, and part of the agreement is the reason that it looks that way, because it was also involved in a number of other things correcting errors that had been made for project-specific marine industrial developments on the Swinomish Slough. So I don't know that that – settlements are considered certainly part of planning and that is what happened.

So first of all I want to say that – thank you for the opportunity to comment on the proposed 2012 Comp Plan. I think it's really important that we have many people involved with various levels of expertise and also levels of interest. I'm heartened to see people who come from outside of the Anacortes area who have just as much concern for the proposed Anacortes UGA modifications.

The Washington State Growth Management Act requires counties to create and update comprehensive plans, county codes and planning policies that uphold the

goals and the laws contained in the Growth Management Act. Any urban growth area expansion is ultimately decided by the county, not the city proposing the change. The criteria for deciding to approve UGA expansion is required to provide certainty in the twenty-year planning timeframe. The GMA discourages piecemeal additions to UGAs which are not a result of changes to the GMA or legal decisions that need to be incorporated into the county's comprehensive planning process.

The Western Washington Growth Management Hearings Board has made many decisions about UGA expansions which guide counties in changing their respective comp plans and laws. And some of these are from existing cases in the Growth Management Hearings Board Digest, which is online, and you can look these up if you want to know more about them. I'm just going to use them as quotes.

One of the fundamental purposes of a comprehensive plan is to achieve transformance of local governance within the UGAs such that cities are the primary providers of urban services. And the transformance piece is the transition of the land from under the county jurisdiction into the city jurisdiction. Continued incremental movement of a UGA boundary that promotes sprawl and inefficient use of tax money did not comply and also substantially interfered with the goals of GMA.

Here's another one. The size of any UGA must be based on the projected population growth allocated to that UGA.

Another one: UGAs cannot be designated or expanded without updated estimates of current and future needs or adoptions of methodologies to finance the infrastructure. Further, a capital facilities plan must reflect the urban facilities and services needed, who will pay for these, and provide for concurrency.

The purpose of the UGA review is to determine whether the urban growth areas and the densities within them are appropriately accommodating urban growth. The statute clearly contemplates that the jurisdiction will have a period of up to ten years to measure and evaluate the relative success of the UGA boundaries and densities that it chooses. To conduct that review without sufficient period of time for evaluation would not allow a meaningful review. Under the analysis proposed by the petitioner in this case, a jurisdiction that, for example, adopted its comprehensive plan in 2002 would have to conduct a review of its urban growth areas immediately thereafter. Such a review would not have a meaningful function since there would be no basis for reviewing the relative success of the original urban growth boundaries and densities.

RCW 36.70A.133 allows the county up to ten years from the date of designation of its UGAs to complete its review of UGA boundaries and densities. And my question to you on that is: Because the UGA boundary was not finalized until the

RMI settlement was done, are you actually out of compliance with the timeframe for the appeal? And I don't know the answer to that. Or the timeframe for accepting the proposed modification – sorry.

The language of the GMA is clear. Counties designate UGAs; cities do not. Without county adoption, city-adopted UGAs extending beyond municipal boundaries have no regulatory effect. The Anacortes UGA boundary modification petition supplemental information submitted on January 23rd, prepared by Hovee, cites the County Code as the authority for the UGA expansion. This document appears to ignore the fact that it is the GMA that guides and governs UGA expansion decisions. The document cites various other City of Anacortes documents concerning water, sewer, capital facilities and the City Comprehensive Plan, as well as the County's transportation plan, but fails to include evidence that under GMA the proposed expansion is even permissible.

Chair Dillon: Ellen, can we –

Ms. Bynum: Yeah. This is my last, my last, my last thing.

Chair Dillon: Thank you.

Ms. Bynum: Historically the area of the proposed UGA expansion was visited by the Growth Management Hearings Board. The decision in *Anacortes versus Skagit County* stated, "A comprehensive plan and development regulations must reflect a clear statement that new growth will be encouraged within UGAs, adding new commercial and industrial areas in the rural portion of the county. An amendment of a comprehensive plan to add additional annexation requirements for lands within municipal UGAs does not comply with the Act. Within municipal UGA annexations must be appropriately planned and must occur."

So there are in my settlement – included the issue of UGA expansion in the same area and required a number of Skagit County Comp Plan and Code modifications. Friends does not believe that the adjacent RMI property will benefit from the proposed expansion, as suggested by Hovee. In fact, the RMI property may well be compromised beyond use, should you approve this expansion.

So under the GMA, land is included in a UGA if it is deemed appropriate for urban development. If it is not appropriate for urban development, it should be left out of a UGA. Because the City has not met the requirements under the GMA to warrant adoption of the proposed expansion at this time, we urge you to deny the docketing. Friends and individual members reserve the right to provide additional comments to you before your other deadline.

Chair Dillon: Thank you. And who's next?

Commissioner Wesen: John Olsen, then Patsy Martin.

John Olsen: Hi, I'm John Olsen, 4502 Shelby Court, Anacortes, Washington. Olsen is spelled O-l-s-e-n. I'm an individual here. I don't represent any group. Period. I just want to say I want you to go forward with it and let everything be sorted out once it's on the docket – I mean, instead of wasting our time talking about it here.

Commissioner Wesen: Patsy Martin, and then Judy Booth.

Patsy Martin: I'm Patsy Martin with the Port of Skagit. Our address is 15400 Airport Drive. And I'm here to speak on actually three of the items on your docket. I encourage you to docket the piece in La Conner. It was an oversight, as your Planning Director said, and we appreciate you considering that.

The second is Bay View Ridge. We've been working hard, all of us together, to get that concluded, so we appreciate you docketing that.

And thirdly, we would appreciate you docketing the piece in Anacortes. We need industrial land in this valley and this is a piece that Anacortes is working hard on. We would encourage you to consider that. Thank you.

Chair Dillon: Thanks, Patsy.

Commissioner Wesen: Judy Booth, and then Sheila Tomas.

Judy Booth: Council members and my friends and neighbors, my name is Judy Booth and I live at 18312 Capet Zalsiluie, La Conner, just a few miles south of the proposed annexation.

First of all I am going to keep this brief because I just concur with what Evergreen Islands has said, and Sandra Spargo and Ellen Bynum and Ursula Mass and Dan O'Donnell – some really, really sharp people. I personally interviewed residents of Reservation Road, Snee-Oosh, Shelter Bay, La Conner, La Conner Downtown Merchants, and members of the Swinomish Reservation about this annexation. I talked to, I e-mailed, I Facebooked hundreds of people, residents and business owners alike. I talked to hundreds by going door to door and shop to shop. I stopped at coffee shops. I went to dances and fund raisers. With a couple of minor exceptions, no one wants this. No one, certainly, not the people most affected by it that live near it. All political persuasions were against it, whether Democrat, Republican or independent. In all fairness, I have to say, I did not go to Anacortes.

Every time we let even the smallest, seemingly insignificant piece of land be turned industrial, we need to look to the future of our valley. The County should

be looking at how we can further protect the estuary, the rookery and the wetlands. By chipping away one acre at a time, adding one more train at a time, selling one more gallon of water, we throw away our precious valley and change its character forever. If it didn't have such unacceptable consequences, this request put forth by the Mayor and Council members of Anacortes, an obvious sleight of hand would be laughable.

But let's cut the BS about its not being project-specific. That, at the very least, is an unethical approach bordering on contempt for those of us who oppose this annexation. The citizens of Skagit County don't want this land annexed. We need to protect our wetlands, our rookeries and our salmon habitats, and we need our viewpoint to be treated with respect. Thank you.

Chair Dillon: Thank you.

Commissioner Wesen: Sheila Tomas and Judy Booth again. You signed up twice?

Sheila Tomas: My name is Sheila Tomas, T-o-m-a-s. I live at 1301 6th Street, Anacortes, Washington. I come here as a citizen; as a taxpayer; as a person for jobs; a person who wants to have a viable community. I also come here as a person who believes in the letter of the law. To me it seemed like this docket presented was done incorrectly, not in the formality of – in the letter of the law. I also believe in the environment. I also believe that businesses are good but not when they are in violation of government ruining our environment or causing inadequate feasibility for sustaining our planet and our life and our ecosystems. I agree with what Evergreen Islands has proposed. I agree with what Sandra Spargo has talked about and with – I think it was Ellen from the Friends of Skagit County's.

It is pretty interesting sitting out in the lobby watching the process happen. There's a lot of people out there. It's really great. It's really good to have a lot of people here this evening. It's kind of interesting, though, that we're saying that it's not a specific – the elephant in the room – a specific proposal, and yet even a lot of – we always keep saying the T-word. Even Mr. Oppel had said it kind of twice and I don't know if you could hear us laughing in the lobby. It's not a laughing matter. This is really serious what we're doing. We need to follow the law and that's why we have our laws, and we need to keep it – keep our environment, which is for all of us, in check. Our salmon are very, very important to us. I spend hundreds of hours with Skagit Fisheries Enhancement group protecting our environment and the salmon habitat. There was over six million dollars spent on Turner Bay Estuary. Estuaries are places where salmon who are anadromous – they're born in fresh water, they leave the system, they go to saltwater. The estuaries are the salmon's nursery. That's where they go to acclimate their systems to be able to live in saltwater. So that's just one thing.

To me we need to pay attention to the law first and then we can take it from there and see if this area – there are ways to safe-fall – if you're building any type of buildings – there are ways to safe-fall that we don't ruin the environment. But I want to make sure that we follow the law how the document was proposed. Thank you.

Chair Dillon: Thank you.

Commissioner Wesen: David Coin? Cope?

Chair Dillon: I don't think so.

Commissioner Wesen: Okay. Peg – okay.

Chair Dillon: Okay!

David Cope: Good evening, everyone. I'm David Cope. I represent the Mount Vernon Chamber of Commerce, 301 West Kincaid. So we support Anacortes and the docketing request so the review process can go forward. Please review it. Thank you.

Commissioner Wesen: Thank you.

Chair Dillon: Thank you.

Commissioner Wesen: And then Jana Casey.

Peg Wenke: Hi, my name is Peg Wenke. I live at 1432 29th Street, Anacortes. If I understand this process correctly, the City of Anacortes has submitted this application to increase acquisition of lands zoned Industrial. The proposal is listed as a non-project, which creates confusion for me, to say the least, and it leads me to ask: How can anyone arrive at an intelligent, well-researched decision leaving out the most pertinent facts of who and what kinds of industry could be considered for this land? It's beyond me.

In spite of that, let me start by saying annexing more land for industrial-commercial use that includes wetlands, estuaries and heron rookeries involves massive development with countywide impacts. These impacts will affect Skagit County residents for generations to come. I, one of many, advocate for protecting our precious natural resources. I'm not a scientist but they have my full attention, and along the way they've convinced me that at some point we are going to have to admit we have climate changes coming; therefore, we need to face and move forward as responsible, trusted stewards.

This application raises the following concerns for me:

- The environmental impacts on the restored marine estuary, which cost somebody \$670,000 – how are we going about protecting that investment while developing further industrial land in that area?
- Two: Depending on what industry might end up utilizing the site, what would the traffic impacts be? Engineering and construction efforts need to be carefully evaluated for feasibility and the impact on roads, rail and local access.
- And then, who pays? A huge facility located near the only highway coming into Anacortes presents many impacts which need input and discussion opportunities from all Skagit County residents. At this point that step has been grossly insufficient.
- Compatibility between the incoming industry and Skagit County is also a concern. This input and discussion is a step that often makes a difference in not only gaining support for but the eventual success of a project. There is a saying that the higher one goes in life – and especially in government – the greater the capacity for disillusionment. When it comes to corporations today the bottom line for most is profits, not the welfare of the communities they occupy. Let's not (let) hasty decisions cloud our vision, where instead of growth we end up with a despoiled Skagit County. Thank you.

Commissioner Wesen: Janet, and then Jim Casey.

Janet Casey: My name is Janet Casey, C-a-s-e-y, 11592 Point Place, Anacortes. I've been a resident of Skagit County for thirty-three years. For thirty of those years I owned a retail business in La Conner so I have a perspective that may be a little bit different.

I travelled Reservation Road five days a week, past the proposed 11.5 acres of land which is now being considered for the Anacortes UGA expansion. Reservation Road is a vital link for the residents of Shelter Bay and La Conner for medical, emergency and retail services in Anacortes. Delays or obstruction caused by trains and trucks associated with major industrial operations will have life and death consequences. Additionally, retail and restaurant businesses will no doubt be significantly affected as La Conner residents are forced to Burlington and Mount Vernon instead of Anacortes.

We talk about jobs. Many jobs in La Conner will be lost if this vital access is diminished. The merchants in La Conner are not doing well. They have not been doing well for years and if people can't to La Conner reasonably quickly they'll go somewhere else. And let's preserve the jobs we have and the merchants that have been dedicated for years to that charming town.

And then another part of that is every dollar not spent in each municipality translates to a loss in the tax base. For Anacortes this might seem like collateral

damage for what it gains by building a large plant or selling municipal water. For the City of La Conner, this could be a significant portion of their revenue.

These considerations, however, are minor compared to the negative, potentially significant and irreversible environmental impact that could result from allowing industrial manufacturing on this acreage bisected by train tracks and contiguous to the salmon recovery estuary.

I'm aware that January 23rd in the 2013 supplemental UGA annexation petition it states that this is not specific to an individual potential user, but I find it incredible – and that is not believable – that a potential user has not been identified. There is ample evidence in newspapers, comments from corporate CEO Steve Winter, and in documentation in County records that a user has been identified and is inexorably linked to this petition. In fact, Tethys needs this UGA expansion as an integral part of its 40-acre industrial park.

Two examples follow: The consulting firm E.D. Hovee prepared a forty-seven-page document for Skagit Planning Department to address questions in the original UGA. As Tom Glade has pointed out, the response was paid for with approximately \$16,000 in loans from the City of Anacortes to Tethys Enterprises.

Secondly, if you look on the County records, the permits for six of the parcels that are addressed in the UGA expansion have lot certifications which were submitted on 7-25-12 by Tethys Enterprises. Therefore, I maintain it is totally appropriate to use a plastic water bottling plant as an example of a potential light manufacturing industry that *might* buy and utilize the UGA area. If so, I am submitting photos of what potentially could occur if a train carrying plastic nurdles used to manufacture the bottles had an accident. How would the spillage into the fragile Turner Bay Estuary be contained? What would this contamination do to the wildlife that might ingest these particles? I'm finishing up. What is the impact on the Skagit County air quality if we manufacture bottles that release carcinogenic chemicals such as benzene?

In closing, the great wild salmon run site says that Ansel Adams said it is horrifying that we have to fight our government to save the environment. Please do not let this be the case in the county we love. Please do not pave paradise and put up a parking lot.

Commissioner Wesen: Jim Casey, and then Ed Stauffer.

Jim Casey: My name is Jim Casey and my wife and I were manufacturers in Anacortes for thirty years, and we still own a manufacturing building in Anacortes zoned Light Manufacturing. So I just want to say that, lest anybody think that we are anti-growth or anti-jobs. We are not. But we do have real concerns about what is happening in Skagit County right now. I've been privileged to call Skagit County my home for forty years. I've always regarded Skagit County as the last

best place in the world – eagles, sparkling rivers, totemic salmon and verdant agriculture are emblematic of our county.

The presenting problem before us tonight is that the public has not received definitive information from the County regarding the scope and impact of a rumored mega bottling plant demanding an enlarged UGA for Anacortes. This is problematic because the citizenry does not have at this time sufficient data to evaluate the impact of an increase in the size of the Anacortes UGA. There is also a rumor that a rail yard is to be located within the proposed expansion of the UGA. This rail yard would be laid alongside a newly restored salmon estuary which is delineated as being part of the United States National Wetland Inventory. And this is on County maps. How can we discuss intelligently the impact of the proposed plant and the UGA expansion without dialogue with our elected County officials if the project is obfuscated with a non-project-specific determination? The well-meaning County staff has made their recommendation, but you, Commissioners, are accountable to the electorate. We all know who the elephant in the UGA is. To pretend otherwise is disingenuous and ludicrous. The residents of Skagit County know our quality of life is extraordinary. When aroused the citizens are a formidable force, having beaten back repeatedly projects which they deemed incompatible with our ecological systems. In the '60s an aluminum plant envisioned for Guemes Island was defeated. In the '70s a nuclear power plant was slated for the Skagit River. It, too, was halted by the people. In retrospect, is there anyone who thinks those projects were a good idea?

Does Skagit County wish to be known for its export of tulips or plastic bottles? Which ones of you would be proud to put your name on the brass plaque commemorating the largest water bottling plant in North America? Chief Seattle sagely gave us an opprobrium: Contaminate your bed and one day you will suffocate in your own waste. A million plastic bottles a day emanating from Anacortes will put us well on our way. I respectfully urge you to reject this non-specific UGA expansion application and require that a revised application should be submitted as project-specific modification. Thank you.

Chair Dillon: Thank you.

(several sounds of assent from the audience)

Commissioner Wesen: Ed Stauffer, then Tony Harran.

Ed Stauffer: Don't start it yet! That's three minutes per proposal? Good evening, Commissioners. Glad to see you all here. I'll bet you over half the faces in this room I haven't seen before and I'm here a lot. I also would like to speak to the people who are watching on television, especially those who are residents of rural Skagit County, and I want to thank the crew of the TV 21 operation for helping the public communication.

This evening I want to speak to the Park and Recreation proposal for docketing of a 20 – of a GMA Skagit Comprehensive Plan update. My interest in this began when I bought property here in 1973 in rural Skagit County. I bought two parcels, which I wanted to leave to my children as a legacy. My daughter was born there and graduated from Burlington-Edison High School, and on 12/20/2012, gave birth to my first grandson. And my mother-in-law gave me this t-shirt for Christmas and I'm very proud of that and I'm proud of them and I can't wait till the day that I can tell my grandson that someday he's probably going to inherit the homestead.

The point I'm making is I'm part of the largest community in Skagit County. That's the rural community. I was appointed at the pleasure of the Board of County Commissioners to serve on the Rural Element of the first Growth Management Act Skagit County Comprehensive Plan. As my eyes were bleeding in reading all the documents coming for tonight's testimony I ran across one where the 1993 meeting of the Board of County Commissioners entertained the results of our Rural Element committee. I notice now we have an update – October 10th, 2007 – and two of the members of the Rural Element committee served on the steering committee for this update plan. That would be Gary Jones and Paul Taylor, and I'm proud of them for being involved in that.

So now to the proposal. Mr. – well, Brian – presented us with some information, and I think the first thing he said was this Comprehensive Plan for the Park and Recreation had been signed off. This is their webpage on today's website for the County and if you go down the largest print is the 2012 Skagit County Parks and Recreation Comprehensive Plan. And you click on that and it gives you the Comprehensive Plan, dated January 2012. That hadn't even been docketed, let alone signed off or approved. So I went a bit deeper because I have some concerns about this plan.

In the Growth Management Act and the Skagit County Comprehensive Plan under the Rural Element the residents are given some protections and one of them is any amendment proposal must be thoroughly investigated in detail for compliance and consistency with the other Elements of the plan. This would have to be evaluated that way as far as the rights of the rural property owners, resource lands owners, residential owners. There's nothing in this plan that addresses that and it should. It needs to. It's required to. This plan – and please, those of you with it have this on TV, go back and watch Mr. Good's presentation over and over and over again until it sinks in – vastly expands the function and the responsibilities of the Park Department personnel. We are now talking about such issues as greenways, greenbelts, habitat conservation, open space areas, public recreations, and trails. Under the Growth Management Act, if you read it carefully, the enabling of this is called 36 whatever, whatever, once a property owner has planned and executed that plan under the Growth Management Act and the Skagit County Comprehensive Plan, that property

owner becomes a steward of the land. So if we want cooperation in stewarding the rural lands and the Park Department we need to work that out together. So rather than saying let's not docket this, I'm going to recommend that the Board of County Commissioners ask the Parks and Recreation staff to have their Park and Recreation Plan Update Steering Committee and the County Parks and Recreation Advisory Board to call an open house, a public meeting, where we all can get together with the people who have dealt with this and go through these issues and find out what it is that we really need to do with our Park Plan.

Chair Dillon: Okay, Ed, can we – I hate to cut you off because it is a direct statement. We'll make sure that Brian watches, so...

Mr. Stauffer: I'll make one tight clause, one final remark – that we should be concerned about this. In the updated Skagit County Comprehensive Plan, Element 2, Urban, Open Space and Land Use, 2D-1.3, my understanding is an organization under the acronym of FOSC brought an action against the County at the Growth Management Hearings Board which required as a resolution that the County, by December 1st, 2007, will develop a program to identify and prioritize open space corridors and greenbelts within and between UGAs that include land use for recreation, wildlife habitat, trails, and connection to critical areas. If that's been done, that needs to be on the table for this discussion.

Number two: Private open space – *private* open space is privately owned land that has been or will be set aside by the operation of the critical areas ordinance – and this is for you folks at home – by voluntary conversation (sic) or by other means. Now if that doesn't make your skin crawl you're not alive. Thank you.

Commissioner Wesen: Tony, and Kathy Mitchell.

Tony Harrah: My name is Tony Harrah. I live at 9594 Flagstaff Lane, La Conner, and I've come here as a citizen and I'll be very brief. The attempt to slide this request through as a non-project-specific proposal is a transparent political ploy to try to get this through with as least public comment as possible. It would be an insult to the intelligence of everyone in this room and a dereliction of your duty to protect the citizens of Skagit County to pass this on as is. Whatever the merits of this proposal, which we all know to be for a gigantic bottling plant, the issue needs to be addressed now, not later. And just as an aside, I've been politically active for forty years. I've attended probably more meetings like this than I can even recall. So in regard to the ability of people in the city of Anacortes to comment on this project, I – you know, even though I'm not a citizen of Anacortes I've attended the Council meetings. And when this issue has come up I have seen people – most of my experience has been in places like this, where you're listened to with respect. At Anacortes City Council meetings I've seen people basically bullied, ridiculed, ignored and silenced when any attempt –

(many sounds of assent from the audience)

Mr. Harrah: So we really, you know, need to step back and make this an open and public discussion right from the get-go.

Commissioner Wesen: Kathy Mitchell and Sara Holden. Is she still here? Yep.

Kathy Mitchell: Good evening. Kathy Mitchell, Bow. The comments I'm going to make are to apply both to C-1 and C-3, please. The Western Washington Growth Management Hearing Board – there was a finding back in 2008. I'm going to read just a short excerpt for you:

By requiring periodic updates, RCW 36.70A.130(1) and (4) calls on counties and cities to incorporate legal changes and other changes as well, changes based on new information, new data, new planning and management practices, changing community conditions, and new science. The updates also encourage cities and counties and their citizens to evaluate the vision and directions encompassed in their plans, determine if their approach is working, and change direction if needed. The update requirement is also important as it means for the citizenry to take part in land use decision-making. The update process gives citizens – new citizens – and citizens new to the planning process in their communities the ability to familiarize themselves with the communities' plans and the goals and requirements of GMA. The update requirement thus is also important in providing the opportunity for citizens to bring new data, new information, best available science required for development of plans and regulations to the attention of local decision makers. In this way, the update requirement balances the desire for predictability of land use decisions and the ability of public to participate in a periodic basis in ensuring state goals and objectives for growth apply locally.

After hearing an awful lot of information tonight from a lot of folks – either side; it doesn't matter whichever it is – it's awfully clear that the information for C-1 is unclear.

Chair Dillon: Are you talking – because we have an NC-1 and a C-1.

Ms. Mitchell: Well, the UGA one.

Chair Dillon: NC-1.

Ms. Mitchell: Yeah, NC-1. Thank you.

Chair Dillon: Okay.

Ms. Mitchell: Thank you for clarifying. A lot of confusion for an awful lot of folks. A lot of information that Sandra Spargo and Ellen and Evergreens people applied to this and shown some research and stuff, obviously there's an awful lot that needs to be straightened out. I don't know how you can docket at this point with that much misinformation going in. How many times have we come before you for different permitting processes – anybody in the County – for whatever reason and we'll not get a permit or something else if something isn't correct. And the same thing applies here. We need to have any information be absolutely spot on correct to be able to proceed and move forward.

Which brings me to the C-3 part, which is the Parks and Recs Plan. If you read through carefully on it – as a matter of fact, a show of hands: Who actually read the thing? Okay, very few people. The surveys that were done on that said that it's been going on for a couple years and makes it sound like it's a lot of people been approached and know what's going on in that. They don't. A lot of people do not. And so when I read that this plan could be adopted by reference, the first thing that goes off in my mind is saying by reference means just letting it go through. There's an awful lot of things. You know, people still need to talk about and find out about that. There's a lot of content to it. Yes, there were some updates with it, but I do respectfully request that a lot more time be given on the Park and Rec Plan as well for the public, because it is needed. So thank you so much.

Commissioner Wesen: Sara?

Sara Holahan: Hi, my name's Sara Holahan. It's H-o-l-a-h-a-n. I live at 1511 38th Street, Anacortes. And first of all, thank you, Commissioners, for this process and thank you for your patience and your endurance. And I want to thank Mr. Pernula for starting out with really explaining the docketing process. That was – thank you for taking the time. I wish Anacortes had followed similar openness in its UGA modification process. As a citizen, it's been frustrating. As other speakers have already said, this has been a flawed process and an unsustainable plan with lots of inconsistencies and incorrect information. The County required the City of Anacortes to provide clarification on seven issues, and in response the City just revised the plan to make it like a land swap or a correction, and to try and say it's not project-related. So if it's not project-related, then where is the evidence that Anacortes needs more manufacturing land when we have over 200 acres? So if that's the question it's non-project-related, that's what you should be looking at. Do we have enough land now?

Commissioners, as you well know, our government is facing huge budget challenges. The Parks Department has its budget cut 50%, yet you are considering whether to docket this proposal. It's a very poor proposal. It will cause huge costs to our local government to pursue this because we'll have to have more studies and more environmental reviews when all you need to do – is this going to show up?

Chair Dillon: I'll change it.

Ms. Holahan: – just with simple common sense. I heard we spent over half a million dollars – or maybe six million – to restore the wetland and estuary for habitat. So it makes no sense at all to expand industrial land and compromise this. So please save us the cost of pursuing this by not docketing it. Thank you.

Chair Dillon: Is that it?

Commissioner Wesen: Thank you. Another page to go. Karen Kesselring? Am I saying it right?

Chair Dillon: I don't know.

Commissioner Wesen: Walt Guterbock?

Chair Dillon: Oh, there she comes. Okay!

Karen Kesselring: Karen Kesselring. I live at 32 Skokomish Way in La Conner. I'll be brief. It was refreshing to hear the last lady use the term "common sense." And I want to address a gorilla that I don't see in this room or out in the anteroom. To me, it just is amazing that we have all of these government agencies that seem to work in a vacuum, not paying attention to each other. I got interested in issues like this when I read in the paper about the Carpenter Creek situation, where our Environmental Protection Agency in its wisdom said that individual property owners could not use the water from their wells. And, mind you, there have been studies that have talked about the potential level of our Skagit River and what might or might not happen in the future. And it seems that there have been altogether too many decisions impacting those possibilities. And for the City of Anacortes to propose to even consider allowing an industry that would come in and take millions of gallons of water out of our resource and not allow individual property owners to use their wells is just – it's – it's beyond reason. Thank you.

Commissioner Wesen: Walt Guterbock? Matt Fulton? That is all that I have signed in.

Chair Dillon: Okay, so –

(Unidentified unintelligible voices in the audience)

Chair Dillon: – can it be? But I was going to let you talk anyway!

Matt Follett: If I'm last, I'll make it very brief. I'm Matt Follett, 1606 13th Street, Anacortes. Thank you for the opportunity to speak here. I do, I really appreciate the forum that we can come here and say this. I'm not here to argue anything on

legality. People on both sides of the argument have done that far better than I can. I'm really just here to speak to my love of Fidalgo Island. I was – I'm not a native resident, but – I moved there seven years ago – I was born on Vashon Island. So I know what island life is, I guess, to a certain extent. I was raised on a farm till I was nine years old there. I came to Anacortes seven years ago. I smelled the creosote pilings of the ferry dock and the – I don't know – the sea water on the rocks and I knew I was home. I moved there two years later. I've raised both my sons here. They've had every birthday here. And there is no place other than that I would love to call home than Fidalgo Island.

That being said, I was laid off from work in 2009. I was in the construction trade. It got really slow, and I looked for jobs and it was near impossible. I would have had to travel as far as to Seattle which I just wasn't able to do because I didn't want to sacrifice my family. Luckily I was fortunate enough. I started my own business and I've been able to take care of my own job opportunity in that meantime. Unfortunately, during that time when I was laid off I was also forced to lay off three other individuals and I followed them during that time. And this whole conversation about the UGA – I mean, let's get down to brass tacks. It's about jobs. I mean, I know it's about taking space and making it into something commercial, but in the end result it's about jobs. And I think everyone in here agrees, whether you fall on either side: Jobs are important.

I'm here to support the project but I do ask that we move forward – and I hope we all will, I mean, regardless if it moves forward, regardless if it doesn't, we take care of the places that we have. My son learned to fish in the islands off Fidalgo Island. I hope my grandson can learn to fish off the island of Fidalgo Island. Let's take care of what we have. But I am in favor of moving forward and just at least looking into it and seeing if it's the right move. If it's not, don't do it. Don't do it. But if it's the right thing to do and if it can help people in our community who are lacking jobs – and I know more than a few – I would like to see them be able to work in their own community and raise their families here like I can. Thank you.

Commissioner Wesen: That is all I have.

Chair Dillon: Okay. That is all that Commissioner Wesen has, but if there's someone that would like to speak for three minutes...

Ellen Cooley: I signed in but the sign-in sheet may not have made it in.

Chair Dillon: Well, it could be we called for people and you might not have heard.

Ms. Cooley: I was out in the lobby. Good show.

Chair Dillon: Okay. Okay.

Ms. Cooley: Thank you for the opportunity to speak. I'm Ellen Cooley from Bow, and I'll be short. This is in reference to the incorporation by reference of the 2012 Parks & Rec Comp Plan. And I'll just say that I agree with Randy Good on that and leave it there. Thank you.

Chair Dillon: Thank you.

Roger Mitchell: Good evening. Roger Mitchell, Bow. Thanks for the opportunity to speak.

Chair Dillon: Sure.

Mr. Mitchell: I will also be very brief. I oppose docketing these items, particularly the Anacortes proposal and the Parks Plan proposal. As is frequently the case, proper process has not been followed. Once again transparency is absent. Under no circumstances should any proposal be adopted by reference. There are far too many issues with the legality of these proposals to allow them to be considered at this time. There's been far too little public input to these proposals. These proposals deserve much more extensive public discussion and input overseen by the Planning Commission. I concur with and support the excellent testimony presented this evening by Randy Good, Ellen Bynum, and being no fool, my wife Kathy. Thank you.

(laughter)

Chair Dillon: Good one!

Robin Pestarino: I'm Robin Pestarino, 801 E Avenue, Anacortes. I am in favor of putting the amendment forward. I'm also in favor of having a project that is going to increase the tax base in Anacortes, whether it is the one that people are talking about or if it's another one. I happen to be in favor of Tethys but if they choose not to come to Anacortes I'd be very sorry about that, but another project would also need this land. I would like you to consider it. And because there is the confusion that people are talking about, I think that's a very good reason to put it forward, to find out all the information. There seems to be a great deal of conflicting information, and the way to resolve that is to have it brought forward and examined by everyone. So I am in favor of the UGA amendment and I hope that you approve it. Thank you.

Chair Dillon: Okay, anyone else would like to speak that didn't sign in or found an issue they want to talk about or – this is your last chance. Okay. Also I'd like to say thank you ever so much for your patience, for your hands instead of the more loud that would have interrupted our TV, but I really appreciate you being an awesome citizenry and allowing us to listen to what people have to say and bringing up points. I appreciate that. That's what public comments are all about.

That's why we have them. We chose to do this at night so that the majority of you could be here. We hope that we reached a lot of people. If not, remember at the first of it I said that this comment period would be open until 4:30 on Monday, April 15th, 2013. Again, you can – I've got to look up my glasses now – we can send them – you can hand-deliver it, you could fax it, you could just e-mail it to us. And there was another way you could do it, too, but anyway just please if you – if there's something else you would like to say, please write it down and get it to our office. We'll be glad to put it in and talk about it and decide on it. So after April 15th we will be – sometime after that we'll have to go through all of the stacks and all of the things, and probably – because we have the accessibility of the TV – go back and watch this again to make sure that we are hearing what people have to say and hearing them clearly.

So I do need a motion to close the public hearing, please.

Commissioner Wesen: I so move that we close the public hearing.

Commissioner Dahlstedt: And I'll second the motion, but that includes allowing for the receipt of all of the information through April 15th.

Chair Dillon: Yeah.

Commissioner Wesen: The close of business on April 15th?

Chair Dillon: Yes. Okay?

Commissioner Wesen: Okay.

Chair Dillon: So it's been moved and seconded that we close the public hearing for testimony tonight, but allowing – making sure that you all are aware that until 4:30 on Monday, April 15th, you are allowed to submit. So I just thought I'd tell you. So all those in favor, signify by saying "aye."

Commissioner Dahlstedt: Aye.

Commissioner Wesen: Aye.

Chair Dillon: Aye. All those opposed?

(silence)

Chair Dillon: Motion does carry (gavel). Do you guys want to say anything?

(silence)

Chair Dillon: Oh, good! I haven't been home yet tonight!