

**SKAGIT COUNTY PLANNING COMMISSION  
RECORDED MOTION REGARDING  
PIPELINE SAFETY**

**Whereas**, Skagit County has approximately 121 miles of liquid and natural gas transmission pipelines comprised of the infrastructure of four companies: BP (Olympic Pipeline), Kinder Morgan (Trans Mountain Pipeline), Williams (Northwest Pipeline), and Cascade Natural Gas; and

**Whereas** in 2010, Skagit County applied for and received a grant for \$49,667 from the US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) to: “Assist Skagit County jurisdiction in developing land use regulations pertaining to transmission pipeline safety in Skagit County since there are four major transmission pipelines within the jurisdiction”; and

**Whereas** Skagit County began major work on the pipeline safety grant project in March 2011; and

**Whereas** on March 15, 2011, County staff and pipeline experts from the Pipeline Safety Trust and the Municipal Research Services Corporation (MRSC) presented to the Board of County Commissioners the issue of pipeline safety as well as the anticipated schedule and scope for the pipeline safety project; and

**Whereas** County staff reviewed and compared pipeline safety ordinances from several Washington jurisdictions, including Whatcom County and King County, and the cities of Redmond and La Center, as well as the MRSC model ordinances on consultation zones and setbacks from transmission pipelines, and the Pipelines and Informed Planning Alliance (PIPA) November 2010 Final Report of Recommended Practices; and

**Whereas** during the information gathering stage of the project, County staff met with pipeline operators from all four major pipelines located in Skagit County: BP, Kinder Morgan, Williams, and Cascade Natural Gas; and

**Whereas** in late April, 2011, Skagit County Planning and Development Services (“the Department”) sent an informational mailing to the 3,200 individual landowners with property in close proximity (1,000 feet) of one or more of the transmission pipelines, using the Skagit County Assessor Department’s official records of property owners and owner mailing addresses (the same as used for tax notices); and

**Whereas** the mailing notified the affected landowners of the project website, an upcoming informational meeting regarding the pipeline safety project, and the Department’s goal to “develop standards and procedures” pertaining to pipeline safety; and

**Whereas** on May 4, 2011, the Department sent the proposed pipeline safety ordinance to the Washington State Department of Commerce for 60-day review under RCW 36.70A.106; and

**Whereas** the Department hosted a public informational meeting on May 9, 2011, attended by approximately 40 citizens, to promote awareness about pipelines in Skagit County and about the County's efforts to develop standards and procedures for land development adjacent to pipelines; and

**Whereas** on May 17, 2011, the Department issued a Determination of Non-Significance (DNS) for the proposed pipeline code amendments; and

**Whereas** on May 19, 2011, the Department published a notice announcing a public review and comment period and Planning Commission public hearing scheduled for June 7, 2011, on the proposed pipeline safety ordinance; and

**Whereas** on June 7, 2011, the Planning Commission held the public hearing as scheduled and advertised; and

**Whereas** 22 individuals testified at the public hearing and, due to the degree of public interest and requests for additional comment time, the Planning Commission extended the written public comment period through June 24, 2011, providing a total of 36 days for public comment; and

**Whereas** on July 13, 2011, in response to public comments, the Department provided a revised draft of the proposed pipeline ordinance to the Planning Commission in an effort to assist the Planning Commission in its deliberations; and

**Whereas** the revised draft ordinance removed or scaled back several of the more controversial provisions of the original proposal, namely those relating to proposed setback requirements; and

**Whereas** on July 19, 2011, the Planning Commission met to deliberate on the pipeline safety ordinance as originally proposed; and

**Whereas** on the same date the Planning Commission completed its deliberations and directed that a Recorded Motion be forwarded to the Board of County Commissioners containing the following findings and recommendations:

## **FINDINGS OF FACT AND REASONS FOR ACTION**

1. The life and safety of the people of Skagit County is extremely important to the Planning Commission.
2. The Planning Commission appreciates the Department's efforts to protect life and safety.
3. The Planning Commission appreciates all of the information, time, and energy that the public has contributed to this process.

4. There should be a resolution to the accusations from members of the public against the Department regarding grant compliance and process before the Planning Commission can recommend this proposal. (Voting for: Jason Eason, Mary M. McGoffin, Dave Hughes, Josh Axthelm, Annie Lohman, Elinor M. Nakis. Voting against: Carol Ehlers, Matt Mahaffie.)
5. The Pipelines and Informed Planning Alliance (PIPA) recommends consultation zones for both urban and rural areas, and there should be consistent regulation between unincorporated and incorporated areas. The Department's proposal only addressed rural areas.
6. The public process was marginalized.
7. All affected school districts need to be consulted on the drafting of any future pipeline safety proposal.
8. This proposal could be interpreted as placing restrictions and controls on private property without compensation, which could constitute a taking.
9. County staff's memorandum to the Planning Commission dated May 17, 2011 mentioned that pipelines have been found as shallow as 20" from the surface. Pipeline operators should be asked for a higher standard of maintenance. The Washington State Utilities and Transportation Commission (UTC) should be asked to review the condition of Skagit County pipelines.
10. The Planning Commission's job is to facilitate the public process.

## **RECOMMENDATION**

The Planning Commission recommends that the Board of County Commissioners not adopt the Department's proposed pipeline safety regulations released May 17, 2011.

## **ADDITIONAL RECOMMENDATIONS**

1. Public input is important; therefore the Planning Commission believes there should be a citizen advisory committee for pipeline safety issues.
2. Staff should transmit to the Board of County Commissioners Sarah Spence's testimony about bedding and coverage of June 15, 2011.
3. There needs to be an effective plan to deal with the event of a pipeline failure.

**MOTION**

The Planning Commission recommends approval of all of the above findings, reasons, and recommendations.

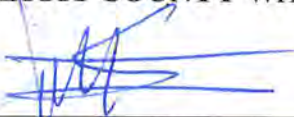
Motion for approval: Annie Lohman  
Seconded by: Josh Axthelm

VOTE:

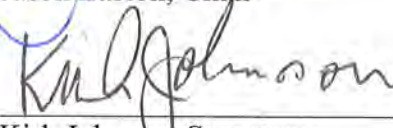
	Support	Oppose	Abstain	Absent
Jason Easton, Chair	X			
Mary J. McGoffin, Vice Chair	X			
Carol Ehlers	X			
Dave Hughes	X			
Josh Axthelm	X			
Annie Lohman	X			
Matt Mahaffie	X			
Elinor M. Nakis	X			
TOTAL	8	0	0	0

**Now, Therefore,** on July 19, 2011, the Skagit County Planning Commission voted, as recorded above, to forward to the Board of County Commissioners the foregoing findings and recommendations.

**SKAGIT COUNTY PLANNING COMMISSION  
SKAGIT COUNTY WASHINGTON**

  
\_\_\_\_\_  
Jason Easton, Chair

7/25/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kirk Johnson, Secretary

7/25/11  
\_\_\_\_\_  
Date