

**Skagit County Planning Commission**  
**Work Session: Pipeline Safety**  
**Public Hearing: Pipeline Safety**  
**June 7, 2011**

**Commissioners:** Jason Easton, Chairman  
Carol Ehlers  
Annie Lohman  
Josh Axthelm  
Mary McGoffin  
Elinor Nakis  
Dave Hughes  
Matt Mahaffie

**Staff:** Gary Christensen, Planning Director  
Carly Ruacho, Senior Planner  
Michele Szafran, Associate Planner  
Brian Young, Skagit 21  
Mark Watkinson, Dept. of Emergency Mngmt.

**Public Commenters:** Bill Knutzen  
Marian Knutzen (passed)  
Jerry Handlos  
Norm Dahlstedt  
Ron Halterman (passed)  
Kathy Mitchell  
Bill Wallace, Burlington-Edison School District  
Sarah Spence  
Thomas Hsueh  
Greg Bormuth (passed)  
Mark Watkinson (passed)  
Maggie Sullivan  
Janet McKinney (passed)  
Patty Sweaney (passed)  
Steve Sakuma (passed)  
Bill Youngsman  
Pam Faber (passed)  
Ron Knutzen (passed)  
Allen Brown (passed)  
Elizabeth Wilskie  
Mike Newman (passed)  
Allen Rozema  
John Ravnik  
Sondra Stauffer

**Craig Knutzen**  
**Roger Knutzen**  
**Tim Meyer**  
**Jon Sitkin, Attorney for John Bouslog, et al.**  
**Ellen Cooley**  
**Ed Stauffer**  
**Jim Axthelm (passed)**  
**Rebecca Craven, Pipeline Safety Trust Director**  
**Randy Good**  
**Seth Woolson, Attorney for John Bouslog, et al.**

Chairman Jason Easton: Good evening. We call the session of the Skagit County Planning Commission to order (gavel). I'm Jason Easton. I'm your Chair tonight. Let me go over the agenda with you. For the benefit of the Commissioners and the public, we have scheduled a work session prior to the public hearing, so the first hour of tonight – approximately – the first hour of tonight's meeting is going to be structured like a work session where we're going to have a presentation from the staff which will include a video presentation, which we hope will help all of us be more prepared to hear your testimony tonight. And then immediately following that I'll again open the public hearing and we will begin to take testimony.

At this time Carly has a letter to be read from one of our Commissioners.

Carly Ruacho: Thank you, Jason. This letter is from Kristen Ohlson-Kiehn. She asked me to read it on her behalf as she was not able to attend. It's dated June 1, 2011.

*Regretfully I am writing this letter to Skagit County to resign from my position on the Skagit County Planning Commission. I have accepted a job with the Department of Natural Resources in Olympia to lead the development of a long-term conservation strategy for the marbled murrelet, a component of the Department's Habitat Conservation Plan. My job starts June 6<sup>th</sup> and my family will be moving to Olympia, making me no longer eligible to sit on the Skagit County Planning Commission.*

*Thank you for a wonderful opportunity to learn about and participate in making recommendations to the Board of County Commissioners on long-term planning processes that govern land use in Skagit County. I've thoroughly enjoyed working with the Planning staff whose professionalism, intelligence and capacity to explain land use issues in "plain language" I have found to be exceptional. I've also enjoyed seeing the evolution of the planning commission, the membership of which has, over time, become a better reflection of Skagit County's citizens today.*

*Good luck to you and Skagit County!*

*Sincerely,*

*Kristen Ohlson-Kiehn.*

Chairman Easton: Thank you, Carly. I just want to be on record – I’m sure Kristen may watch this later on television – that we appreciate her service and we recognize that (it’s) a great promotion for her and we’re thankful for her time with us.

At this time, we will – I just want to make one additional comment about the agenda I forgot. Earlier versions of the agenda that were circulated indicated that early – that part of our time tonight would be spent on an issue that’s often referred to as the “NMFS letter” or the “FEMA” and issues in relationship to floodplain management. We have, because of the tremendous interest in the pipeline safety stuff, staff and I agreed to rearrange our agenda and move those – that work session to June 21<sup>st</sup>. Is there any Commissioner – we sent out an e-mail late yesterday asking for the Commission to reply and we didn’t get a reply from everyone – is everyone available, or is there anyone *not* available on the 21<sup>st</sup>? Okay. And I apologize. That will only be a work session. The actual deliberations on this issue won’t be until the 19<sup>th</sup> of July. So you’ll be able to review that by – at a later date when it’s – because it’ll be televised. So I’m sorry you won’t be able to be here but we are – because of tight timelines with that issue – we are going to need to do that on the 21<sup>st</sup>, all right? So –

Carol Ehlers: We all have a life.

Chairman Easton: I understand, and I apologize for having to do this on such short notice. We’re trying to be responsive to both the deadlines and the public. So, Carly and Gary, just make a note of that – that we will then go forward with a meeting on the 21<sup>st</sup>, focused primarily around that issue.

All right. With that, I want to turn this over to Carly Ruacho and the Planning staff to begin the work session. There are more seats in front. If you feel more comfortable sitting in the back of the room, there’s another whole set of chairs in front of the television out in the lobby, too, you’re welcome to use. Sort of like church: Nobody wants to sit in the front row. I don’t spit that far, I promise! Carly?

Ms. Ruacho: Yeah, I’m going to let Gary go ahead and maybe say a few things about what we’re going to do tonight, and then I’m going to run over and get ready to cue up the video, and then I’ll talk after the video.

Chairman Easton: Okay, great. Gary?

Gary Christensen: Good evening, Planning Commission members and those in attendance this evening, as well. My name’s Gary Christensen. I’m the Director with Skagit County Planning and Development Services. I also want to welcome those who may be watching these proceedings on Skagit County government channel 21 here in Mount Vernon, as well as those who may be watching these proceedings at

skagitcounty.net through streaming of video. So we potentially could have a worldwide audience this evening.

That said, I do want all of you to know that Skagit County may or may not take action on the proposal which has been presented tonight or as it might be amended. There will be no Planning Commission deliberations on the proposal this evening, so those will be scheduled for some later date. We will be providing a briefing on the proposal that will last about an hour, slightly more, this evening and then following that there will be an opportunity for all of you who wish to speak to be able to address the Planning Commission with any comments for or against the proposal.

So that's all I had to say. Jason, did you want to address the public written comment period maybe now?

Chairman Easton: I think I'll do that when we actually open the public hearing. I want to wait until after the work session.

Mr. Christensen: After the work session. Okay.

Chairman Easton: I'll do that then.

Mr. Christensen: So with that, I do want to acknowledge staff here from Planning and Development Services: Carly Ruacho, Senior Planner/Project Manager, will be leading much of the discussion this evening. And also joining us is Michele Szafran, who is here as well, who has assisted with the project. Michele's an Associate Planner.

So with that, let's just get right into the show. And, Carly, take it away from here.

Ms. Ruacho: All right. We're ready back there.

(The audio of the taped Commissioners' March 15, 2011, agenda session begins.)

Chairman Easton: We have a technical issue, Brian. We need to stop the tape. Yeah, I need you to stop the tape, Brian.

Ms. Ruacho: (inaudible)

Chairman Easton: Oh, Carly can do that?

Ms. Ruacho: Yep.

(recording stops)

Ms. Ruacho: There. Your monitor's not working?

Chairman Easton: No. We need the monitors on for the Commission. All of our monitors are turned on, Brian, but we don't have –

Brian Young: We will get it. We will get the DVD on that.

Chairman Easton: Oh, okay. Great. That'll work. Something for us to watch, too. Folks, there's more seats in the lobby and there's more seats in the front, and the video and the rest of the presentation will all be available on the television in the lobby also.

Let's try it again – from the top.

Ms. Ruacho: Okay, I will *try* to try it from the top.

Chairman Easton: Or from where we're at. That's fine.

**(The Board of County Commissioners March 15, 2011, agenda session with the Planning Department is shown and the transcript of that session follows.)**

Commissioner Ken Dahlstedt: (gavel) I'll call the Board of County Commissioners back into session. It is Tuesday, March 15<sup>th</sup>. It is just after three o'clock and we're here today for a Pipeline Safety Project from Planning and Development Services. Gary?

Gary Christensen: I almost said, "Good morning," because usually we meet in the mornings.

Commissioner Sharon Dillon: Usually you do.

Mr. Christensen: But it is afternoon, so good afternoon, Commissioners.

Commissioner Dahlstedt: And the Chair is joining us!

Mr. Christensen: Yes, right on schedule.

Commissioner Dahlstedt: Right as we're ready to start.

Commissioner Dillon: Good.

Chair Ron Wesen: You didn't start yet?

Commissioner Dillon: Yeah, we started. We're on camera.

Commissioner Dahlstedt: We just asked him to –

Mr. Christensen: Good afternoon – I'll just start over. Good afternoon. Gary Christensen, Director of Skagit County Planning and Development Services –

Commissioner Dillon, Commissioner Dahlstedt and Mr. Christensen: – where we help you plan and build better communities.

Mr. Christensen: So we have as part of your agenda packet today you will find a memorandum from Carly and Michele regarding this agenda item. We come before you today to discuss a project which is on our annual work program, and the project is what we refer to as our “Pipeline Safety Project.” As you know, the County is the recipient of a \$50,000 grant to develop land use standards and procedures pertaining to transmission pipelines in Skagit County. This is a grant that came from the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration. We received it last year and we are proceeding then with a study and some recommendations which will come out of that study.

Much of our work is based on information that is readily available through the Municipal Research and Services Center, or commonly referred to as “MRSC,” and the Pipeline Safety Trust. Also NACo has a great deal of information on pipeline safety, and there are other sources which we are utilizing as part of today’s presentation and as part of our effort in developing some safety standards.

There are four major oil and gas transmission pipelines in Skagit County. And also joining us today will be the Executive Director with the Pipeline Safety Trust, as well as a legal consultant with MRSC. And I will let Carly do the introductions, but I think part of the presentation is that Carly will start with a PowerPoint presentation and go through that. It’s twenty, twenty-five minutes more or less, and then we’ll have the other presenters come to the podium and present and discuss with you this – or share with you and discuss more about this particular matter.

I do want to acknowledge both Carly and Michele’s effort on this. Michele is on loan from the Current Planning division for a couple of months – part of our trying to balance our budget. But she is there helping Carly put all of this together and has done a lot of background research and assisted with this effort. And Carly is the Senior Planner/Project Manager for our Pipeline Safety study. So with that introduction, and without stealing too much more of your thunder, Carly, if you would like to take it from here.

Carly Ruacho: Thanks, Gary. Good afternoon, Commissioners.

Commissioner Dillon: Good afternoon.

Ms. Ruacho: As Gary discussed, we are here today to introduce to you and to the public a serious issue that we feel deserves our attention, and that is pipeline safety. We are beginning to work on what we have termed the “Pipeline Safety Project,” as Gary introduced it, to review the pipelines in our county and to begin a dialogue about the safety issues surrounding that.

We are able to undertake this project in large part due to a grant received, as Gary discussed, from the U.S. Department of Transportation. And over the coming weeks and months we will engage our community on the issues including pipeline operators, landowners with property in close proximity of pipelines, and just the general public at large that might have an interest in this, as Gary said, due to our county having several pipelines affecting a large majority of our county.

A national task force, Pipelines and Informed Planning Alliance – or I think you'll hear it referred to as "PIPA" a lot throughout the presentations – developed recommended practices regarding development near pipelines to assist jurisdictions with such efforts as those we're undertaking. And we've got some other jurisdictions that we can look to that have preceded us in developing pipeline regulations, Whatcom County being one of them, the City of Redmond, and the City of La Center. That's down by Longview, in between Longview and Vancouver.

So we've got some examples we can look to, as well as the model ordinance that came out of the PIPA process that we can look to so that we don't have to reinvent the wheel, so to speak, and we can have some assistance on this complicated issue.

As you can see, there are four transmission pipelines in Skagit County. We are discussing today and throughout this process only the transmission size pipelines. There are many distribution lines that come off of these, mostly relating to the natural gas pipelines, and we're kind of taking one bite at a time here. So this project focuses on the transmission pipelines only.

Three of the four transmission pipelines are what is termed "hazardous liquid" pipelines, so those transmit things such as gasoline, diesel and jet fuel. There's also something that they call liquid natural gas – or LNG, if you see that in any writings. So sometimes you might hear folks refer to a gas pipeline and you might think, Well, that would be carrying gasoline, but actually generally gas pipelines are referred to be carrying the liquid natural gas and then the hazardous liquid materials are those carrying gasoline and other – the other things we mentioned.

Skagit County's major pipeline operators include BP – British Petroleum – which operates the Olympic Pipeline; Williams, which operates the Northwest Pipeline; Kinder Morgan, which is a Canadian company that operates the Trans Mountain Pipeline; and then Cascade Natural Gas that operates our natural gas pipeline that runs east to west in the county.

So a little factoid for you is that the county has approximately 121 miles of gas or hazardous liquid pipelines. One interesting thing to note is that several of the companies operate two pipelines within their corridor, so even though they might only have one corridor there it could be multiple pipes running in the same area.

So while pipelines are a necessary part of our country's infrastructure and while failures are rare, it is unfortunate and a very serious reality. A liquid natural gas pipeline failed

in the community of San Bruno, California, near San Francisco. This was a 30-inch diameter natural gas pipeline that exploded on September 9, 2010. So it was in the news again just a few days ago as we're almost six months to the day from that pipeline failure.

During that failure, thirty-eight homes were destroyed and eight lives were lost. And, as you can see, pipeline failures cause significant damage and pose a serious threat to public safety. The community of San Bruno was a vibrant, middle-class community with nice homes and a pipeline running underneath a neighborhood street. When the pipeline exploded, thirty-eight homes were destroyed within approximately one hour. So on your screens each of the red dots represents one home that was destroyed in the failure.

When failures occur, very little of the development that existed survives the blast radius. And what you're seeing here are some of the remains from that pipeline failure.

This is one home within the San Bruno community affected by the blast of the failed pipeline.

This is an aerial photo at a larger scale immediately after the failure. As you can see, emergency personnel are still on-scene. This is not after any cleanup or anything has been removed. This is just what's left after the failure.

This photo shows almost the full extent of the impact of the failure.

High density development within close proximity of pipelines can have a catastrophic result. Pipelines do their best to be safe and have good safety practices. The company who operated the pipeline in San Bruno is PG&E, Pacific Gas and Electric Company, and they had released a list of the hundred riskiest transmission pipeline segments within their pipeline, and the segment of pipe that failed was not on the list.

In the San Bruno failure, a 30-foot section of pipe came out of the ground and landed approximately 100 feet from the failure site.

The pipeline depths vary greatly. As I know Commissioners here have personal experience with farming around them, and I know Commissioner Wesen even had some experience installing them. And I know you have personal experience that there can be depths given to you that you think, Well, the pipeline should be this deep in this area. And that can be accurate; it can be inaccurate. And the pipelines can also kind of move around within their corridors. So in this case the pipeline was over 6 feet deep and still was able to come completely out of the ground and provide the damage that it did.

The current method to predict a blast zone is a function of the pipe's diameter and the pressure within the pipeline. And as you can see here on this graph, you can run along the bottom and find your pressure and run along the right-hand side and find the

diameter for your pipeline and that should give you, along the right-hand side, a – what they call a “hazard area radius” on this chart. 660 feet, which is the dotted line running through the middle, is the industry standard for the average radius; however, studies of blast areas over the past decade show that the 660 feet can be 45 to 75% underestimating these blast areas. And each situation is unique, which makes an accurate prediction of a hazard area very difficult. As you can see on the slide here, the blast zone for the San Bruno failure is very unpredictable in its shape, depending on where the failure occurs – on which side of the pipe or those types of things, if there’re slopes or anything moving the blast one way or another.

Although it may be easy to say that that was there and it won’t happen here, we do have one very important thing in common with San Bruno. The red line on your screen indicates the pipeline running underneath the street in San Bruno and on the right-hand side of your screen you have a picture of a community – an existing community – at Bayview Ridge and the pipeline running along the property line of that community.

I want to just take a moment to look closer at that community at Bayview Ridge and the effect that the proximity of the pipelines have on that community. There are other communities in Skagit County that are also affected. This is just one we’re kind of just, you know, taking a closer look at. But north of Burlington has a pipeline in close proximity and Sedro-Woolley has two pipelines, a natural gas and a liquid gas, that run through its boundaries.

So as you can see here, the Bayview Ridge Area had very little development when we have our first aerial here of 1937. When the pipelines were constructed in the ‘50s and ‘60s, very little development in those areas. Over time that has changed. To this point, proximity to a pipeline has not been a consideration for zoning density or development. We’re just going to take a little bit closer look here at this area outlined in white and we’re just going to zoom in a little bit. So you have Peterson Road running along the top of your screen and the structure is the new Bayview Ridge fire station. Just to give you a little – a little – get your bearings there on what we’re looking at here.

So we’ve got the Skagit Golf and Country Club with the Olympic Pipeline running through, and we’ve got the community of Bay Hill and the Trans Mountain Pipeline is the one coming off at an angle there. And when you apply a 660-foot blast radius, the situation really becomes real in our community.

Most times it’s difficult to consider pipelines a threat. They are invisible. They’re unassuming, even peaceful. They’re easy to forget and they’re easy to take for granted. But, unfortunately, that can be a risky approach. This is a pipeline failure of a natural gas transmission line owned by Williams – who operates a pipeline in our community – in Virginia.

The middle of a farm field – again, something we’re very familiar with here having these pipelines run through our farm field. Even though that pipeline might be in the middle of a farm field, there still can be significant damage to the surrounding area. There were

five people injured – luckily, no deaths – in this failure, but 100 homes damaged or destroyed.

The failure that, unfortunately, we are most familiar with occurred just north of us in Whatcom County, June 10, 1999, when the Olympic Pipeline had a failure and released several hundred thousand gallons of gasoline into Whatcom Creek. And, unfortunately, we lost three of our neighbors to the north, and eight people were injured.

Each failure is unique, but each causes damage and often is deadly. The Whatcom County Creek incident resulted in a fire that burned for four days in some locations and destroyed one residence and did \$45 million property damage, mainly to the Bellingham Water Treatment Plant.

The Whatcom County failure was caused by a 2-foot rupture in a pipe. It looks, you know, pretty minimal – something you wouldn't think would do the damage that it did. And they feel that the effects of this were from construction activities that occurred five-plus years earlier.

We hope that through this process we'll educate the public about pipelines and pipeline safety and best management practices. Any damage to a pipeline, which can be just contact with a pipeline from anything as small as planting a tree or building a fence, can do damage and you might not even see the result of that damage for years later. So it's important to know our surroundings and be prepared and to act appropriately around the infrastructure that we have here.

The products that we anticipate for this project are direct mailings to those living in close proximity of a pipeline; some parcel level mapping to give folks the ability to go in and look at their parcel, see what's around them, and make educated decisions when buying or constructing homes or improvements. We hope to develop consultation forms to facilitate communication between landowners and pipeline operators, and ultimately land use regulations that guide future development around pipelines in our county.

And we're here today just having our kick-off as we begin this process. And we look forward to working with stakeholders and interested parties to develop the proposal over the next one to two months, and then take it through the public process as we move through the summer. And we look forward to – hopefully – final action on this issue in August of this year.

I've got some contact information here on the screen, mostly for those folks that are watching, watching at home on TV or online. And if folks are interested in this topic, we'd love to hear from them. We want to get as many people involved as possible.

I'd like to take this opportunity to introduce Michele a little bit further. Gary gave her a great introduction and she's here in the audience. Her contact information is on the screen. She's the Project Planner that is going to be working on looking to other

jurisdictions (and) what they're doing, acting as a contact to the public and interested parties, and you'll hear more about Michele's finding as we move through the process.

I'm also privileged to introduce our first speaker. I'm grateful to both our speakers for taking the time to be here today to share their knowledge and experience on this. I'll introduce Carl and when Carl's done I'll come back up and I'll introduce Jim, but Carl Weimer is the Executive Director of the Pipeline Safety Trust. The Pipeline Safety Trust promotes fuel transportation safety through education and advocacy by increasing access to information and by building partnerships with residents, safety advocates, government and industry that result in safer communities and a healthier environment. Mr. Weimer also serves on the Governor-appointed Washington State Cities Committee on Pipeline Safety as a member of the U.S. Department of Transportation Technical Hazard Liquid Pipeline Safety Standards Committee and Steering Committee for Pipelines and Informed Planning Alliance.

Mr. Weimer has testified to both the U.S. House of Representatives and Senate on pipeline safety issues, organized four national pipeline safety conferences, and pushed for stronger pipeline safety legislation on the national and state levels. Mr. Weimer is also serving his second four-year term on the Whatcom County Council. He has a degree in Natural Resources and Environmental Education from the University of Michigan, as well as a degree in Industrial Electronics Technology from Peninsula College. And I'd like you to welcome Carl. Thank you.

Carl Weimer: Good afternoon. I'm glad to be here today. Actually it's a County Council day for me up in Whatcom County and so you got me out of my Planning and Development committee meeting where we were docketing all of our GMA stuff today, so I was happy to escape that task.

Carly did such a wonderful job I think she stole a lot of my thunder. So I can go through these really quick because she did a really good presentation. Basically, Jim Doherty, who you're going to meet in a minute, and I have been going around the state for the past, oh, couple years kind of trying to get jurisdictions to start paying attention to this. And we've been doing some of that with a grant from the Department of Transportation that includes all of these partners: The Association of Washington Cities and WASAC, and then the pipeline industry and the UTC.

I already was introduced. I know more about myself now than I did before the introduction! Certainly the reason I learned about pipelines – I knew nothing about pipelines twelve years ago until the one blew up in downtown Bellingham, and I knew the mother who lost one of the children in that and got involved with the pipeline safety. And I know more about pipelines now than I ever would have dreamed I needed to know.

In reality, I think Carly gave you the idea of why this is so important. One of the things that the Department of Transportation and the federal government recognized about ten years ago is that most of the pipeline operators put these large transmission pipelines in

rural areas years ago. The average age of these pipelines is forty, fifty, sixty years old. So they look like this. I think this is a picture – I can't remember if it's Snohomish or King County – one of the two – in 1990. Here's the exact same picture twelve years later and it was similar to some of the pictures that Carly was showing you of even here in Skagit County.

So a lot of – as our communities have grown, the development has encroached closer and closer to the pipelines. It certainly creates an increased risk to communities as communities grow up around pipelines. I think this is Snohomish or King County too, and that shows kind of the impact radius around that particular pipeline. You know, you have to try to really put the risk in context, because the chance of a pipeline failing in any one place is almost negligible. It's really, really, really small but, as you saw from those pictures in San Bruno and Bellingham and other places around the country, if there is a problem the consequences can be catastrophic. So you have to try to weigh those two things as you move forward and think about land use regulations around pipelines.

A few things just maybe to help you think about what the real risks are and how to deal with that in your own brains are here's a list of all the significant pipeline incidents in Whatcom, Skagit and Snohomish Counties, you know, since 1988. So you can see there really have not been very many pipeline incidents, but even when you add those up – especially when you put the Bellingham one in there – it's a huge amount of property damage and lots of fuel that's been lost. Only one incident in Skagit County since that time.

You already saw the map of where the pipelines are in Skagit County. This was kind of a zoom-in I did. This is off the national pipeline mapping system – the area over near Sedro-Woolley in where the Williams Pipeline comes in and the Cascade Pipeline cuts off, because that's another one of the areas within the county that, you know, has pipelines in close proximity to folks.

Just a little bit more about the pipelines – the major transmission pipelines – that run through the area: The Trans Mountain Pipeline is a crude oil pipeline that brings oil all the way down from Alberta, mainly to the refineries at – both at Anacortes and Cherry Point. It's, you know, 16 to 20 inches, depending where you look at it in any one point in time, and it moves 7-1/2 million gallons of oil a day.

Consequences from that type of a, you know, rupture or a leak in that type of pipeline can be, you know, certainly huge liability for local governments. This is the Kinder Morgan Pipeline just north of the border. It got hit by a backhoe and spilled oil out. The oil ran down the road and actually got into the saltwater there. And they're still in court – I think this was five or six years ago – and they're still in court up there trying to decide if this was the municipality's fault for not marking the pipelines right or the pipeline company's fault for not having the pipeline where they thought. And I'm not sure when that'll be, but someone's going to pay out millions of dollars of costs in this.

Certainly lots of damage from property and expensive cleanup. This is the same spill. And if it gets into the water it's a whole different thing, whether it's into the surface water or can end up being a contaminant of drinking water, too.

The Williams Northwest Pipeline also kind of runs down out of Canada and all the way down to the Rocky Mountains, actually, and I always kind of bless this pipeline every morning when I'm taking my shower heated with all this natural gas, and try to think about, Well, is it Alberta gas today or is it Rocky Mountain? Because it's bi-directional – it can be coming from either direction, wherever they're getting the best price, which really helps us as consumers around here. It's, you know, 3900-mile pipeline that moves 1.8 billion cubic feet of gas a day, which is a number that I don't know what that really means. It's fairly big – 24 to 36 inches – and I think that's the one that Carly mentioned in some places they have pipelines running in parallel through here.

The consequences of natural gas pipeline failures, you saw those. It's mainly the explosions and fires – some of the same pictures, I think, that Carly had showed you. Also just even the pressure in the pipeline – this is the Williams Pipeline south of Olympia where it failed a few years ago and there was no fire or explosion at all. This is just the pressure of the gas coming out of that pipeline created this hole in the ground. And you can see the pipeline laying in the upper right-hand corner there. That's how far the pipeline flew out of the ground just from the pressure itself. Luckily there was no ignition source so it was just the pressure digging the hole.

Olympic Pipeline comes down basically from Cherry Point where the tankers create the gas up there at the refineries, and then it goes all the way down into Oregon and with some siders off to the refineries of Anacortes here, too. It's a liquid, you know, gasoline jet fuel diesel. It changes from day to day and moves about thirteen million gallons a day through that 16-inch pipeline.

Pretty similar consequences to a liquid pipeline failure – you know, explosions and fires, like we had in Bellingham, probably more even than crude oil for soil and ground water contamination. This is a picture of a jet fuel spill in Virginia where the people – the pipeline failed and the people actually coming out of these houses were wading almost knee-deep through jet fuel to get out of their houses. Well, it soaked into the soil and they had to remove hundreds of thousands of cubic yards of soil and demolish some of the structures around there just from the contamination. Luckily it didn't find any ignition source, either.

Really a couple of different ways to help protect communities, and one is to protect the pipelines from damages so things stay safe, and that's a lot of the one-call system – “Call Before You Dig” – that you hear about that's pretty well established in this state. There's actually a hearing today in Olympia trying to strengthen the one-call law in the state, and I think we'll have even a better law, hopefully, before they're done down there this year.

And the other way is to kind of protect people near pipelines in case something happens, and that is a lot of the planning that goes on and you folks have through your planning and zoning and permitting rules.

Jim's going to talk more specifically about some of the things that came out of the PIPA report, but one of the overarching things is the whole idea of a consultation zone, which pretty much is just a discussion zone to make sure that somebody that wants to do some development near a pipeline and the pipeline company at least know what each other are up to and have a discussion so they're all on the same page. Because often you'll find a developer's spent hundreds of thousands of dollars sometimes creating a development before they have a discussion with the pipeline company, and it can cause some wasted money on both sides and consternation. So the early consultation is an easy way – kind of a non-regulatory way in many ways – to help protect people.

Just a few examples of different types of development near pipelines. The picture on the left is a housing development up in Bellingham that has the Olympic Pipeline running right through the back yards. The pipeline was certainly there first and then the housing development went in after, and these folks now have, you know, the Olympic Pipeline twelve feet off their back yard. The chance of something going wrong there is really small, but, if it does, you know, we certainly can understand the consequences. So that's one issue just about, Did the developer and the pipeline company know what's going on? And, in this case, they didn't. The developer and the pipeline company hadn't talked with each other until a lot of this was planned.

The picture on the right is a middle school in Bellingham that has a pipeline running right through it and the middle school has admitted that they never even really considered the pipeline when they were, you know, choosing this site and building the school. And if they had, you know, looking back after the Bellingham explosion, they probably would have maybe chosen a different site or laid the school out differently. You can see the road coming in from the right there. That's the only access point into the school, so if the pipeline should fail somewhere along there it'd be real hard to get emergency response in and out of the school. They could have oriented the school differently or even required different, you know, construction types on parts of the school facing the pipeline. I'm sure Carly's going to get into some of those things as you move through this project.

Just a couple other examples and then I'll be done. This is looking down a pipeline right-of-way up in Whatcom County. You can see along the right-of-way on the – kind of the right-hand side there – there's a large stormwater retention pond that was built up there. This was done without much consultation with the pipeline company and they didn't really build this in such a way – when the pipeline company came in, the hillside was starting to fail and it looks like the stormwater pond was going to fail and, if it did, it could have washed down the side and take out the pipeline. The company had to come in – the developer had to come in then and do a lot of work on that hillside to shore it up, where if they'd had early communication everybody could have saved time and expense, you know, doing it right the first time.

This is just another example where there's so many things wrong it's hard to even know where to start. I mean, this is a jet fuel pipeline. It was there first. It was built in a rural area. There weren't any houses and it was just a rural road at the time. The houses went in next. You can see that they built the houses so close together that it's pretty hard to get emergency response or even repair equipment into the back yards, if you need to work on the pipeline. It wasn't a problem at the time. There wasn't a major road there or anything else. Sometime after that the Department of Transportation – this is in California – came in and wanted to do these neighbors a good deed so they built that 20-foot sound wall in the back yards there, effectively sealing this pipeline into people's back yards so it's impossible now to get equipment or emergency response easily into the back yards. And, in the meantime, people were building swimming pools and planting trees and sheds on top of the pipeline because the pipeline owner wasn't paying much attention either to what was going on, creating, you know, all kinds of problems.

There are times when, you know, pipeline rights-of-way and development can go hand-in-hand and be win-win situations. One of the things we saw down in King County with Williams Pipeline is a large developer worked down there to create greenways or trail corridors along pipelines that helped set the houses back away from the pipelines. And, interestingly enough, as they did a study of that, the houses that backed up on the pipeline right-of-way, which they saw as the greenway trail corridor, sold first and sold for more money than the ones farther away because people, you know, did the risk calculations in their own mind and decided, well, they'd rather have that green space back there than a neighbor looking in their back window.

Just making sure that there's adequate space to get in and do repairs, if repairs are needed. And small things can make a big difference, too. You know, working with pipeline companies early on, usually they'll let you allow – allow a lot of different types of building on top of the right-of-way, if you just work with them and make sure it'll work. You know, playgrounds and those type of thing usually aren't a problem as long as you're not putting posts deep into the ground. They might even let you put paved patios over the pipeline, as long as it's clearly understood that if they need to get in there they're going to remove those. And lots of times property owners when they buy property don't realize what the repercussions of having these easements on their property are.

So kind of the bottom line – I'm going to hand it off to Jim, who's going to talk more specifics about the different types of planning and zoning and permitting things you can do – is that through better planning we can really help ensure safer transportation of these fuels we all appreciate, and avoid tragedies like happened in Bellingham and then San Bruno. And that's it for me.

Chair Wesen: Thank you.

Commissioner Dillon: Thanks, Carl.

Commissioner Dahlstedt: Thanks.

Ms. Ruacho: Thanks so much, Carl. Next I'd like to introduce Jim Doherty. He's a legal consultant with the Municipal Research Services Center – "MRSC," as we refer to it here. They're very helpful to us so we're very thankful for their existence. Jim joined MRSC in 1993. He has a B.A. degree from Wheeling Jesuit University and from St. John's College in Santa Fe, his J.D. degree from Lewis & Clark Law School in Portland. In addition to clerking in two Oregon City Attorney's office, Mr. Doherty has been an Assistant City Attorney for two Washington cities. His legal career also includes stints as a public defender, private attorney and legislative counsel and Assistant Attorney General. Mr. Doherty's role with MRSC is to provide information on legal issues that relate to Washington cities and counties. He has been the MRSC representative on the Pipelines and Informed Planning Alliance and directly involved with developing the model ordinance on planning near pipelines. So I'd like to introduce Jim.

Jim Doherty: Thank you very much, Carly. I'm going to go through just some of the details and options that are available to you and a little bit of how we got there.

After Bellingham there was a period where there was a lot of anger, there was a lot of frustration. People thought of pipeline operators as wearing the black hats and local governments, cities and counties as having white hats and there was a lot of confrontation. After a few years, though, everything simmered down – or a lot of it simmered down – and we began to realize that all of the people involved with pipelines have an interest in the same thing, and that's pipeline safety. The pipeline companies don't want a rupture. They lose money, they lose the confidence of the public, regulations get tightened and they have a media nightmare. They don't want this to happen anymore than the local governments that have these pipelines going through them.

So we started a series of meetings with the pipeline companies and then we took it out to planners around the state, talking about these issues, in 2003 and 2004. And we were trying to brainstorm ideas of, What can we do to make these pipelines safer in our communities? And then in 2008 the federal government initiated the PIPA project that both Carl and I participated in. We held meetings in 2008, a number of meetings around the country. We did a lot of conference calls. There were representatives from the pipeline companies, local governments, NACo, League of Cities, surveyors, people that help design projects – residential projects. (They) all got together and thought, What can we put together in concrete form for recommendations to all of the people that work with pipelines and land use issues?

In 2009 we spent some time hammering out differences because, believe me, there were a lot of differences between what local governments felt should go into this federal document and recommendations and what the industry thought should go in. But we worked it out as a consensus document. And then the final report came out at the end of last year, and that's the report referred to as the "PIPA Report." It is a consensus

document and it followed the same format of the Common Ground Alliance, which was get all the stakeholders together. The Common Ground Alliance is what resulted in our 811-DIG law and a push throughout the country to tighten up those laws.

So that's how we got to this point. And a lot of thought went into the PIPA Report of putting out options for ways that local governments, pipeline operators, communities can try to make more informed decisions about pipelines. We want to stress that the PIPA document contains recommended practices. There are no mandates from the federal government. The federal government rarely gets directly involved with land use regulations, and when they do people tend to not like it. Legislating land use from the top down has not traditionally been a peaceful process.

The state generally does not mandate direct regulations on the land, although certainly the planning process is required by the state. But the big point to remember is that pipeline operators have no direct authority over the land uses that are outside their easements. Their control is only within the easements. They have no control outside.

The reverse side of that is that cities and counties have absolute control over what land uses happen on the lands outside the easement, but local governments have almost no control inside the easement. Inside the easement, the pipeline companies call the shots; outside the easement, you are in charge in terms of land use. And it's been a clear decision of the federal government. They have lots of regulations about how the pipeline operators run their systems, but they don't tell communities how to deal with the issues of land uses around pipelines. As a result, and because there hasn't been much attention to this issue in the past, there's been very little involvement in communities about pipeline safety except when there's been a major incident within the community. I mean, that's why Whatcom County initiated their project. I imagine that San Bruno, California, is going to be all over this issue. But it's unfortunate that communities that don't have a rupture in their community, it's hard to get things moving. And that's why the federal government put out these grants – to encourage communities to look at these issues.

So a couple recommendations – and part of this is a message we're taking out to lots of communities. Part of this you're probably in good shape with. Communities need to know where these pipelines are. I don't know if you saw this issue in the press recently, but at the NTSB hearings about the San Bruno incident in D.C., the fire chief testified. He had no idea that this pipeline was in the community. He didn't know where it was. They were totally unprepared to respond. The community was paying no attention, and that's not unusual.

So one of the messages is know where the pipelines are. I'm sure you're – you know where they are now with your maps. Make sure whenever you produce a map in an area where you're showing infrastructure that the pipeline gets shown. You should never have a development where the pipeline is not considered. One of the projects there that Carl showed a picture of there in Whatcom County, they dealt with wetlands on the property. They were dealing a lot in their SEPA process with a buffer because

there was highway noise – it's the Mount Baker Highway – highway noise on the property. Everybody was dealing with those issues. And we looked through the process of what happened: No one ever discussed the pipeline. You know, there was a SEPA checklist. It never showed the pipeline. The developer never talked to the pipeline operator before they laid out their whole project. That should not occur, and part of our effort here is to get communities to adopt processes that make sure that never happens in the future.

Consultation zone: We think this could be the easiest change to promote pipeline safety, more than most any other practice. It doesn't cost money. And I'm going to go through it in a little more detail. This is taken from the PIPA Report and this is the wording, and I'll just read this. "Local governments should adopt land development procedures requiring property developers or owners to consult with transmission pipeline operators early in the development process so that development designs are consistent with the needs of the operators and minimize risks to the populace living or working nearby."

An additional benefit of a consultation zone is a developer learns what he needs to do to be safe when he's building his project so he doesn't damage the pipeline. Lots of developers have no experience working near a transmission pipeline. They may have dealt with sewer lines and water lines or small distribution lines, but they need to understand what happens when you hit one of these pipelines. It's not a pretty picture.

For enforcement of a consultation zone, we came up with the idea that you just refuse to issue a permit until you've had verification that the pipeline operator and the developer have met and talked this over. So the pipeline operator has seen the plans. He's not going to approve the plans, but he's seen them and he knows what's going on. If they talk early enough, the idea is that the pipeline operator can say, Gee, you know, would you consider doing this differently or taking different steps or putting your road differently so you only cross the pipeline once rather than twice? Or orient your development so that there's easy access for emergency vehicles and people aren't trapped in there if something happens. There's a lot of things that can be done early in the process if you're working with a large enough project. Sometimes some of this is going to be difficult if you've got one small parcel of property right near a pipeline.

Our goal is to get development to reasonably incorporate the pipeline into the project. You're dealing with issues of land disturbance, where the other utilities are going to be located. You don't want to have lines crossing each other at different depths close to each other. You want to have accessibility to the pipeline for repair, emergency access and which way all the structures are faced. For instance, if you have a structure with a lot of glass set away from it – you know, this blast was going to shatter glass – why not have the glass on the other side and maybe a more solid wall towards the pipeline? There're things that could be done in design that just makes it safer if something happens. Low risk, high consequence, you know? We're learning about risk assessment with what's going on in Japan right now. The low risk. I mean, the

chances of that happening were very, very minimal. But these are all human systems, whether it's a pipeline or a nuclear power plant, and things can go wrong.

We've talked about a consultation zone. How big should it be? In our report, there are figures in there of 660 feet. Some people have talked 1000 feet. We suggest that you talk to the pipeline operators. Originally when we were talking about these issues – it was about eight years ago – we were in a room talking with Williams and Olympic Pipeline, and we said, Well, what kind of distances are a concern to you for actual damage to your pipeline? And they said, Well, if somebody's getting a blasting permit depending upon the rock that's in the ground and the soils, you know, 660 feet might be an issue. So you've got issues of how close things are done to the pipeline and then you've got the separate issue of how close do you want to take into consideration the impacts of if something happens.

In the document there are a number of recommendations dealing with the planning zone, and that's specifically oriented to protecting *people* if something happens. Some of this is oriented to protecting the pipe, some to protecting people.

The city that's gone the farthest along this line is Austin, Texas. They have a lot of pipelines running through there because of the gas and oil industry and all the pipelines coming up from the Gulf. They're a relatively sophisticated community and they actually developed standards that are detailed enough so that if you're building within a certain distance of a certain pipeline you have to get special approval from the fire marshal and build to a higher rating if you're going to build within a certain distance of the pipeline. They want to give people enough time if there's a rupture for them to get out, and they have the major exits of the buildings facing away from the pipeline. We don't think most communities are going to get that detailed, but we have examples of communities that have looked at this in great detail.

But there're a lot of other things that you can do. Conditional uses: How close do you want schools, day care facilities, hospitals or theaters to a pipeline? Do you want to allow them if they follow some of those procedures, such as having a higher fire rating or make sure the exits are faced away? I believe in Whatcom County they put – what was the distance, Carl? Was it –

Mr. Weimer: 500 feet.

Mr. Doherty: 500 feet. Not having any facilities that are hard to evacuate, such as a day care facility, a hospital, a nursing home or elder care facility. And you definitely don't want to have any fire stations or emergency facilities that are located too close to these facilities. And that didn't get too much controversy in Whatcom County. And it just makes sense. You can locate uses next to the pipeline that hopefully will lessen the consequences. For instance, if you have (a) commercial or industrial area – you know, some uses make sense. You could have something that has not too many people around, like a mini storage facility, near a pipeline. You're not going to have many

people there during the day and maybe nobody at night, so if there's a rupture you don't put people at risk.

There're a lot of other recommendations in the PIPA Report – a recommendation for temporary markers or fencing during construction. This just means, you know, along the edge of the easement you put up those – you know, that plastic fencing so that somebody doesn't back up their backhoe or their heavy equipment on top of the easement, causing damage to the pipe from the equipment. There's a recommendation about holding dangerous excavation activities, and this is a recommendation – something we think should be training for all local government employees. Let them know where the pipelines are and what those markers are, and if they see somebody out on top of the easement with equipment they should double-check and make sure someone knows what they're doing. If someone's out with a backhoe, do they have a permit? Is this something that they should be doing? Because sometimes some damage has been avoided by someone going up and saying, you know, Have you called 811? Do you know there's a major pipeline located here? So the more people that get knowledgeable about these issues and get involved, it can help the community. And, again, 811 is a great law.

Something you might consider: Requiring people to get their call number with the 811 system before you issue a final permit where someone's going to be digging. Unfortunately, people go to – in my community, it's called "Aurora Rents." You can rent ditching stuff, you can get power augers. Anything more than 12, 18 inches you can put the whole community at risk. But people getting their idea they want to do something and they want to do it now. Call Before You Dig just requires people to make that call. And it takes two days to get utilities marked.

But whatever your Planning Department can do to encourage people to get a permit when you come in and then have the staff educate them and tell them. It's not just our pipelines, you know? There's all the local infrastructure and phone lines and everything else buried in the ground. It just makes sense that anything you can do to get people to get permits and call before they dig.

Another idea that incorporates something that we're familiar with in western Washington, and that's setbacks from critical areas like wetlands. In a number of communities in the state, if you're on a wetland and you've got a parcel you're trying to develop and it's large enough, what you do is allow people to cluster development further from the critical area and allow them to get the units they want to get in but allow them to cluster it further from the wetland. Well, why not do the same thing with a pipeline? Provide some incentive for them to move further from the pipeline and make it safer for everybody if there is a rupture.

We have a lot of information on the Municipal Research webpage. We're certainly willing to ask questions and work with your staff and assist in any way that we can. We don't have a lot of examples from other communities. We're hoping that more communities gradually get into this issue. But a lot of communities – you've got the

grant – a lot of communities, I think, are sort of holding back on initiating anything new. So we commend you for getting that grant. I gather that Snohomish County and some other communities hopefully will get some grants in the coming year. But it takes just a little bit of thought. We like to think that this is common sense. It's nothing unique. Land use and zoning and regulations are what you do. When we were in these PIPA meetings, people raised issues: Well, do we have takings problems? And you don't have a taking problem. You can use past rational regulations for development near the pipeline. As long as you're allowing people to make use of their property, you're not going to have a legal problem in that way. Obviously consult with your Prosecutor, but we feel that there's an awful lot every community can do to develop safe regulations that enhance the safety of the community. Thank you.

And I think Carl and I are open to answering any questions you might have.

Chair Wesen: Commissioner Dillon?

Commissioner Dillon: Well, this is near and dear to my heart. I was the Mayor of the City of Sedro-Woolley several years back and as they were putting in the new pipeline, which wasn't – what they were putting in is a redundant loop so that they had storage capacity there on Williams Pipeline coming down. So they were – within the city limits they were doubling the capacity of that line and then they were adding bigger lines as they went down. And so it brought to my attention because at the same time we were also putting this development right beside it, you know. And I could see that, you know, that the setbacks were – I mean, they stayed within their setbacks, they very well marked their setback – you know, their boundaries. That was all well and good except for our rules and regulations said you could – you know – you could put a fence right up next to it. People don't realize – and I didn't realize until I learned more about pipelines than I never wanted to know about – that they move. They go. Just because you have this fifty-fifty over here, it doesn't mean that that pipe is right square down the middle of the road. It could be over here. It also – it generates electricity. As this liquid is going through it, it also generates this electricity that it gives off. And so just putting in a simple fence can – if the circumstances are right – can trigger an explosion. All I wanted is you don't put – just don't put anything within 10 feet of their line. But it was not the right time. It just – it didn't work.

But people have to be aware. We took tours on the pipeline that Carly had on hers where it was the beautiful forest on each side and, you know, it looked – as the forest grows up and if the pipeline doesn't take care of their markings and do not go out every year and make sure that those markings are there, pretty soon it grows up and you would have not the foggiest idea that there was a pipeline there – not an inkling. So, you know, I believe in them marking them, making sure that their – what their setbacks are are truly marked and that they're kept up every year so people do know there is something in the ground below what you're doing.

Mr. Doherty: Yeah, there are federal regulations that the companies are required to mark where they cross the roads and every so often. And they're getting better about clearing their easements.

Commissioner Dillon: They are.

Mr. Doherty: But, unfortunately, a lot of people don't pay attention to markers in the ground and look at the details on that. I didn't know anything about it. I probably have passed lots of these markers before I got involved in pipeline issues and didn't know what they were. It's a process of educating the community so that everybody can keep their eyes on the easement and pick up the phone and make a call if something doesn't look right.

Commissioner Dillon: Yeah. It's just being safe. How do we be safe? Allow people to do what they want to do, but know what they're getting into when they're building by these. I'm a believer.

Chair Wesen: Commissioner Dahlstedt?

Commissioner Dahlstedt: I appreciate you taking time coming and sharing with us. Certainly we've seen these tragedies in our own communities as we can look to the north in Whatcom County, so it's certainly cause for concern that we need to be as aware as we can in making these decisions. And it's always balancing the safety and economics and it's a challenge. We're going to go through the process and bring the public in and see if we can find what – you know, safety's job one for us and it's always that balancing act.

Mr. Doherty: Yeah. Well, you should be able to allow people to get financial use out of their property and just tweak the system so that it makes it better for everybody.

Commissioner Dahlstedt: Sure.

Chair Wesen: I'd also like to thank you both for being here presenting the material you have. I live out in the Edison area and I can remember the '60s when they put in the Olympic Pipeline, and I can remember crawling out there. And I was young and crawled through the pipe and seen it being put in, and we've been farming it for, you know, thirty, forty years since then. And we've had some issues occasionally where it has moved a little bit and we've had some neighbor places where they had to come in and repair it. And so they are out there. They do need to be worked on occasionally. And the pictures that show that, you know, forest areas are out in the country and all of a sudden ten years later you've got houses all around, that's a lot different management for the pipe company.

Mr. Doherty: Pipeline operators would love to have their pipes in rural areas.

Commissioner Dillon: Oh, yeah.

Mr. Doherty: They have no control over that. That's your control. Thank you.

Chair Wesen: Thank you.

Commissioner Dillon: Thank you.

Chair Wesen: Thank you very much, Carly, for the presentation. Anything else, Gary?

Mr. Christensen: Thanks, Carly. Just a few closing remarks. In summary, I, too, would agree that it makes sense, that it is indeed common sense to provide public safety and pipeline safety. We do have a public duty and a responsibility to protect property, life and general welfare. And as I think we move forward, I view this as perhaps kind of two parts or components, one of which is educational or providing greater public awareness, or what I've often commonly referred to as "Mirandizing" the public about what the concerns, the issues and the risks are with regard to working, living or playing by pipeline transmission lines.

And then the second component would be looking at development standards or guidelines and/or land use regulations. And I think if we look at it then as a comprehensive strategy – both educational and public awareness, and then either design guidelines, standards and land use regulations – that we minimize our risk and are able then to assess the consequences of development and how it might occur.

Commissioner Dillon: I totally agree.

Chair Wesen: Thank you.

**(Board of County Commissioners' session ends.)**

Chairman Easton: I've asked Carly to share a few more things with us. Due to the tremendous amount of folks that are here that want to testify – we're not just well-attended tonight; we have a long list of folks that wanted to – I'm going to ask that you hold your questions and really limit them. We'll have a lot more time at our deliberations for questions, or you can always e-mail the staff. I want to try to get to the public testimony as quick as possible. If you feel like there's something that needs to be clarified before we move on, I'll obviously – I will make room for that, but I want to try to be mindful of our time. If everyone's agreed with that, then we'll just go ahead and hear from Carly.

Ms. Ruacho: Thanks, Jason, and I will try to keep my comments very brief and respect all the individuals who came today. I do appreciate all their –

Chairman Easton: Brian, you need to turn Carly's microphone up. Thanks.

Ms. Ruacho: Can you also turn the doc cam on, Brian? Thank you.

I just want to kind of go through some specifics of the ordinance with you guys since this really is our first time to talk about this, other than kind of a general preview kind of earlier on in the process. Again, I'll try to keep it as brief as possible.

The ordinance is structured with really four main components. So it's not really kind of a just one large lump of development standards or guidelines, but really it can be broken down into separate and distinct components. The first one is the consultation zone, and you heard a lot of talk about this in the presentations that were given to the Commissioners back in March. And the purpose of the proposed consultation zone would be to increase the communication between landowners and developers and the pipeline operators.

Currently, as you heard, the communication generally occurs right when folks are getting ready to dig. So this is long after the planning stage, long after the permitting stage, long after permits are even issued, and they're ready to kind of hit the ground running and dig. In two days they'll call the one call number to get the utilities indicated on the property, and at that point that might be the first time that the pipeline company hears about a project. It could be a large project. It could be a school, as we heard about things like that.

So the proposed consultation zone would instead move that dialogue up to the planning stage and require that consultation early on and could save, as we already heard, time and money, and benefit from that discussion at a point where designs and plans could still be changed and be plausible financially.

The second component is what you heard referred to as "high consequence land uses." These are components, or these are land uses that tend to have high onsite populations or populations that are difficult to evacuate. As you heard, these are things like schools, hospitals, day cares, nursing homes, multi-family housing units – those types of things. Also included in this are essential public facilities. You heard those referred to as well. But those are types of uses that you want the ability to respond in an emergency-type situation, so you wouldn't want them to be involved in an emergency kind of consequence. You would want them to be in an area that would allow them to do that response.

The third component has to do with setbacks. This component addresses the required separation between structures or construction activities and the pipelines. New structures or uses are proposed to be addressed differently than existing structures because we recognize that there's definitely – you know, obviously, as we saw through the presentations – quite a bit of existing development located in close proximity. And as well we have proposed to treat occupied structures different than non-occupied structures. So, for instance, a house versus a garage or a garden shed.

We've also proposed an administrative setback reduction opportunity for folks, again acknowledging that existing structures are there and that these standards may not mesh well with what has been allowed in the past.

And then kind of as a fail-safe, we have proposed what's called a "reasonable use provision" that would ensure the use of every property is protected and at no time would these standards disallow the use of a property.

The fourth component has to do with land divisions and it relates to the placement of building envelopes through new divisions of large lots into smaller lots. Our proposal differs – this is like getting louder and louder as we go, I think!

Chairman Easton: Brian, what about the feedback? Can you turn it down a little bit, please?

Ms. Ruacho: Thanks. Our proposal differs from other jurisdictions' in this regard. Some other jurisdictions have addressed this issue by requiring landowners to remove the area of the pipeline corridor from their density calculations when they do a land division and, in essence, this reduces the number of development rights that an individual might have on their property. It's not Skagit County's desire to reduce anyone's number of development rights that are available on their property, but instead to design and plan for the placement of the building envelopes of those new lots in the most appropriate location possible with regard to many factors, and pipelines just being one of them, and the proximity to a transmission pipeline.

Another aspect of the ordinance that I want to make sure was understood because it's kind of a new phenomenon and it might be difficult to have understood, which you probably saw in the proposal as the bracketed items. And what that is is a proposed *range* of options or alternatives for the dimensional standards that were given in the ordinance. So we want to allow you and your recommendations and the Board of County Commissioners in their ultimate decision more flexibility in, you know, reviewing these proposals. And so you would have noticed these bracketed items associated with the dimensional standards in the proposal, and this would have been a range from zero being the lowest up to the number listed within the brackets. So you saw kind of a bracketed up-to amount. And we do have to set the upper limit because there is an environmental and impact review that needs to be done and so an upper limit is required in order to do that review. We can always change that at a later date and we can go through the process again, but within the range given from zero to the upper limit that we did the review on, we do have quite a bit of flexibility.

The other thing I just want to update you a little bit since the presentation that you saw regarding the process. So you reviewed the video of the March 15<sup>th</sup> Board of County Commissioners' presentation where we listed some anticipated products through this – through this process. And I did want to let you know that we did have face-to-face meetings with all four of our pipeline operators in the months of March and April. We were able to sit down with all four of those operators – representatives from all four

pipelines – and that gave us a great deal of information. They were very willing to work with us, and we just greatly appreciate their time and their efforts in this process.

We also were able, with the help of our GIS Department, to determine everybody who owns property within 1000 feet of a pipeline – a major transmission pipeline – in the county, and that resulted in a direct mailing to 3200 landowners in the county. So there are many more parcels than that that are adjacent to the pipeline within 1000 feet but they're often owned commonly with others, so 3200 individuals.

We also held a community meeting which was advertised on that mailing, and we wanted to do this. We felt it was really important because this is kind of a new issue. It's really a community issue. It can be confusing in that we have the four different pipelines carrying different things. And so we had a community meeting in May. It was more of an open house style where people could come and dialogue with us, rather than kind of a formal setting like we're here tonight where we kind of give people the opportunity to talk but there really isn't a lot of dialogue. So we had that opportunity and we had about forty members of the public in attendance at that meeting.

You've got your deliberations on this issue scheduled for July 19<sup>th</sup>, so you've got some time in which we can answer questions. As Jason said, you know, tonight, just due to the large number of folks here and being respectful of that, we might not have as much time as we normally would on our other subjects where we can kind of dialogue and answer questions. But we definitely have time for you to ask questions of the Department. We can get that information for you, get that in time for your deliberations. So if you do have any questions, please don't hesitate to let us know.

And as Gary indicated earlier, this project is kind of unique from some of them that we work on in that we don't have a deadline that we're working against, and so we can take the required time to make sure all those folks who are interested in it can have their input and then move forward as it is appropriate. And, you know, having the range of dimensional standards allowed in the ordinance, as well as the separate components, it gives us a lot of flexibility to make changes, address public concerns – those types of things – as we move through.

I was going to give kind of review of what other jurisdictions have done, but just for the sake of time I think I'll just save that for deliberations and we can go over that then. It was something you received in your packet but I know it's a little bit confusing and you might have questions on it. So, again, if you do, you want to talk about it, definitely give me a call, and then we can talk about it more at your deliberations.

Chairman Easton: Great. We're not in a – we're still in a public work session right now, so I haven't called the public hearing to order. At this time, are there any questions for staff to help – just for clarification purposes – before we take the public testimony, Commissioners?

Annie Lohman: I have one.

Chairman Easton: Go ahead, Commissioner.

Ms. Lohman: When I looked at this at home, some of the slides are really tough to read. Do you – can you – you had a printout of one that showed all the incidences in about a ten-year period, and even here you really couldn't read it at all. But that would be very interesting to be able to see what that said.

Chairman Easton: Yeah, that's a good comment. I think blow it up and mail it. I think it didn't transfer well.

Ms. Lohman: Or put it on your website.

Ms. Ruacho: You bet. Yeah, you bet we can do that.

Chairman Easton: Okay. All right, any other questions before we go on to the public hearing? I just want to thank the public. I recognize – I had a number of decisions to make in preparation for this meeting with staff. And asking you to be here at six o'clock for a meeting that you don't testify till seven-thirty seems a bit disrespectful, and I apologize if you feel that way. We felt the best use of our time was to make sure that we were as informed as possible before we heard your testimony, and because of our own scheduling issues we put – what we don't usually do – but we put a work session prior to our meeting. We do hope this makes you more prepared for your comments and we appreciate your patience.

With that, I'm going to go ahead and call the public hearing (gavel) to order. This is a public hearing before the Skagit County Planning Commission concerning pipeline safety. I have a number of things that I must read. Bear with me, please.

The following are paraphrased excerpts from Article IX of the Planning Commission bylaws:

- Each Planning Commission member has a responsibility to uphold and work within the law and to respect the responsibilities of others to do the same;
- Planning Commission members must refrain from any conditions which create suspicion or misinterpretation, appearance of partiality, impropriety, conflict of interest, or prejudgment over any proceedings;
- Planning Commission members shall recuse themselves from acting on any proposal with which they have a personal or business relationship relating directly or indirectly to that proposal.

The full text of Article IX is attached to the copy that you, as Commission members, have in front of you on the backside of what I'm reading now. And Planning Commission members have read this in the past. Please indicate by a show of hands if you have reviewed this section in its entirety previously. Show of hands? Okay.

At this time a number of us need to make some declarations in relationship to this statement. First of all, I will declare, as the Chair, that I have been contacted by multiple members of the community concerned about this issue. Some of their questions were just based around scheduling – when were we going to meet and what issues will be discussed. I believe I'm still in a good position to continue to be involved in this issue.

We have other disclosures that need to be made, I think. Commissioner Axthelm?

Josh Axthelm: Yes. My property is within the 600 feet – or the 660 feet – of the pipeline. It's the Olympic Pipeline.

Chairman Easton: Commissioner McGoffin?

Mary McGoffin: Yes, I have a pipeline easement running across my property.

Chairman Easton: Commissioner?

Ms. Lohman: I'm probably in the same situation as you, and I'm also a member of a community water system that has pipelines in it.

Chairman Easton: So by the same situation as me, you mean you've been contacted by people in the public who are concerned about the issue?

Ms. Lohman: Absolutely. Yes.

Chairman Easton: Sure. Any other disclosures? Commissioner Nakis?

Elinor Nakis: I have a pipeline easement on my property.

Chairman Easton: Wow, I feel left out!

(laughter)

Chairman Easton: Commissioner Hughes, anything to disclose?

Dave Hughes: Boy, if we're getting that nit-picky, I mean, we farm over several miles of it and I don't know if we're within 660 feet. I think we might be.

Chairman Easton: It's my preference and the Director's preference that we just be as transparent as possible. Anyone else?

(silence)

Chairman Easton: All right. I don't –

Ms. Ehlers: No, but I would say something.

Chairman Easton: Go ahead.

Ms. Ehlers: One of the first rules that I learned as Planning Commissioner was that anybody can tell anyone at any time what the process is, what the procedures are, what day something occurs, what time and where to find basic Planning information.

Chairman Easton: Of course.

Ms. Ehlers: And there – well, there are people who quibble about that and say that it – you can't do it. But as a Commissioner – County Commissioner – said to me many, many years ago, if you can't find out from somebody who's in the process what the process is, then you never find out.

Chairman Easton: Agreed. All right. With that, then I think we've handled – we've dispatched that issue. Now on to my next opening statement. This is exciting stuff.

(laughter)

Chairman Easton: The purpose of this public hearing is to receive testimony and written correspondence regarding the County's proposed standards relating to hazardous material and natural gas transmission pipelines. There is a sign-up sheet that was in the back of the room for those of you who would like to testify. An opportunity will be given at the end of the hearing for those who wish to testify but who did not sign up to speak.

We are asking that you strictly follow the limit of three minutes for your comments tonight so that everyone will have a chance to speak. We're asking that special interest groups and associations choose one person as a spokesperson for us to allow greater participation and cross-representation.

Before you testify – this is important or I'll make you – I'll interrupt you – please clearly state your name – clearer than some of you wrote your names – clearly state your name, spell your last name, and give us your address. A recording system will record your comments, and you can review the video of tonight's meeting in the future on [skagitcounty.net](http://skagitcounty.net) through Skagit 21.

Written comments are also being accepted there at the staff table there over by Michele. You can place your written comments there. We have already received some written comments. At this time the Chair is recommending to the Commission that we extend the written comment period by one week so that it would expire now on June 13<sup>th</sup> at 4:30 p.m. Do I have consensus on that from the Commissioners? All right, so be it.

So your written comments can be prepared – or additional written comments can be prepared – and they need to be presented, and make sure it's to the Planning

Department. All the instructions are on the website, or see Carly afterwards if you need instructions on how to get your documents in on time.

All right. And now tonight we're going to explain the light system. It's a little new for us as a planning commission but it's something I've decided we want to start using to try to make things as fair as possible. Commissioner Mahaffie has agreed to run the light system. You will have a green light for the first two minutes of your speech. When there is one minute left, it will go to yellow. When it goes to red, you will hear my voice that I use for my teenage children to sternly warn you that you need to finish, followed by my gavel within a few seconds because we're going to stay on a tight timeline tonight. So please limit your comments to three minutes, okay?

And, with that – yeah, that's the light system. There you go. Yeah, that's where the lights are is right there. I wanted to recognize one additional staff member that didn't get recognized earlier: Mark Watkinson, who is one of the coordinators of the Department of Emergency Management. Did I get that right?

Mark Watkinson: Close.

Chairman Easton: Close. Close enough. Well, thanks for coming, Mark. All right. So I'm going to kind of queue you up so that we're not waiting for people to move across. So I'm going to give the first three names. After those three folks go, I'll give the next three names. We'll move it that way. So if you could just come and prepare yourself off to the side, that would be great. First up – there's a number of Knutzens here so I'll be adding first names to the Knutzens at least – I need to hear from Mr. Bill Knutzen. I think it's Marian Knutzen.

Bill Knutzen: She won't be speaking.

Chairman Easton: She won't be speaking. Okay. And, let's see, who else should be prepared? Oh, boy – Jerry Handlos?

Jerry Handlos: Handlos.

Chairman Easton: Handles?

Mr. Handlos: Hand/os.

Chairman Easton: Handlos. You know my last name abilities are horribly wrong and I blame all of my teachers for that. I'm just kidding! I was kidding. You want to help me with that one? That looks like –

Mr. Hughes: Norm Dahlstedt.

Chairman Easton: That's Norm Dahlstedt. There you go. And Mr. Dahlstedt. All right, so we're all ready to go. Just hover there behind him and we'll start your clock when the green light comes on. And remember to state your name.

Mr. Knutzen: Okay, Bill Knutzen, 11790 Avon Allen Road.

Chairman Easton: I know, and you forgot to spell your last name.

Mr. Knutzen: K-n-u-t-z-e-n.

Chairman Easton: Thank you, sir.

Mr. Knutzen: I frankly was encouraged by Carl and Jim's comments. My big concern is setback requirements. We – our family owns 60 acres of property that two pipelines run either through or adjoining. If 150-foot setbacks are used in that 60 acres, we'll lose one-third of the property – in other words, 20 acres. And that's a huge – that property has just been considered in the urban growth area for Skagit County.

And I'll cut this a little short. But over the last ten-and-a-half years there've been a total of fifty-two deaths by pipeline accidents in the entire U.S. And I'm not trying to lessen the presentation that was made here before, but those accidents that were mentioned were horrible accidents – no question about it. But there were fifty-two deaths by pipeline accidents in the entire U.S. Fourteen of the deaths were workers repairing pipelines and thirty-eight were other individuals. Twelve of the other individuals were in a campground over 600 feet from the rupture of a natural gas pipeline. The three persons killed in the Bellingham accident in 1999, although not included in the thirty-eight deaths I quoted earlier – were all more than 1200 feet away from the rupture and in a city park. Does this mean that we should not have parks within 600 feet of a pipeline?

Six crewman – on October 12, 2006 – six crewmen on a tugboat hit an underwater pipeline two miles from shore 100 miles southwest of New Orleans. Four of those on the tug were killed. Evacuation procedures have saved many lives during ruptures, but five of the thirty-eight deaths were caused by failure to follow established evacuation procedures. Four of the deaths involved transmission lines which were serving homes and less than two inches in diameter.

Two of the thirty-eight deaths were caused by stupidity. First was a state contractor building a noise wall along Highway 475 in Toledo, Ohio. Hit a six-inch gas pipeline with an auger, causing an explosion. The same crew hit the same pipeline next door – the next day, but without serious incident. And the second death involved a bulldozer that hit a natural gas pipeline in the desert two miles north of the Wyoming-Colorado border.

After crunching these numbers, we find that eleven deaths are unaccounted for. They all occurred in two accidents. The first one was in San Bruno, California, and you just heard about that one. They feel that that was caused by a safety valve that failed.

Chairman Easton: Your yellow light's on.

Mr. Knutzen: Pardon me?

Chairman Easton: Your yellow light's been on for a while.

Mr. Knutzen: Has it? Okay. I'll just read the last paragraph. How's that?

Chairman Easton: There you go. Just trying to help. Wrap it up for us, please.

Mr. Knutzen: Pipelines don't just explode. There's almost always a reason for a failure, whether it be improper digging, improper maintenance or failure of safety equipment. I would suggest that instead of concentrating on setbacks, for which there's no evidence that it would save lives, Skagit County concentrate on getting more involved with the Call Before You Dig program and adopt the Whatcom County model. It also wouldn't hurt for Planning to get a little more involved with the experts in pipeline safety, namely the pipeline companies themselves.

Chairman Easton: You need to wrap it up.

Mr. Knutzen: In the twelve years we've been working with the BVR urban growth area, Planning didn't have any communication with the pipeline companies until six months ago.

Chairman Easton: Thank you. We hope you'll turn your – if those are –

Mr. Knutzen: I will.

Chairman Easton: We appreciate that. That's helpful for us. Thank you, sir.

Mr. Handlos: Jerry Handlos, H-a-n-d-l-o-s. 11191 Michael Place, Burlington. Bill pretty much covered a lot of what I was going to talk about. Primarily I have about 2,000 feet of property on a pipeline. We all know how old the pipelines are. The accident rate is probably the lowest in the – you could not even find any other item that is less dangerous really. Sure, when they go, they go real big. How often? Those are facts that are going to be involved in anything. What about the rail lines that go through these cities with tanker cars? Are you going to deal with them? Are we going to build houses with bulletproof walls in hunting areas?

These setbacks are fine. They've been living here a long time. If you're going to do anything, communicate with the property owners and the pipeline. Leave the property limitations where they're at. It's crazy. You're going to eliminate tax – the taxing on the

houses are going to go down if you push the 600-foot setback on new developments. What about the ones that are already close to it? Where's the valuation going to go there? Is the County prepared to send out new appraisals for tax turn backs? That's what's going to have to happen. That's about it.

Chairman Easton: Thank you, sir. Mr. Dahlstedt?

Norm Dahlstedt: I don't need to go up there. My voice is loud enough.

Chairman Easton: Actually I need you to go up there.

Mr. Dahlstedt: Oh, all right.

Mr. Dahlstedt: I really in coming didn't intend to speak. We do have a lot of pipelines running through our place. There's three different companies, probably something like 2-1/2 miles totally.

Bill covered it very simply. The risks are extremely small, and in your presentation it showed that people, when they had a choice between an open area, they would pay more money to be close to the open area than they were to be farther away. This particular document, in reading it, it really doesn't cover the safety thing at all. All it covers is a setback. That doesn't solve the problem. No one's arguing about the risk of explosions. But this particular document doesn't do a thing for safety.

Chairman Easton: Thank you, sir. All right, our next three speakers: Is that Mr. Holton?

Ron Halterman: Halterman. I'm going to pass and \_\_\_\_\_.

Chairman Easton: All right. Mrs. Mitchell? Ms. Mitchell. Mr. Wallace – Bill Wallace – and Sarah Spence? All right, go ahead, ma'am

Kathy Mitchell: My name's Kathy Mitchell, M-i-t-c-h-e-l-l, 1155 Chuckanut Ridge Drive, Bow, Washington 98232. Safety's going to get hammered tonight so I'll skip part of that. Just so I understand, you *are* going to read every word of this, right? Everybody? Okay, good.

Chairman Easton: Oh, you're talking about your written testimony? Yes.

Ms. Mitchell: The written testimony. Okay, good. I'll zip on through. Just for a quick background, I'm a geologist by training. I'm a volunteer fire fighter now, so fire safety and safety is paramount for what we do and what we believe in, so I find it rather ironic that I'm going to say to you what I'm going to say. And the long and the short of this is, when I read through all the regulations, everything that's been documented – I spent a solid week going through this – what I'm finding is that this is not exactly addressing the safety issues and the setbacks aren't either. It's skirting around it entirely, pretending that they're going to assess those situations. So bear with me while I read this quickly.

Chairman Easton: Sure.

Ms. Mitchell: Points 5, 6 and 7, when you do read this.

The proposed amendment is a regulatory taking. They warned you that people were going to say that and the reason I do believe that is this. Severe land use restrictions on an additional 660 feet on either side of the pipeline effectively constitutes a taking of private property. The landowner will lose the full use of that economic property and benefit of the land. Not only are they deprived of the rights they originally held, but they're are no way compensated for the loss. Furthermore, the way the wording the wording is is so cleverly written that on page 4, line 7, "The required setback from hazardous liquid and gas transmission pipeline corridors shall not deny all" – note 'all,' – "reasonable economic use of the property."

At best this is misleading and disingenuous, depending on one's interpretation of the word "all." It's back to \_\_\_\_\_. If 99% of a property owner's full use of the land is taken by regulation, the County can always come back and say that they've adhered to the strict wording by not denying "all reasonable economic use of the property," even though, in effect, they have done exactly that. Furthermore, I don't see anything about grandfathering in people with their areas and their properties. I do think that that needs to be addressed. There's a lot of holes in this proposal, from what we can see so far, and I think you will have a lot of objections because there's homework that has not been done and proven and shown and justified and warranted.

Okay?

Chairman Easton: Thank you.

Ms. Mitchell: Thank you.

Chairman Easton: You know, I'm going to take a moment for personal privilege to clarify something. The Planning Commission, due to past histories in our working relationship with the Planning Department and the Commissioners, has asked that all future proposals be given to us when possible with ranges for us to consider. We recently ended up in a situation where we didn't have a range. Some of us had a desire to discuss that and we weren't in the position to be able to do that at the time. We would have had to have called another public hearing.

I'm saying that to just remind you that – and I believe if the Chair of the Commission was here he would say the same thing, and I know the Director's agreeing with me – 660, which is the biggest number in the proposal, or 150 or whatever number is in brackets is just that. It is the top end of what we advertised that we may potentially do. Okay? So I just wanted – that may help for clarification for some of you. All right. I did get that right, right? All right.

Mr. Wallace?

Mr. Wallace: Mr. Chairman and members of the Commission, my name's Bill Wallace, spelled W-a-l-l-a-c-e. Address is 16273 Par Four Lane in Burlington. I am the President of the Burlington-Edison School Board and am here tonight on behalf of the School District. And thank you for the opportunity to speak on the proposed Skagit County pipeline safety standards. I provided staff with ten copies of my presentation.

I commend Skagit County for taking a leadership role in addressing pipeline safety standards. The safety and welfare of our local community is a paramount duty of the County. The School District's interest is primarily related to the existing Trans Mountain Pipeline located on Allen Elementary School property on Cook Road. This pipeline, owned by Kinder Morgan, carries crude oil, a relatively safe product compared to the other pipelines.

I have two parts to my presentation. The first is a recommendation to the County on the process and the second has to do with a few specific questions pertaining to the proposed standards in regards to the process recommendation.

The School District and I'm sure others in the community would appreciate a few more weeks of public participation, along with the County, on the proposed safety standards. I do not understand why a project as important as this seems to be on such a fast track.

I'm aware there was a pipeline safety presentation to the County Commissioners on March 15<sup>th</sup>. We saw that tonight. A public hearing on May 9<sup>th</sup> attended by a couple dozen people; however, much of the community affected by the pipeline corridors, including the School District, would benefit from additional information exchange. For example, it would be helpful to have the different pipeline companies, Kinder Morgan and the other three pipeline companies, part of the public discussion. I'm aware that they've talked to staff but I'd like to hear them in public. They are knowledgeable and key stakeholders in the outcome.

I understand the federal government can permit different gas and petroleum products to be transported in any given pipeline, but wondered what the likelihood of that happening actually is. It would be helpful to hear from the pipeline companies and the federal regulatory agencies about that process.

I have a few questions that I've written down, and in the essence of time – in the *interest* of time I'm just going to read a couple of them.

Chairman Easton: You're on about thirty seconds to go.

Mr. Wallace: Okay. Well, it has to do with Allen School and I'm just going to cut it short. It's in writing and will be part of the record, so I'll follow it up by saying in conclusion, the Burlington-Edison School District respectfully requests the County keep the comment period open for a reasonable time and facilitate additional information exchanges. This

would help the District, like others in the community, to become better informed in the pipeline safety. The outcome should, in turn, better help the County develop appropriate and effective pipeline safety standards for the future.

Chairman Easton: Thank you, sir.

Mr. Wallace: Thank you.

Chairman Easton: And you did hear earlier that we did extend that?

Mr. Wallace: Yes.

Chairman Easton: We did extend that till Monday?

Mr. Wallace: Yes.

Chairman Easton: Okay. Thank you. Ms. Spence?

Sarah Spence: Hi. My name is Sarah Spence, S-p-e-n-c-e. I live at 1922 Barrel Springs Road. I have 700 feet of Olympic Pipeline on my property. I have been involved in pipeline safety since the day Bellingham exploded. I was the Vice Chair of Governor Locke's first pipeline safety committee. So to be here for the first time in twelve years to speak against pipeline safety, I'm pretty cranky.

Now I have a couple of questions for the staff. Did you get the Pipeline Safety Trust involved in your draft document?

Ms. Ruacho: Yes.

Ms. Spence: At what time?

Ms. Ruacho: You saw their presentation from the beginning. Jason, I don't know if you want me –

Chairman Easton: Just a second.

Ms. Spence: Let me answer that question. If Carl Weimer were to say that no one contacted him from the 15<sup>th</sup> of March until you were in trouble at your last meeting, would he be lying to me?

Chairman Easton: Okay, let's – the Chair's got to make a decision. Go ahead and stop the timer for a second. I need you to testify. You can point out that Carl told – if Carl told you that they didn't get a call till they were freaking out after the public hearing, tell me that.

Ms. Spence: I'm telling you right now.

Chairman Easton: Okay. And tell the rest of us that, but let's not have interaction with them.

Ms. Spence: Okay.

Chairman Easton: And just because I'm resetting you – I'm going to go ahead and just totally reset her time – so start over and let's try it that way.

Ms. Spence: Let's try it that way.

Chairman Easton: Thanks for understanding.

Ms. Spence: Oh, I understand. I mean, I'm supposed to –

Chairman Easton: I'm expecting a good letter from you.

Ms. Spence: Well, the fact is I'm leaving for D.C. on Saturday morning –

Chairman Easton: I'm sorry.

Ms. Spence: – to testify on a pipeline safety hearing for the Congressional House Energy Committee.

Chairman Easton: Wow.

Ms. Spence: That's where my time is supposed to be spent.

Chairman Easton: Okay.

Ms. Spence: So basically what's happened here is that you guys have gone way beyond the consultation thing. I have found no record, no sample documents coming anywhere close to this. The setbacks are crazy. The setbacks that create the – this is from Jim Doherty. I got this yesterday. "Please note that the comments relate to natural gas transmission lines, which has a quantitatively – a relatively quantifiable blast zone, which is quite different than the situation with hazardous liquid pipelines." Only one of these gas lines can quantify a blast, and yet there's talk of a 660-foot easement. And I know I'm going to run out of time so I'm going to say that they have not – you haven't investigated all of the ways for pipelines to make their own lines safer.

The 20-inch depth thing? That can be modified. I gave you a legal precedent to require them to put it into 36 inches eight years ago. Skagit County ordered them to bring mine up to depth of cover. You can do that. That's a way. But when you say in your memo "address a gap in the existing federal and state regulations," don't define the gap, and then the very first thing that happens is setbacks. And I don't believe any landowners

were consulted, because I'm the Skagit County's pipeline diva and I heard about this from my neighbor. Thank you.

(applause)

Chairman Easton: Thank you, Ms. Spence.

Ms. Spence: Oh, one more thing. Here's some sign-up sheets. Let's start a landowner association. So here's –

(laughter)

Chairman Easton: Uh – yeah, would you take your seat, please?

Ms. Spence: Okay.

(laughter)

Chairman Easton: Thank you. Thank you. Yes. And the former Chair is thankful that I'm chairing tonight's meeting.

(laughter)

Chairman Easton: Thank you, Ms. Spence. I will not say this next name right. Mr. Thomas –

Thomas Hsueh: "Shay."

Chairman Easton: Hsueh. Perfect. You said it for me. Then following him, Greg – is it Bormes or Bormet?

Greg Bormutt: (inaudible)

Chairman Easton: He's waiving his rights. Okay.

(laughter)

Chairman Easton: Duly noted.

Ms. Spence: His *talking* rights.

Chairman Easton: His talking rights. He can still sign your petition. Mr. Watkinson, you'll be next. All right, sir. Please give us your last name, spell it and then your address.

Mr. Hsueh: My name is Thomas Hsueh, spelled H-s-u-e-h. I live in 57 – at 50 –

Chairman Easton: There won't be a test. It's okay.

(laughter)

Mr. Hsueh: Anyway, I forgot my address – 570 –

Chairman Easton: I have you at 1905 Skyline Way.

Mr. Hsueh: Okay. That's okay, too.

(laughter)

Chairman Easton: As long as the other people that live there are okay with it, it's okay with me! All right. All right, Mr. Hsueh, share with us what you think about this.

Mr. Hsueh: Anyway, I have two little farms and the pipeline went through a lot of place, but I'm not here to talk about setback impacting my interest because I'm going to turn the farm into a wildlife sanctuary. So it doesn't affect me very much.

But I would like to comment that any more rules such as this will increase the cost of property, the housing. And any cost make the pipeline people in the future to find a place to put a pipeline, it will increase their cost and will impact our material cost and fuel cost. And so I would like to yield the rest of my time to that lady that was just here.

(laughter)

Mr. Hsueh: And if Mr. Watkin would like to yield his time to the gentleman –

Chairman Easton: Well, I appreciate the sentiment. I mean I really do, but we won't be backward yielding in time.

Mr. Hsueh: Oh. I think we should make a rule that we could in the future! Thank you very much.

Chairman Easton: You can e-mail me with suggestions later on how I can improve. All right, Mr. Watkinson.

Mark Watkinson: Mr. Chairman, in view of the many people who want to testify, I'll just – I've prepared a statement, a letter. I'll submit that to the Planning Department.

Chairman Easton: All right. Thank you, sir. And thank you again for coming. Maggie Sullivan, Janet McKinney and Patty – is it Sweaney?

Patty Sweaney: Yeah, we're not testifying. Thank you.

Chairman Easton: You're welcome. All right, after Maggie then, Mr. Steve Sakuma.

Steve Sakuma: Pass.

Chairman Easton: Passing. I better keep track of who's passing here. Hang on. Mr. Youngsman? Bill Youngsman?

Bill Youngsman: Yes.

Chairman Easton: Are you going to testify?

Mr. Youngsman: Yes.

Chairman Easton: Okay. And is it Pam Faber?

Pam Faber: Yes. Passing.

Chairman Easton: Passing. Hang on, Maggie. I've just got to get a couple more people queued up. Ron Knutzen? Is that "Knutzen"?

Ron Knutzen: I'll pass.

Chairman Easton: He's passing.

Mr. Hughes: Wow.

Chairman Easton: Brown – Allen Brown?

Allen Brown: I'll send a letter.

Chairman Easton: Sending a letter. Elizabeth Wilskie?

Elizabeth Wilskie: Yes.

Chairman Easton: Will you speak? Okay, great. Now we have three. Thank you, Maggie, for your patience. State your name, spell your last name, give us your address.

Ms. Sullivan: Hi. My name's Maggie Sullivan, S-u-l-l-i-v-a-n. My address is 740 Shaw Road. I live in Alger. I have 330-some odd feet on the pipeline. I have two comments I would like to make tonight, and one is about public comment and the other is about responsibility.

First, about public comment: The card I received before May 9<sup>th</sup>, it states on here that the County is promoting standards and procedures that ensure that the development near a pipeline occurs safely. There was no mention of a significant land use restriction. I found out about that from a neighbor. And people can't give public

comment unless they have time to learn the facts about a situation and then write a letter. I would like to suggest that further than one week from now we have a publicized public hearing so all the people who live on the pipeline can come and give public comment.

The other thing that I have to say is I request that Skagit County requires that the pipeline owners themselves increase their safety standards instead of putting the responsibility of the risk on the landowners.

(applause)

Ms. Sullivan: I've heard a lot about the education for landowners, which is fine, and regulations for land use, but I have heard nothing tonight about the responsibility of the pipeline to increase their safety standards in forty- to sixty-year-old pipelines that move around and obviously haven't been laid right. I think that they should also be included in this.

That's all I have to say. Thank you.

(applause)

Chairman Easton: Thank you, Maggie. Sure, you can go next. That's perfect.

Ms. Wilskie: Was I next?

Chairman Easton: It's okay, Elizabeth. You can go next.

Ms. Wilskie: Okay.

Chairman Easton: Mr. Youngsman's okay with that.

Ms. Wilskie: Elizabeth Wilskie, W-i-l-s-k-i-e, 3122 Lily Lake Road in Bow. I have about 350 feet of pipeline easement on a 4-acre plot and I'm not going to take the time to reiterate everything that I think all the wonderful comments we've heard so far.

I just would like to point out that there's many things about this proposal that are very vague, but one thing that has not been mentioned so far is, for example, my home is in the 150 – is entirely in the – what would be the 150-foot setback. And when you look at restrictions on expansion, it's very, very vague. For example, it says, "Building features such as building design and construction methods and materials are used to provide greater protection to occupants." There's absolutely nothing here to make me believe that those requirements would not be cost-prohibitive to me ever expanding or, you know, upgrading my property.

So that's it. Thank you, everyone.

Chairman Easton: Thank you. Mr. Youngsman?

Mr. Youngsman: Thank you. Bill Youngsman, Y-o-u-n-g-s-m-a-n. My business address is 11071 Josh Green Lane, Mount Vernon. And I own Twin Bridges Marina and we have an 8-inch and a 16-inch gas line that comes through our property. I just found out about this this morning so I was not notified about this, but I appreciate all the comments and research that the audience has done. I don't have a whole lot to add except that this really does look like a takings. If they need a wider easement they should buy it from us. That's what they have the easements for. That's what they paid for initially.

This looks like a problem that didn't really exist until a fund for \$50,000 became available to study it.

(applause)

Mr. Youngsman: And I would caution making any of these severe – what look to me to be severe – regulatory changes on land use. Thank you.

Chairman Easton: Thank you, sir. All right, Mr. Rozema will be next. Mr. Ravnik will follow Mr. Rozema. And Ms. Stauffer, you'll be the third one on this next group.

Allen Rozema: Allen Rozema, R-o-z-e-m-a, 17460 Dike Road, Mount Vernon. And I'll just reiterate what everyone else has said. We concur. I'll just simply say we also have a –

Chairman Easton: Can I ask for a point of clarification?

Mr. Rozema: Yeah.

Chairman Easton: Are you Allen or are you Allen from Skagitonians?

Mr. Rozema: Allen Rozema.

Chairman Easton: You're just Allen. Okay.

Mr. Rozema: Yep.

Chairman Easton: Thank you.

Mr. Rozema: And I'm testifying on behalf of myself, Allen Rozema.

Chairman Easton: Okay, great – which is fine. I just want to make sure we're clear.

Mr. Rozema: And Carol Thomas, my wife.

Chairman Easton: Excellent. Thank you, sir.

Mr. Rozema: You bet.

Chairman Easton: You signed up with both so I just wanted to make sure I was correct.

Mr. Rozema: Perfect.

Chairman Easton: Thank you.

Mr. Rozema: So we have also have an easement through our property – a pipeline easement – and we weren't notified as well, so I think there's – we got the postcard but not that there's going to be an ordinance coming from –

Chairman Easton: And that's what you mean by "notified" – that there wasn't an ordinance.

Mr. Rozema: Yes.

Chairman Easton: You were notified about the meeting.

Mr. Rozema: No. We were given a postcard about a new pipeline safety process taking place in Skagit County and that was about it.

Chairman Easton: Okay. Thanks.

Mr. Rozema: So we concur with a lot of the statements already said. We'll be submitting written comments so we'll be specific about that. And I would also like to reiterate our read of this is it's pretty close to a takings. This is fundamentally a risk reduction process for the pipeline operators. I concur with Bill Youngsman. If the pipeline operators want to reduce their risks, they can buy additional liability insurance to cover their corporate liability or they can purchase additional right-of-way that apparently they want the County to give them through land use actions. So, thank you.

Chairman Easton: Thank you, sir. Mr. Ravnik? Oh, I'm sorry, Mr. Newman. I skipped you but I'll come back.

John Ravnik: No, I can step aside.

Chairman Easton: It's okay. I'll come back to him.

Mike Newman: Passing – I'm passing.

Chairman Easton: Oh, you're passing? All right. Thanks, Mike. Sorry about that. Go ahead, John.

Mr. Ravnik: Good evening. My name is John Ravnik. The last name is spelled R-a-v as in Victor-n-i-k, Post Office Box 361, Burlington, Washington. I'm a civil engineer with Ravnik and Associates.

Just a little bit of history about the process that you're going through this evening. Skagit County applied for this grant in January of 2010, so well over a year ago. And they received this grant – the effective date was September 30<sup>th</sup> of 2010. And when it was issued to them they had ten months to process that, which culminates there on July 31<sup>st</sup> of 2011, in about seven or eight weeks. I am pleasantly surprised that you don't have a deadline; however, I'd like to assure – make – have you confirm that you don't have a deadline and that Skagit County staff have specifically contacted the United States Department of Transportation to make sure that you actually have sufficient time to make an honest, intelligent answer or decision on this matter.

In the grant, the “purpose of this grant is to fund technical assistance in the form of engineering or other scientific analysis of pipeline safety issues affecting a local economy.”

Now you saw two gentlemen speak on the presentation earlier this evening – Carl Weimer and Jim Doherty – and in the most part they spoke about common sense. They spoke about community involvement. They spoke about detailed planning. They spoke about public awareness, the need to know where the utilities are located.

When I saw that ordinance I thought I was reading the book, “Chicken Little – The Sky's Going to Fall.” And that's not the case. You can go through your national safety records and you can go through the PIPA Report and I hope that you do, because I'm going to provide you a complete copy of it. There's no recommendations in there as far as Thou Shalt Establish Major Setbacks.

Unidentified female in the audience: Hear, hear.

Mr. Ravnik: You'll find examples of other jurisdictions throughout the United States that are included in the PIPA Report that have increased their geographical information systems. They've increased their public awareness. They've required permit activities for construction activities over and above or near the utility pipelines. But they haven't taken away people's rights. So for us to be given this mandated or these setbacks is incredible.

I've worked very, very closely with all these utility companies – Cascade Natural Gas, Olympic Pipeline, Trans Mountain. All of them are excellent companies to work with, as long as you stay involved with them. Through public awareness, through good mapping, through talking –

Chairman Easton: You've got about twenty seconds, John.

Mr. Ravnik: – we can have a safe environment without taking away people’s rights. Thank you very much.

Chairman Easton: Thank you.

(applause)

Chairman Easton: Ms. Stauffer?

Sondra Stauffer: My name is Sondra Stauffer, S-t-a-u-f-f-e-r, and I’m at 17160 Barrel Springs Lane, Bellingham/Alger. Thank you for serving on this Commission, first of all. It’s kind of like a school board: You just don’t see them until people have an issue.

My entire property is located on an easement. Everything.

Chairman Easton: The whole thing’s on an easement?

Ms. Stauffer: The whole thing. Back in the ‘60s –

Chairman Easton: She wins the prize.

Ms. Stauffer: – the 80 acres was bought by Olympic Pipeline and then they subdivided from there. And so our 10, 11 acres – whatever we have – is *entirely* on the easement. So this setback thing? I don’t even come close to it! But of course I was very surprised to learn from Mr. Doherty that the pipeline actually controls everything I do on my property because, gosh darn, the County keeps telling me I can do this and I can’t do that. So I’m a little confused as to who I actually report to. But *all* of my property is on the easement.

There are pre-existing developmental controls on the easement and they are controlled at the federal and the state level. There’s already public oversight. I’m only speaking to the Olympic Pipeline. That’s the only one I deal with. But we are monitored *very* carefully. We see helicopters and planes flying over *constantly*. They have vehicles on the ground. They have the space out there clearing all the brush. They have communication. We have that *consultation zone* with them already, although I’ll tell you, when we talked to them they were a little surprised at these regulations because they were not aware of them.

(laughter)

Ms. Stauffer: And Jim is currently in California working on a *pipeline safety* issue. Olympic Pipeline also maintains the property. It’s *routinely* inspected. They also help with maintenance of our private road just so that they have access to the pipeline. They are a model for safety. There are other agencies who look to them because they have a model safety issue. They have that little pink thing that was in the \_\_\_, and I can’t tell you any more than that but it inspects it and it shuts things down. *We do not need*

another layer of regulations. We already have – if the County crew creates another set of regulations then somebody has to enforce them and somebody has to monitor them. That's another person that *my* tax dollars need to pay for, for something that *is not needed*, already exists, and if you take my land you can darn well bet I'm going to be asking for you to reduce my taxes. So if you take a \$50,000 grant and that's going to be reduced by how many people who say, My taxes need to be reduced.

So my proposal is that you take this lovely document –

Chairman Easton: You've got about ten seconds.

Ms. Stauffer: – which lots of people spent time on and you put it in the file cabinet.

Chairman Easton: Okay.

Ms. Stauffer: Thank you.

Chairman Easton: Thank you.

(laughter and applause)

Chairman Easton: All right. Now for our fourth Knutzen. Craig? And our fifth Knutzen, Roger, followed by Mr. Meyer. Great. State your name and spell it, and give us your address, please.

Craig Knutzen: Craig Knutzen, K-n-u-t-z-e-n, 11780 Avon Allen Road. We farm over three of the existing pipelines coming through the valley and have done so harmoniously, I guess, for the last twenty-five years that I've been on the farm and two generations before that. I've been very active and interactive with them all and know what's happening and where they are at and how deep they are. Anytime we've had issues they've been very responsive to coming out and, you know, addressing those issues.

I have property on both Olympic and Trans Mountain. The easement that comes through my place on Trans Mountain – I own about 20 acres there – diagonals through. An 150-foot buffer on each side of the existing easement would encumber approximately 10 acres – up to 20 – that is currently in the urban growth area, taking the zoning from four to six houses per acre to eight to twelve. Not real happy about the density and the issues that we're having to deal with on that right now, but to cram things up that high I think we're running them off the edge.

You know, I look at the pipelines that come through there and there're some inconveniences and stuff with having an easement through your property that we don't appreciate, but, I tell you, every time I hit an intersection and watch fourteen log trucks run up and down the road, wait for those and understand how many more tanker trucks there'd have to be and everything else I'm very thankful they're there versus having to

deal with the extra infrastructure we'd have to have if we didn't have them through here. So I think that things have worked very well in the past with existing easements, and for the County to get involved in extending those easements to the pipelines or against the landowners I think is a – would be a big failure for us. Thank you.

Chairman Easton: Thank you, sir. Mr. Roger Knutzen.

(applause)

Roger Knutzen: Roger Knutzen, 16505 Peterson Road. I have several issues but I'm going to cut this down just to two. Number one, the State of Washington, State Attorney General, and it heads out "Avoiding Unconstitutional Taking of Private Property." I've been informed that this, the way it's written, would be a taking. And it states – one of the things in this document – "The regulation or taking must be analyzed for its economic impact on the property as a whole, not just the portion being taken." So this thing could turn into something real monstrous.

As Craig just mentioned, we work with Kinder Morgan. I've been involved for fifty-three years with them. They've been absolutely wonderful to work with. They're in the process of possibly doing line lowering. The head people from Vancouver were down last month. And I won't disclose the man's name right now; if you want me to carry forth you will know it because it'll be in the letter. He said this is a total waste of time. He said the pipeline is safe. He said with the government regulations they're required to do, this setback would be a waste of time. He was offended to have been asked to come down at the first meeting. He said the only reason that Kinder Morgan was asked to come down was to gain the \$50,000. And we asked him if he would write a letter to that effect and he said he would, that this process is totally uncalled for and unnecessary. If you need that letter, I can supply that to you.

Chairman Easton: I think that would be helpful and – we never turn down letters – and what you reference there from the AG's office obviously would be helpful, too, if you could provide that for us.

Mr. Knutzen: All right.

Chairman Easton: Thank you. Mr. Meyer?

(applause)

Tim Meyer: Tim Meyer, 3339 Deer Trail's Lane. That's M-e-y-e-r.

Chairman Easton: Thank you, sir.

Mr. Meyer: I would encourage you to – instead of getting into the frenzy of somebody has to do something – to do nothing. You're fixing a problem – you're fixing something that's not broke. There's nothing to be gained by this. I was working at being a

statistician but I think your chances, according to my math, are 5000 times greater getting hit by lightning than getting hurt on one of these pipelines. You know, so maybe they ought to supply us with little lightning rods and maybe put a little roof over the entire county so we don't get hit by a piece of Sky Lab or something, you know? It's just – it's an absurdity. I deal – you know, I've had to deal – we've been there six years. I've had to deal with the pipeline people twice. Unlike other entities I have to deal with occasionally, you call them, they show up. They're right there. They do what they say they're going to do, they do it when they say they're going to do it, and they do a good job. They impacted some of my property. They fixed it better than it was and did it immediately. I have nothing but good things to say about them.

I tell you what I'm really confused about is I understand that the County's in deep trouble financially, that they're cutting back people. That's why they're taking this grant – that they're overworked, understaffed and underfunded. Well, gee, why this? You know, what's the – what's to be gained here? More stuff you have to enforce, more things you've got to do, more people you've got to mess with, more angry people. It makes *no* sense to me whatsoever. To me it looks like stealth legislation and stealth land grab. And this is – recently in the last three days this came out, and I don't know if you all guys got this Skagit County shoreline thing?

Unidentified female voice in the audience: Yes.

Mr. Meyer: Now the common denominator with lovely Mr. Weimer isn't safety. He's on this. His whole common denominator is taking people's lands, taking control of it, messing with people. He was part of that big 63,000-acre land grab of two years ago. He was a player in that. It isn't about safety. It's about exercising control over somebody else's property and that's what these people love to do and I'd love to see them stopped. Thank you.

(applause)

Chairman Easton: Thank you, Mr. Meyer. As our last signed up speaker comes to the mic – Mr. Sitkin – I'd like you to start forming a line there in front of the illustrious Mr. Don Wick. Oh, there's more. Send it my way, please. Thank you. All right. After Mr. Sitkin, Ms. Cooley and Mr. Stauffer. Mr. Stauffer, are you going to – okay, you're there. Great. All right, Mr. Sitkin.

Jon Sitkin: Thank you. Jon Sitkin, S-i-t-k-i-n, 1500 Railroad Avenue, Bellingham, and I represent John Bouslog, Bouslog Properties and our property up in Bayview Ridge and, by background, two of the pipelines cross his property.

I do want to ask that you delay this process and keep the comment period open more than just a week. I think it's very important that you meaningfully and the stakeholders meaningfully have a chance to engage the County staff (and) work on these regulations. You've heard a lot of great comments tonight and concerns, primarily focused on the setbacks. No comments on the consultation zones. As one person said, That makes

common sense to try to do the right thing when you're constructing. I don't think anyone's opposed to that. We support that.

It's the setbacks. And when you drive into the setbacks – and I appreciate the Chair's clarification, because it educated me that you wanted a range so you can pick something. The problem is you have no standards. We don't know. We can't comment on what the basis of a setback would be because we don't know how to evaluate it because you weren't given any guidelines or standards. When you look at the PIPA report, it recommends *against* setbacks. It discourages setbacks. It promotes a planning area. It proposes or speaks to specific development regulations, some of which were spoken to tonight. Like Jim said, when you regulate the use of glass or a higher building standard where you build. As Commissioner Dillon said – commented – 10-foot setback from an easement I don't think anybody would be grossly concerned about such a minor setback.

But when you start going to 660 that becomes a concern, or 300. Moreover, when you look at how the staff – and respectfully; it's a very complicated issue and they've had – it's not easily done. We've spent a lot of time going through federal regulations for tonight. Simply, on a **sensitive** area overlay corridor, they used a formula for natural gas, but the factor they applied was natural gas basis, meaning the combustibility that's used to determine the breadth of the corridor. There's a formula. The factor you apply is dependent on the product. They utilized natural gas. Presumptively based upon comments in the staff report, it's because you *may* be able to convert a pipeline. You see in my letter, I \_\_\_\_\_ the pipeline, the product in the pipeline.

If you look at the likelihood of converting a jet fuel or diesel pipeline in Skagit County to natural gas, it begs the question, What's the source of your product? You can set a pipeline from Cherry Point to March's Point and have a product enter there and go through the state, but where's your natural gas wells? Where's your source? Because there're some basic fundamental factors that have to occur. You need massive compression – different types of compression systems to put gas into the pipeline versus a liquid.

Chairman Easton: About fifteen seconds.

Mr. Sitkin: Last of the comments. This is about risk allocations – comparative risks. That's a lot of what people are talking about tonight: What's our risk here? We all could get electrocuted, you know, but we have electricity. It's the lack of standards. We urge you to be fact-based and not fear-based, and that's a concern when you show up the explosions.

Chairman Easton: Thank you, sir.

(applause)

Chairman Easton: Ms. Cooley?

Ellen Cooley: Ellen Cooley, C-o-o-l-e-y, 16340 Lookout Lane in Bow. I called a lawyer friend of mine who lives on the Highway 9 pipeline today to see if he would attend this meeting tonight. He never received a notice of any kind; however, he did give me some free legal input on the proposal and this is what he said.

- *Number one: The proposal shifts the burden of damage avoidance from the pipeline companies to the landowner. If the pipelines are so dangerous that you can't build within 600 feet, make them fix the pipeline. My pipeline company is projecting earnings of 650 million this year.*
- *Two: It would significantly expand the rights of a party to a private contract – one party. The pipeline company had rights under the easement agreement with each landowner which allow it to control certain activities of the landowner. This would expand those rights to cover much more land than the easement actually covers.*
- *Three: It sets a liability standard for existing development. Say there is a pipeline explosion. The damaged landowner then sues the pipeline company. The company is able to defend itself by saying that Skagit County has determined that it is unsafe to build something that close to a pipeline. It is the landowner's fault for having a building there.*

*I'm surprised that Mr. Doherty didn't mention these facts in the presentation, given his legal background. In lieu of these potential legal ramifications for some landowners, I encourage the Commission to reject this proposal. It appears to be an effort to appropriate unnecessary authority and expanded authority over private lands and to redistribute potential liability for pipeline accidents to landowners. It's not only risk reduction but liability reduction. It's a win for the pipeline companies and a loser for the landowners.*

*Thank you for your service and your time.*

Chairman Easton: Thank you.

(applause)

Chairman Easton: Mr. Stauffer?

Ed Stauffer: Good evening, Mr. Chairman, members of the Board. Ed Stauffer, S-t-a-u-f-f-e-r, 17160 Barrel Springs Lane. I'm in a new club: the 3200 Club. 3,200 residents in rural Skagit County. Rural – the best place to put a pipeline, the least risk. Low population density – rural. 3200 of us singled out by this proposal without due process. No citizen's advisory committee; late notice; the chance to talk, ask questions, make points; questions never addressed; issues never addressed; taking the statute by surprise.

Stakeholder involvement? No stakeholder involvement by the public, the property owners impacted. Stakeholder interests? Pipeline companies were faked out and treated disrespectfully, in my opinion.

Within 1000 feet of all four pipelines, 45 square miles of Skagit County now regulated because of a \$50,000 grant to study pipeline safety. And there's absolutely nothing in the document provided to you to indicate anything of a responsible study. I am very reluctant to take at face value the representations of a consulting, private special interest group, non-profit, on any issue.

It's been mentioned – I want to mention it again – can you see anything I put on this board?

Chairman Easton: Yeah, we should be able to. Is that on, Brian? You have about forty-five seconds.

Mr. Stauffer: Yeah, this'll be quick. This is GRI00/0189, a model for sizing high consequence areas associated with natural gas pipelines. It was done in Canada. Natural gas pipelines. That's the basis of the graph that was given to you in your materials that shows 660-foot setbacks.

Chairman Easton: Right. We have seen that graph.

Mr. Stauffer: Natural gas only, from the Canadians.

Chairman Easton: About ten seconds.

Mr. Stauffer: I don't want to be stigmatized as being in a blast zone.

(laughter and applause)

Chairman Easton: Jim Axthelm?

Jim Axthelm: I'll submit mine in writing.

Chairman Easton: He'll be submitting in writing. Rebecca Craven? All right, at this point – after Ms. Craven – if you could just start lining up – you know, give her a little space, but line up alongside the wall there if you'd like to speak – if you haven't already spoken – and we will keep moving forward. Ms. Craven?

Rebecca Craven: Yeah, I'm Rebecca Craven. I'm the program director for the Pipeline Safety Trust. Carl couldn't be here tonight; he's at a County Council meeting.

A couple of things. I will present written comments and a copy of the ordinance on which I've made some suggested changes, some additional definitions and those sorts

of things, and I'll submit to staff at the end. But I just wanted to mention a couple of things.

Neither the PIPA report nor the Trust has taken a position on the establishment of setbacks. The PIPA group –

Chairman Easton: Can you repeat that?

Ms. Craven: Yes. Neither the PIPA group nor the Trust has taken a position on the establishment of setbacks.

Chairman Easton: Thank you.

Ms. Craven: The PIPA group operated as a consensus organization. There were forty-some members and coming to an agreement on what setbacks should be for all of the variety of kinds and sizes of pipelines and the interests of all of the various organizations involved, setbacks was just not something that they could come to. They wanted to come to common sense recommendations that they could make to local governments to make on-the-ground safety improvements.

With that, I guess I would encourage you, given the outpouring tonight, that you not throw out the baby with the bath water. There are good proposals in the ordinance that you have before you: to establish a consultation zone, to require maps to show where the infrastructure is located, and to limit high consequence land uses within short distances of the pipelines. We strongly encourage you to take those seriously and to adopt them. Whether you end up adopting a setback or not is a local government decision that you need to make on your own. King County does have one. They have had one for many years and we've heard no problems with its implementation.

And that being said, I will just submit our letter and the proposed changes we've made to the draft ordinance to staff.

Chairman Easton: Thanks for coming. Thank you. Mr. Randy Good.

Randy Good: Good evening. My name is Randy Good, 25512 Minkler Road, G-o-o-d. First, when I raised my – Mr. Chair, when I first raised my hand I was trying to get another sign-in sheet to be put back there.

Chairman Easton: Excellent. We accomplished that.

Mr. Good: I, too, have concerns with the public process here. I received one of those flyers. We do have these out east of Sedro-Woolley. But, okay, so then they had a public meeting here in this room, which I was not able to attend that day, and then this public hearing. But as a member of the Skagit County Ag Advisory Board, we have had no notice and no anything on this. And so then this hearing is tonight and I've done some little research on the other. Very few counties on the west coast actually had this,

and the ones that – like Whatcom County, they actually had six public hearings dealing with this issue.

So one of the – a lot of the issues I have have been addressed here tonight, too, but maybe they'd be worth stating over again. There's no state or federal mandates that require local governments to consider pipeline safety issues, so then we were wondering why Skagit County is proposing a land use *taking* to widen already existing easements with no consideration of compensation for this additional land and restrictions.

This proposal will force landowners – if this language stays this way – will force landowners to prove through their Hearings Examiner process the economic use of his or her property is being denied on land that Skagit County confiscated from them by regulations. This is totally outrageous, costing the landowner over \$4,000 just to go through the Hearing Examiner process.

Here's some comparison. Whatcom County pipeline safety ordinance 20.81 has 500 feet from the centerline of the pipeline easement. Skagit County's proposed language in here is 660 feet *outside* the existing easement. In Whatcom County's ordinance, it states "Minor modifications to existing structures that do not involve significant land disturbance or changes to offsite improvements are exempt." Skagit County, the language here is "There is no exemption."

The ordinance as proposed is a regular taking by Skagit County forcing all liabilities actually onto the Skagit County property owners, unlike some of the other counties who have actually accepted some of the responsibilities.

Since I'm – I encourage the Planning Commission to vote "no" on this.

Chairman Easton: Thank you, Mr. Good.

(applause)

Chairman Easton: Your name, sir.

Seth Woolson: Seth Woolson, W-o-o-l-s-o-n, and I work at 1500 Railroad Avenue in Bellingham, Washington.

Chairman Easton: I'm sorry, I didn't get your first name.

Mr. Woolson: Seth.

Chairman Easton: Seth, S-e-t-h.

Mr. Woolson: Just two comments. One, we've submitted copies of –

Chairman Easton: Okay, hang on. You're double-dipping if you're testifying for Bouslog. You've already had one attorney testify.

Mr. Woolson: Can I read one sentence?

Chairman Easton: You've already had one attorney testify. I mean, I've asked everybody to keep their – I'll let you – I'll let one sentence go by, okay?

Mr. Woolson: One sentence. All right. I'm going to read it out of the PIPA final report.

Chairman Easton: That's fine. Go ahead.

Mr. Woolson: "Thus, PIPA recommends implementing a risk-informed approach to land use planning and development and establishing good communication with the transmission pipeline operator is more appropriate than establishing a fixed distance setback to be applied in all situations."

Chairman Easton: Thank you, sir. Thanks for understanding my strictness. So this would be the time where if you're not on the list and you'd like to testify, this is your last call.

(silence)

Chairman Easton: At this time we'll end the public testimony portion of our meeting, but this meeting is going to continue. There's no one else who wants to testify? It's your last choice.

(silence)

Chairman Easton: All right, great. At this time, Commissioners, let's begin some – let's have some conversation.

Unidentified male voice in the audience: (inaudible)

Chairman Easton: Yes, we're going to get to her question in just a second. She's got more than one, I promise!

(laughter)

Chairman Easton: All right. There may be further discussion about our timeline, so if you do need to leave during this portion of the meeting, which may take a while, you're going to want to check back with the County to see if what we have set for deadlines has changed. I'm not presuming anything. I will make a moment's break here for those who want to exit quickly and take your conversations out in the lobby. Thank you. But you might not want to miss this part! This could get interesting.

All right, Commissioner? Commissioner?

Ms. Ehlers: I have a question to ask all of you.

Chairman Easton: Would you please leave quietly?

Ms. Ehlers: Excuse me. All of you who have testified and who haven't yet written, I'd like you to address at some point an issue which I think has been generally ignored. There are three stools in – three legs on a three-legged stool when it comes to planning. One is the landowner and the County has traditionally paid very high attention to the landowner who wishes to do something, as it should. The second is that who – the group who wishes to construct something and the County has paid very close attention to the needs and interests of that group, as it should. The third leg on that stool is the person or persons that buys that piece of property or that which is constructed.

The first two may – the first one may have had a very long-term relationship with that piece of land, or they might not. The second one – who constructs – generally has a very short-term with it. But the person who buys has a very long-term. Do please address the issue of the fact we already have two schools in this county that are far too close to pipelines because nobody seems to have paid attention. Now the consultancy process has part to deal with that, but how close do you think a hospital or an old folks home or a school should be to any pipeline? Just address that when you're thinking of things because it's something that I have a concern with that I know is shared by other people, and I know that in the emergency management business when you have an explosion you usually have a whole five to maybe ten minutes to do your entire emergency process work. And that is something to think about.

Chairman Easton: Thank you, Carol. I have a series of questions that I think might help (us) move forward, and so I'm going to take the privilege of asking them first and then if you have additional thoughts we'll go from there. And I'd like you to make these answers as succinct as you can. These are for staff.

Do we have a federally mandated deadline, do we have a deadline and do we have a deadline that relates to the grant?

Ms. Ruacho: Do you want me to take it? We had the –

Chairman Easton: Carly's mic is not loud enough for the audience to hear in the back.

Ms. Ruacho: I am rarely told that I do not have a loud enough voice.

Chairman Easton: You and me both. You and me both.

Ms. Ruacho: The grant has a deadline for our submittal of a final report for what we did during the time of activity that the length of period of activity that they gave us, which was testified to earlier accurately, which was July 31<sup>st</sup> of this year. So we do have to

submit a final report that outlines what we've done with the grant money to that point. We are not obligated and did not obligate ourself (sic) into any specific action in the grant.

Chairman Easton: Okay.

Ms. Ruacho: So we don't have a deadline for action. The *grant* has a deadline, but we don't have a deadline for action.

Chairman Easton: So a final report can stand alone. If for some reason this Commission decides to extend this work for six months, you can still write your final report. There is no actual federal deadline then, or any other type of deadline in play.

Ms. Ruacho and Mr. Christensen: That's correct.

Chairman Easton: Okay. Great. Were the pipeline companies specifically notified about tonight's meeting?

Ms. Ruacho: Absolutely more than once. And you'll see evidence of that in the written comments that came in by the deadline for those written comments from the pipeline companies.

Chairman Easton: I wasn't sure if the public – I want to make sure the public was aware that –

Ms. Ruacho: Oh, absolutely.

Chairman Easton: I wanted to clarify that. Okay. We have a little glitch that I'm afraid is going to surprise the members of the audience, but – and we need to work on this with both now shorelines and with the pipeline safety – we're not getting the flyer that they're getting. So I haven't seen the flyer that was referenced. None of the rest of my Commissioners have unless they have – although a number of them shared – easement – have easements.

Ms. Lohman: Right.

Chairman Easton: Some of them have seen it; some of us haven't. So in the future, we need to make sure it's a practice that the Planning Commission is sent the public notices – you know, even if they're just PDFs to our e-mails for most of us, or hard copies to whoever wants a hard copy. I think that would go a long way for helping in the future.

There – and this question I'm going to direct to the Director. And I'm not exactly sure how to phrase this but this is an important question I think the public deserves an answer to, and I'd like one. In this process, were landowners considered a stakeholder? Because we've heard staff reference "stakeholders" and we've heard the

public reference “stakeholders,” and the public’s view about who should have been at those stakeholder meetings obviously differs from what staff’s saying. So were the landowners considered stakeholders and were they invited? I know they were invited to a public meeting where the plan was presented, but I’m talking about stakeholder process that pre-dates that, that would go back towards, you know, the time that the grant has been in play – since November.

Mr. Christensen: Certainly one of our efforts to inform the public was through the brochure, the mailing, to let them know that we were engaged in and involved in a pipeline safety study. So certainly we would not have excluded them from wanting to participate or ask questions or inquiries.

Chairman Easton: But that’s notification post – maybe I didn’t phrase my question right. That would have been notification *post* the draft proposal being written. Because you were calling them to a – basically you were saying, Hey, come to a meeting where we’re going to show you what we’ve already written that’s being considered. Right?

Mr. Christensen: I’ll let Carly. I think –

Chairman Easton: I mean, help me. Help me understand that because I’m really confused.

Mr. Christensen: I think it – it’s not quite that way.

Chairman Easton: Okay. Great.

Mr. Christensen: But let me defer to Carly, who handled the notification and the brochure and how people were involved.

Chairman Easton: Okay, thanks.

Ms. Ruacho: Yeah, we – you know, we took great efforts to make sure that, like I said, this meeting, which is a post-release of a proposal, wasn’t the only opportunity that the public had to have input into the process. What we did on May 9<sup>th</sup> when we had our community meeting, which is an open house-style meeting, is we did not have a draft specifically that was already done. What we did was we had concepts of the anticipated components of an ordinance and wanted feedback on those components, the four components that we had. And I would say that, you know, the thoughts that we had – I mean, obviously we had begun development of a proposal because that has to happen quite a bit before.

Chairman Easton: Okay.

Ms. Ruacho: So we had begun development of a proposal and we kind of had ideas of, you know, some things we were thinking, the ranges we were thinking, and I can say,

you know, for certain that based on that meeting different sections of the proposal were greatly modified, based on the input that we received.

Chairman Easton: Okay. Thanks.

Mr. Christensen: Commissioners, I do, if I may –

Chairman Easton: Go ahead, Mr. Director.

Mr. Christensen: I also want to address what appears to be some general frustration regarding receiving mailings or not, and I certainly understand that. We've heard that about some other outreach programs as well. I will say that we contract that work out with a private business to – we provide them with a database which we get from the Assessor's office, based on sorting criteria. And we provide that database then to a vendor, a private party, whom we ask to do those mailings for us. Now apparently not all of you are getting those mailings, either this time or on other projects, and so we want to look into that matter because it is an important process of planning and considering land use regulations, and we certainly want to get the message out to as many as possible. So we'll need to look into that matter.

Chairman Easton: Okay. Well, that dovetails –

Ms. Ehlers: Jason.

Chairman Easton: Just a second, Carol. That dovetails into what I believe we need to discuss here further. So after Carol's comments we're going to entertain a conversation about whether – I think we need to have a conversation about whether the public has been – we should extend our comment periods. We have a discussion about whether we should extend the public hearing – some of those things. So prepare yourself for that's right where we're going to go after Carol's question.

Ms. Ehlers: Those of you who say you did not get this brochure that is being discussed in *this* subject, not the – well, or the shoreline one either because you're all in the unincorporated area. Did – are those of you who did not get it, do you have post office box mailing?

Unidentified female voice: I got one in my neighborhood, but nobody else did on my whole street and I'm not even on the pipeline and I'm at the 1000-foot range.

Chairman Easton: Okay. I'm trying to prefer the people at home that are on TV. So you're saying that you got one at your house, but the rest of your neighbors around you –

Unidentified female voice: But I \_\_\_ and tell the rest of my neighbors who never got \_\_\_\_\_.

Chairman Easton: I'm trying to repeat what you're saying so that it gets captured by the television camera.

Ms. Ehlers: Because I have found that on the shoreline brochure, which has been referenced earlier, that anyone out on Fidalgo that I know who has a post office box did not get one of these brochures.

Chairman Easton: Okay. Well, I appreciate the Department's desire to want to look into the technical side of that issue. What I've got to deal with today as the Chair and what we need to deal with as a – do you have something about this topic?

Ms. Lohman: Yes.

Chairman Easton: Go ahead.

Ms. Lohman: I think we need to do a better job in our description of what you're noticing. The people are given a postcard and it suggests that you're doing a pipeline safety study. Well, that's a long ways from writing a regulation.

Chairman Easton: A land use regulation?

Ms. Lohman: And we – when you're noticing the public – you said that only forty people showed up. I think you would have gotten a lot larger response if they knew that you had a potential of writing a model ordinance or a regulatory piece to go along with the study. Because we've done a lot of community outreach on a variety of topics that are not going to have a public hearing and a potential ordinance.

Chairman Easton: Right.

Ms. Lohman: And I think that's a disservice.

Chairman Easton: Yeah. Well, we need to deal with the – Commissioners, I want to know what your pleasure is about this. We – and I agree that this has got to be investigated and fixed, and so I'm glad to hear that we're on – we need to move in that direction. And I think it might be helpful to get – maybe get our opinion about how these postcards look before they go out. I mean I don't want to slow the process down, but if – because I know that in my case I think that this crossed into land use and I think that if some of us or all of us would have seen the postcard prior to when it went out, we may have mentioned that. And that might have been helpful ahead of time. Something to consider.

But we're here now with a series of scheduled – not anything in stone – schedules that we need to consider. And I want to be responsive to the public's concern that they weren't notified. So we have a couple of different options, you know. We can *not* address that or we can address that with a potential to put this meeting on – to continue this meeting on, because I haven't closed this meeting.

Ms. Ehlers: This hearing.

Chairman Easton: This hearing. So suggestions? Commissioner Nakis? Yeah.

Ms. Nakis: Okay. Carly, who do you – who do you believe are the stakeholders here?

Ms. Ruacho: Well, I wouldn't want to just list off the top of my head. I mean, there's a lot of stakeholders. I mean landowners and school districts and pipelines and the business owners, essential public facilities owners and involvement. And I'm sure I'm leaving lots of folks out and that's why, you know, I think anybody who definitely is involved within the area that we proposed to have this ordinance impact is a stakeholder, as well as the general public that's outside of that. So really anyone with interest in this issue is a stakeholder and that's why we tried our best to, number one, directly notify anyone with property ownership, which would include business owners, essential public facility representatives and private landowners within a thousand feet, going above and beyond what even the realm of this ordinance is, just to make sure we didn't leave anyone out, as well as advertising in, like, the general paper, having it on the website for those folks who didn't get directly notified.

Ms. Nakis: So I'm concerned about the advisory boards and the Trust that are in place to make sure that things are done safely and right – that they weren't advised – they weren't notified that this was happening and they weren't notified by the grant. Because they could have been a great source of information for this regulation.

Chairman Easton: Let me –

Ms. Ruacho: I'm not really sure who you're referring to. If you're referring to the pipeline –

Ms. Nakis: The Ag Advisory Board. I saw that many times that they weren't notified.

Chairman Easton: Ag and Forestry.

Ms. Ruacho: Right.

Ms. Nakis: And they have a big stake in this. The Pipeline Safety Trust?

Ms. Ruacho: They were involved from the beginning. You heard from the representative at the kickoff meeting from the Pipeline Safety Trust.

Ms. Nakis: So this didn't really start till March?

Ms. Ruacho: Right. That's when we kicked off the process.

Ms. Nakis: Okay.

Chairman Easton: Yeah, the grant was applied for in January, it was issued in – they got the money in November – September, November – and now it was March when that first happened. But we do have someone who has said that they heard from at least Mr. Weimer that he wasn't re-contacted after the 15<sup>th</sup>.

I need to clarify. I'm pretty good at giving staff a hard time, which they'll tell you that's true, when they deserve it, I believe. But I made a mistake, so I want to clarify while we're all here and on TV: I *have* seen a copy of the postcard. It *is* a part of the packet that we were provided ahead of time. And it does have some statement concerning land use. So I want to – I'm going to read from the postcard for everyone's benefit. "There are four oil and gas transmission pipelines traveling across approximately 121 miles of Skagit County. These pipelines are operated by BP, Kinder Morgan, Williams and Cascade Natural Gas. Skagit County Planning and Development Services is undertaking a process to adopt new procedures and development standards to address the issue of pipeline safety."

I want to apologize to you that I didn't catch that and thank my fellow Commissioners for pointing it out to me. I'm not sure if that's enough language to have had people realize that setbacks were involved. And maybe the word "setback" would have caused eighty more people to come to your public hearing – or *our* public hearing. I don't know.

I wanted – I don't want to ignore Commissioner Nakis's concerns about who *wasn't* notified, but I kind of want to dispatch the issue of what we're doing with our self-imposed deadlines and then, if we do extend, we can make a list of who we'd like to make sure are notified about that, or we'll reach out to staff. Is that all right?

Ms. Nakis: Yes.

Chairman Easton: So let us do this and we'll come back to you. All right. In my view, we have two choices. We can – and I'm going to jump in and predict the calendar stuff, and if I'm way off tell me, Carly, but because of our absences and because we're down one member we would be living way too close to the edge of quorum to have a meeting on this any sooner than the 19<sup>th</sup> of July. So the date I'm considering – that I would consider us extending to – if you're agreeable – would be to extend the public hearing to the 19<sup>th</sup> of July. Okay? Which we can – which was already when we had scheduled to deliberate, so it was – you know, it's got some sort of placeholder there on the calendar. And then we would deliberate at a meeting following that, most likely in August. No summer vacation this year for us.

Number two, the other option is that we need to consider whether we want to extend – further extend – the written public comment period. And those go hand-in-hand, obviously. If you're going to extend the hearing, we should extend the written public period.

Thoughts?

Ms. Ehlers: Yes, it fits together. If we extended it to the 19<sup>th</sup>, then everyone here who has had all these criticisms of what was written can propose other suggestions that deal with the problem that can exist if you ignore those who inadvertently – or advertently, deliberately – put something next to that which it shouldn't be.

Chairman Easton: And it also will give everybody time, obviously, to make sure their neighbors are re-informed, informed or back from various trips abroad. Is there any consensus or concern over what I'm proposing? I don't want to try to be – I don't want to try to be too aggressive here, but I want to make sure we address the public's concerns. Commissioner Hughes?

Mr. Hughes: Are you going to let people re-testify that testified tonight?

Chairman Easton: No, because I would – my – assuming you all agree with me, which is a dangerous assumption – I would say “no,” that those who had already testified have to ability to re-submit in writing or to submit more in writing. But I would reserve any additional public testimony – because it would be a continuation of this meeting, so we would be under the rules of only testifying once.

We have in the past, though, allowed for people to deliberate –

Ms. Lohman: (inaudible)

Chairman Easton: Well, I could be wrong –

Ms. Lohman: You'd change the rules at mid-stream here. I mean –

Chairman Easton: We've extended public hearings before. This is not unchartered (sic) territory, right?

Ms. Ehlers: Oh, no! The thing that –

Chairman Easton: No, it's okay. We don't have to go into the history of all those!

(laughter)

Ms. Ehlers: No. Sorry.

Chairman Easton: Preventative strike!

Ms. Ehlers: But as long as you announce at the hearing that you're going to keep the – keep it open –

Chairman Easton: Right.

Ms. Ehlers: – and the comment period, the game that used to be used is to close the hearing and then start making all kinds of regulations that negatively destroyed people, and that's a game that we don't play anymore.

Chairman Easton: And remember, we have by practice, Annie, we do allow Commissioners during deliberations to ask those who have testified questions during deliberations.

Ms. Ehlers: Mm-hmm.

Chairman Easton: So if we want to call Maggie Sullivan back up, if she's here, or Roger Knutzen, and ask a question, we can do that, which, you know, I don't know, Josh, if you are aware of that since you're newer, but...Commissioner Hughes?

Mr. Hughes: I –

Chairman Easton: Tell me your wisdom.

Mr. Hughes: Well, my gut feeling is if we continue the public hearing – to me, the people have spoke. And if we did anything I would maybe extend the written comment period for the people – the major – you know, Mr. Wallace would like to give the school more time. I think we – if we have another, you know, public hearing, we're going to hear basically what we heard tonight. But the people that would come to a public hearing, to give them another week or whatever they could put – you know, get some written comments in and I think we'd be –

Chairman Easton: The only concern I have with that is that people – we've got staff telling us that they realize that there may be a problem with the way we're distributing our notices about the issues. We have people in the audience who have repeatedly testified that people living in the exact same footage from the exact same area are saying they didn't get notified.

Mr. Hughes: So what? You're going to send out all new notices?

Chairman Easton: No, I obviously don't have the authority to spend that kind of money, which is – probably, you know, not even at home – but –

(laughter)

Chairman Easton: But I think we have to – I think we've got to be respons – I want to hear from other Commissioners, but I believe – obviously I have to say what I believe – I believe we need to be responsive to the concerns of the public and try to address that. I don't want to cut them short. And I'll go one step further. If we extend – if you all agree to extend this public hearing, I want to make a request from both the Director and myself, the Chair, that the pipelines show up and testify. Because, to be honest, I've heard testimony from both groups – different sides of the coin – here tonight about what

the pipelines actually think, And I know that some of them have written letters and we didn't receive those till 4:30 today so I haven't reviewed those, but I think they need an engraved invitation to speak to us, because I don't want other people – or at least make sure – I know that at least we've heard that one of those companies didn't make the deadline today so they will now with the extension get theirs in – but we need to make sure we hear from those stakeholders.

What's the pleasure of the Commission on this? I think we should take it in the form of a motion; obviously, we don't have consensus about extending the public hearing. Is there a motion to extend the public hearing?

Ms. McGoffin: Uh –

Chairman Easton: Go ahead.

Ms. McGoffin: Instead of a motion I'd like to –

Chairman Easton: Keep talking? Sure.

Ms. McGoffin: – keep talking. Yes. I think what we should do is extend the written comment period until a week before July 19<sup>th</sup>, so –

Chairman Easton: (inaudible)

Ms. McGoffin: July 19<sup>th</sup> would be the next time we meet. Because most people read their letters. They could send them to us. We would have at least three weeks to read them. I'm just trying to make the best use of everybody's time here. We could deliberate – you could come back on the 19<sup>th</sup> and we could ask you questions, like the Chair said. I'm not sure we're gaining anything by actually making a public hearing. I want to read your comments – I'll have a good amount of time to do that – come back on the 19<sup>th</sup> and we can call you forth if I have a question to ask of you.

Chairman Easton: So far two Commissioners are speaking for just an extension of the comment period, and we'll determine how long to do that for if we go in that direction. Is there anyone who agrees with the Chair that we should extend the public hearing?

(silence)

Chairman Easton: Well, we won't belabor that point. You don't have much time to think about it, Josh, if you're going to speak. I'm going to move on.

Josh Axthelm: No, I think delaying the public hearing is a good idea.

Chairman Easton: Extending the public hearing?

Mr. Axthelm: Extending the public hearing. Yeah, I think that there are enough people that have concerns and it seems like enough people didn't get the information.

Chairman Easton: Okay.

Mr. Axthelm: I just think the only problem with that is how are you going to get that information out there to have additional people? Because the people that heard about it are here or have commented by letter.

Chairman Easton: Well, I mean we would notice it the same way – we would re-notice it the same way that we notice any public hearing. Right? I mean, I would assume that if we have to extend, you're going to need to go back to the newspaper and put it on the website.

Mr. Christensen: It would be published in the legal newspaper.

Chairman Easton: In the legal news and on the website, the same way we would do that for any other public hearing. What we don't have – what we don't do for our public hearings is postcards. Remember that postcard was attached to the open house, not to our hearing.

Mr. Axthelm: I think a lot of it's clarity. It's like if you're dealing with land use that a lot of people seem to think that that wasn't addressed or wasn't showing –

Chairman Easton: Well, I hope that by being on 21 – channel 21 – and on the web, and these great folks here that would help get that information out. Josh, do you want to make that in the form of a motion? We'll take a vote. If it gets voted down, we'll move on to just dealing with – we'll separate the two issues. We'll deal with the public hearing and then we will deal with the written comment deadline.

Mr. Axthelm: Actually I'll change that because I think that if we – if you put it on – if it's on Skagit 21 and you have it publicized enough, then perhaps the letter extension would be more appropriate.

Chairman Easton: Okay, so –

Mr. Axthelm: So I would make a motion to extend the letter deadline to a week before.

Chairman Easton: All right.

Mr. Axthelm: So that we get the letters a week before and have a chance to review them.

Ms. McGoffin: Right.

Chairman Easton: Okay, then –

Ms. Ehlers: Well –

Chairman Easton: Hang on just a second. Let me clarify what we're doing.

Ms. Ehlers: If they get it the week before, they can't Xerox it in five minutes.

Chairman Easton: We'll come up with a date here in just a second. Let's do this. So we're going to dispatch with the idea then. There's not enough votes – clearly there's not enough votes. The Commissioners who are looking down need to look at me to make sure I'm clearly catching this. There's not any votes here to support an extension of the public hearing. I don't want to belabor the point so I'm going to drop that completely. All right? So that's done.

Now let's talk about extending the comment period. A couple of thoughts: Whatever date we pick to extend the comment period to needs to be enough time for staff to prepare it for us, get it to us, and then for us to have the time to respond to it. I think the 12<sup>th</sup> is cutting it too close. I would prefer a day like – what's the business day after the 4<sup>th</sup> of July? The 5<sup>th</sup>. I think the 5<sup>th</sup> makes more sense. Does that work?

Ms. Lohman: That's a month.

Ms. Ruacho: The only thing that I would say – just so that I want you guys to all be aware – is normally what happens is we have the written comment period end sufficiently ahead of your meeting so that not only we can provide you with the letters but we normally provide you with a response.

Chairman Easton: Yeah, we're going to need that.

Ms. Ruacho: And so if you cut it as close as even, you know, two weeks, that's why we set it the way we did right now – is, you know, we normally have a month. This was even going to give us six weeks. Because this is a huge topic and we want to sufficiently respond to all the concerns, and so we wanted to make sure that, you know, we had time to do that and we had time to give it to you ahead of your deliberations to review it. And, you know, my concern is that certainly we can get you their letters two weeks ahead of time, but you won't have sufficient responses from us. So it's really up to you how you want to do that.

Chairman Easton: All right. Let's look at another date then. Let's look at a date that gives you enough time to get us a response but gives the public more time to respond. Because I don't – I'm not – we're not going to lead this group into deliberations on the 19<sup>th</sup> short a staff report. That's a recipe for a lot of challenges and concerns. So we're going to hold the date for deliberations on the 19<sup>th</sup> because – trust me – what I'm about to tell you later about our calendar makes it important that we try to stay on that deadline, if we can. What do you think? Can you go into –

Ms. Ruacho: June. Sometime the week of June 18<sup>th</sup>? Like the 18<sup>th</sup> would be the Monday.

Chairman Easton: How about the 20<sup>th</sup>?

Ms. Ruacho: Oh, I'm sorry. I was quoting July. So the week of the 19<sup>th</sup>.

Mr. Christensen: June 20<sup>th</sup> sounds good.

Chairman Easton: All right. So in that sense we're giving them an extra two weeks.

Ms. Ruacho: That'd be two weeks. If you want it to be more, you need to go sometime that week. If you start –

Chairman Easton: My only concern about going out to the 27<sup>th</sup> is you guys are dealing with furlough days around the 4<sup>th</sup> of July and that would make your schedules pretty tight. Yeah?

Ms. Lohman: Not to belabor this, but you said, though, that you don't have a deadline for this topic. We've got other things on our agenda that *are* date-sensitive.

Chairman Easton: Oh, yeah.

Ms. Lohman: So maybe this – we shouldn't jam the schedule with something like this.

Chairman Easton: Well, I mean, the next option from a scheduling point of view is to put us either double – either meeting twice in August or twice in September.

Ms. Lohman: Well, the option that you're giving us is basically you gave the public two more weeks. Well, we've heard from a lot of people that said they wanted –

Chairman Easton: We did consider another option, which was to extend the public hearing and that was rejected.

Ms. Lohman: I agree, but extending the public hearing is a little bit different than extending the –

Chairman Easton: I agree.

Ms. Lohman: And then jamming in deliberations on something that is not date-sensitive.

Chairman Easton: Hey, I'm open to a counter-proposal.

Mr. Christensen: If I may? You may decide when you reconvene for deliberations that you're not necessarily going to be forming a recommendation that night. You may,

based on public comment. I think there certainly was some suggestions that there needs to be more dialogue and engagement. That may very well be what your suggestion – if you choose to even make one to the Commissioners – is, is that there just needs to be more time spent on this, vetting it and looking at constructive dialogue and engagement with various parties. So don't feel as though you have to be compelled when you next meet to forward a recommendation and your job is done.

Chairman Easton: Even though it's – even though it may be on the schedule as deliberations?

Mr. Christensen: Yeah.

Chairman Easton: So the Chair –

Mr. Christensen: And I think it –

Chairman Easton: Go.

Mr. Christensen: I'm sorry.

Chairman Easton: Go ahead.

Mr. Christensen: I think it will be very instructive and helpful to review the written comments and the testimony given tonight. I think there're some very legitimate concerns and issues and some suggestions. There's a wide range of options: To do nothing; to do a little; some things are okay, other things are not. And I think you need to kind of start deciding what's okay and what's not. And I think once you have written comment, I think that that will help us guide us through this process.

Chairman Easton: Annie, how about this? Why don't we take the Planning – why don't we take the response period out to the 24<sup>th</sup> of June? And take what the Director said under advisement – that we don't have to finish deliberations that night and we don't have to – you know, we have a lot of options in front of us about what we could do or not do in relationship to recommendations. Are you more comfortable with that?

Ms. Lohman: Yes, I am.

Chairman Easton: Do I have consensus to extend the public comment period to June 24<sup>th</sup> at 4:30?

Several Commissioners: Yes.

Chairman Easton: All right. And thank you for bearing with that calendar decision. I appreciate your thoughtfulness.

Ms. Ehlers: And a legal notice in the *Herald* saying that?

Chairman Easton: Yes.

Mr. Christensen: Yes, we will do that.

Chairman Easton: Excellent. Thank you. All right, I'm going to make a decision – an executive decision on our – or I'd like your blessing to move the trailing issues conversation to our next – to our 19<sup>th</sup> of July meeting due to how late the hour is. Mr. Director?

Mr. Christensen: Okay. Under “General Business”?

Chairman Easton: Under “General Business.” You all have received the e-mail from the staff concerning the Planning Department's list serve. This is an e-mail that's been – I requested that it get re-sent out – I know it's been sent before – to make sure. I'm glad we got them now. I realized that I wasn't signed up for the list serve, which was a mistake on my part. So remedy that by following the link that's on the list serve.

As for scheduling, I met with the Director and other members of the staff, both the Board of Commissioners' staff and the Planning staff, last week. And we have had – the state legislature has saw fit to add a new major component to our calendar. What's been commonly referred to as a “timeout” concerning ag and salmon is no longer a timeout. The Governor has signed into law – and so we are not – our policy is not in compliance and we now have a deadline for that to be worked on of December 28, 2011, which means that our fall will be taken up with that issue. I just wanted to mention that tonight as a way of getting you prepared for what's ahead.

And the FEMA-NMFS issue – another comment I'm scheduling and then I'll turn it over for a quick comment from staff and then we'll close the meeting. That's working under a deadline of September 28<sup>th</sup>. September 28<sup>th</sup> is coming up really quickly, and I've been disappointed and have – and I know that the staff is, too; Tim and Gary are both disappointed – but we've had some limiting issues with the federal government not being able to meet with us as frequently as we need to get things done. So we will be moving – we've moved to the 21<sup>st</sup> of June our next work session concerning NMFS and FEMA. We anticipate it being back on your schedule again on the second half of your schedule on the night of the 19<sup>th</sup> of July and then, if need be, into August.

We'll have a regularly scheduled meeting on August – the first week of August. So your next meetings are the 21<sup>st</sup>, which I recognize a couple of you will be absent. It's really important for the six of us that are going to be able to be here because we're down a member to make sure that we're responding to staff about a quorum call for that night – on the 21<sup>st</sup> of June. Because I want to make sure that we're not wasting a meeting.

Did I nail everything down about scheduling?

Ms. Ruacho: I would just add that based on your last issue, which was the code amendments – the annual code amendments – and there were some issues that you wanted taken up before the end of the year. That's also an additional item that'll be taken up this fall that wasn't on the original calendar. So, you know, just so that you guys are aware: Your calendars are looking very, very full between now and the end of the year.

Chairman Easton: Right. And I came to the Commissioners' meeting representing us when our code amendments were presented, and the Commissioners are concerned that particularly the one issue about plat extensions be revisited again in August. So at least that process is going to get going in August. And I know – I think – yeah, Mr. Wallace is still here – the School District has expressed concerns about some leftover trailing issues concerning Bayview Ridge that didn't – we weren't able to address because of legal noticing issues – not having a broad enough legal notice. And the Commissioners are committed and so is the staff and so are we to get that on our calendar in August also. So thanks for your patience.

Any questions before we adjourn?

(silence)

Chairman Easton: Thank you for your patience. Thank you for coming tonight. We are adjourned (gavel).