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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

IN THE MATTER OF APPLICATION NO. 96-1)
) NO. 96-1
OLYMPIC PIPELINE COMPANY)
)
CROSS CASCADE PIPELINE PROJECT.)
_____)

PRE-FILED TESTIMONY OF DEBORAH C. RANDALL

ISSUE:

INADEQUACY OF APPLICATION, AND IMPACTS ON KITTITAS COUNTY AND INITIAL
VIEWS - LAND USE CONSISTENCY

SPONSOR:
KITTITAS COUNTY

Q. Please introduce yourself to the Council.

1 A. My name is Debbie Randall and I work for Tillman Engineering, Inc. as a land use planner. A
2 copy of my Statement of Qualifications is attached to this testimony, Exhibit DCR-1. In 1988, I
3 obtained Bachelors of Art in Anthropology and Sociology from Central Washington University.
4 In 1996, I obtained a Masters of Science in Natural Resource Management from Central
5 Washington University. I have been a land use planner since 1991. I began as a Planner with
6 Kittitas County in March 1991, eventually becoming Interim Planning Director in February 1995,
7 and Planning Director in September 1996. In June 1997, I moved to Jefferson County, worked in
8 a temporary capacity planning for King County Department of Development and Environmental
9 Services for three months, and began work as a private consultant in September 1997 for Tillman
10 Engineering, Inc.

11 Q. What is the subject of your testimony that you are presenting today?

12 A. I was retained by Kittitas County to review the OPC application and the DEIS to review it for
13 consistency with the land use requirements of the county. As I understand it, the purpose of this
14 study is to have an analysis of issues that need to be addressed either through a mitigation
15 agreement process or through the final decision process by EFSEC.

16 I have not yet completed my final detailed analysis as of the time for this presubmittal for
17 the adjudicatory stage. My contract with Kittitas County was for performance of the scope of
18 work within thirty days; this timeline began February 3, 1999. I will however, have my final
19 report completed within the next week or so and do anticipate that once the consistency review
20 hearings are scheduled I would be in a position to supply full detailed discussions regarding
21 consistency issues at that time.

22 The scope of the testimony I am prepared to talk about today is a brief overview of the
23 shortcomings with the current application and its consistency or inconsistency with Kittitas
24 County regulations. Subject topics of concern include fire suppression, wetlands, mitigation,
25

aquifer recharge, spill response, geologically hazardous areas, and stormwater management.

1 Q. As a broad question, what is your overall view of the entire application and the draft EIS as it has
2 been presented to you?

3 A. Overall, I would say that OPC application and proposal has a lot of good background information
4 and conceptual materials, but is lacking in any specific preliminary plans. As such, it is difficult
5 at best to try to give an analysis to much of the application because the proposal essentially
6 indicates that once the application is approved, then OPC will develop the specific plans. The
7 bedrock of any application is to let the reviewing agency know what the preliminary plan is at the
8 outset of application process so that it can be reviewed during the process and before the project
9 is approved, not after.

10 Q. Would you please explain your last answer?

11 A. Yes. OPC's materials leave unanswered the basic issue of what specifically is the proposed plan
12 on many topics other than its "plan" is to submit a plan. The information and analysis discussion
13 are there for the most part, but they stop just short of actually selecting the most appropriate of
14 the project alternatives or providing plans or specifics as to the choice of possible mitigation
15 proposals.

16 Q. Can you provide the Board with some examples?

17 A. Sure. Fire response for the terminal, spill response for the entire pipeline, wetland mitigation,
18 aquifer issues and landslide hazards. None of these have specific preliminary plans, just
19 generalized assurances that there will be a plan developed just prior to construction of the
20 pipeline and distribution center.

21 Q. Tell us briefly some of the concerns about the shortcomings on the fire suppression plan, and
22 how a specific plan is essential to the process?

23 A. First, fire suppression is a public service addressed by the Kittitas County Comprehensive Plan.
24 Turning to the OPC Application, Section 2.16.2 at page 2.16-2, Section 2.17.10 at page 2.17-4,

1 Section 5.3.2.1 at page 5.3-28, and Section 5.3.2.2 at page 5.3-29 states or implies that an
2 emergency response plan will be prepared to ensure employee safety and provide details to public
3 safety agencies on training, education, and equipment for emergency situations along the pipeline
4 and at the Kittitas Terminal. However, there is at present no preliminary or draft plan with which
5 to review this statement for consistency with the County land use controls. The application states
6 this plan will be produced after permit approval. The application and its supporting documents
7 provide some detail on these topics.

8 The application provides information on the types of emergency events possible, and the
9 type of response necessary. This discussion is very helpful in understanding why individual
10 safety responses are ultimately selected from among the alternatives. However, the application
11 does not actually select any specific responses. The reason for a preliminary emergency response
12 plan at the beginning of the application process is to allow the County to judge the effectiveness
13 of the actual responses selected. If the proposed responses are appropriate and appear to match
14 expected performance, then the preliminary plan is approved as a part of the application
15 approval. Upon approval, a final emergency response plan is prepared and submitted for
16 approval.

17 The preliminary plan acts as a benchmark on which the final plan is judged, an assurance
18 to both the applicant and the County. The final plan will contain more detail than the preliminary
19 of course, and in some circumstances may differ from the preliminary plan. Rationale for any
20 variation in the final plan from the preliminary plan would need to be discussed. For example, if
21 the preliminary plan may have assumed the fire suppression and emergency medical technician
22 volunteers would have only initial training sessions. However, if during final arrangements with
23 the district chiefs it was decided that on-going training sessions were necessary to keep district
24 personnel up to date on new technologies and inform new volunteers, this provision could be
25 placed in the final plan. Without a preliminary plan on which to perform this review, the County

1 is unable to state that the project is consistent with the adopted County land use controls
2 including the Comprehensive Plan. If this logic is followed throughout, an application would
3 have only need to consist of a description of the project and a series of statement that it will
4 conform.

5 Q. Tell us briefly about some shortcomings that you have noticed regarding critical areas
6 evaluation?

7 A. The critical areas discussion is not consistent with the critical area evaluation and mitigation
8 required in Kittitas County. Kittitas County is a Growth Management Act county and as such
9 required to plan under those requirements.

10 Section 3.4.2.3 at page 3.4-29, along with other sections of the application, state that a
11 wetlands mitigation plan will be prepared.

12 *For each wetland impacted, specific mitigation measures will be evaluated and*
13 *developed based on the functions and values of that wetland. These mitigation measures will*
14 *follow the prioritization of avoidance, minimization, restoration, and compensation described*
15 *above under the upland vegetation section. Details on mitigation are found in the Cross*

16 *Cascade Pipeline Wetland Mitigation Plan (Dames and Moore, in progress).*
17 There is at present no preliminary plan with which to review this statement for consistency with
18 the County land use controls. The application and its supporting documents are detailed
19 regarding wetlands. The application provides information on the classification of each wetland,
20 however it is not the classification system used by the County. The application has classified
21 wetlands by their features (Palustrine Forested, Palustrine Scrub-Shrub, Palustrine Emergent,
22 Riverine, Palustrine Open Water), while the County's controls classify wetlands by function
23 value (Category I Extreme High Value, Category II High Value, Category III Average Value,
24 Category IV Less Than Average) (Kittitas County Code Chapter 17A.04). Buffer widths and
25 replacement ratios for each category type required under County Code Chapter 17A.04 (Category

1 I - 3:1, Category II - 2:1, Category I - 1.5:1, Category IV - 1:1) are not obviously equivalent to
2 those proposed in the application at page 3.4-35 (Forested - 2:1, Scrub-Shrub - 1:1, Emergent -
3 0.5:1).

4 Because a mitigation plan has yet to be completed, the four proposed mitigation locations
5 are unknown to Kittitas County. As with the other items, the application has a very detailed
6 description of the wetlands found along the project route, and discusses possible mitigation
7 measures for disturbance to the wetlands. This discussion is very helpful in understanding why
8 actual mitigation measures are ultimately selected from among the alternatives for each site.
9 However, again the application stops just short of actually selecting from those alternatives a set
10 of mitigation measures. The reason for a preliminary wetlands mitigation plan at the beginning
11 of the application process is so that the County can judge the effectiveness of the actual
12 mitigation selected. If the proposed mitigation is appropriate and appears to match expected
13 performance, then the preliminary plan is approved as a part of the application approval. Upon
14 approval, a final wetland mitigation plan is prepared and submitted for approval.

15 The preliminary plan acts as a benchmark on which the final plan is judged, an assurance
16 to both the applicant and the County. The final plan will contain more detail than the preliminary
17 of course, and in some circumstances may differ from the preliminary plan. Rationale for any
18 variation in the final plan from the preliminary plan is discussed. For example, if the preliminary
19 plan may have used a different typing system than that required in the County Code, thus the
20 final plan attempts to equate the two alternative classification systems and produce a like
21 replacement ratio system. Without a preliminary plan on which to perform this review, the
22 County is unable to state that the project is consistent with the adopted County land use controls.

23 Q. Tell us about any shortcomings in the application on such issues as aquifer recharge.

24 A. Section 2.9.1.1 at page 2.9-1, Section 2.9.5.1 (sub-heading "Pipeline Operating Conditions and
25 Countermeasures"), and Section 2.17.10 at page 2.17-4, along with other locations, of the

1 application states that an Oil Spill Prevention, Control and Contingency Plan will be prepared.
2 However, there is at present no preliminary plan with which to review this statement for
3 consistency with the County land use controls. The application states this plan will be produced
4 after permit approval by a "Quality and Environmental Coordinator," per Section 2.13.5 at page
5 2.13-6. As with the other examples, the application and its supporting documents are detailed.

6 The application provides information on the types of spills possible, likelihood of those
7 spill types, and the type of response necessary. This discussion is very helpful in understanding
8 why individual measures are ultimately selected from among the alternatives. However, the
9 application stops just short of actually selecting from those alternatives a set of measures. The
10 reason for a preliminary Oil Spill Prevention, Control and Contingency Plan at the beginning of
11 the application process is so that the County can judge the effectiveness of the actual alternatives
12 selected. If the proposed alternatives are appropriate and appear to match expected performance,
13 then the preliminary plan is approved as a part of the application approval. Upon approval, a
14 final Oil Spill Prevention, Control and Contingency Plan is prepared and submitted for approval.

15 The preliminary plan acts as a benchmark on which the final plan is judged, an assurance
16 to both the applicant and the County. The final plan will contain more detail than the preliminary
17 of course, and in some circumstances may differ from the preliminary plan. For example, the
18 preliminary access location to the site was altered to improve sight distance off of the highway,
19 the original location of the fire suppression apparatus may have to be moved to line up with the
20 new access point.

21 Another example would be that if the application review it was determined that the City's
22 source of water was not adequate, to guarantee adequate pressure at the hydrant locations
23 proposed, a back-up well and storage tank may need to be included in the final plan as a
24 dedicated source of suppression to the adjoining structures. Without a preliminary plan on which
25 to perform this review, the County is unable to state that the project is consistent with the

adopted County land use controls.

1 Q. What comments do you have regarding the Geologically Hazardous Area issue?

2 A. Section 2.15.7.2 at page 2.15-26 of the application states that protective measures against
3 avalanche and landslides will be prepared:

4 *Potential mitigation options could include improving the soil strength properties, adding*
5 *structural elements to externally retain the slope, changing the geometry of the slope, or*
6 *rerouting the pipeline. A final decision on the mitigation measures and design will be made*
7 *prior to construction.*

8 However, there is at present no preliminary plan with which to review this statement for
9 consistency with the County land use controls. The application states these measures will be
10 produced after permit approval by a “Quality and Environmental Coordinator,” per Section
11 2.13.5 at page 2.13-6. As with the other examples, the application and its supporting documents
12 are detailed. The application provides information on the types of mass wasting events possible,
13 likelihood of those events along the pipeline route, and the type of mitigation possible. This
14 discussion is very helpful in understanding why individual measures are ultimately selected from
15 among the alternatives. However, again the application stops just short of actually selecting from
16 those alternatives a set of measures.

17 The reason for a preliminary set of specific mitigation measures at the beginning of the
18 application process is so that the County can judge the effectiveness of the actual alternatives
19 selected. If the proposed alternatives are appropriate, appear to match expected performance,
20 then the preliminary plan is approved as a part of the application approval. Upon approval, a
21 final mitigation plan is prepared and submitted for approval. The preliminary plan acts as a
22 benchmark on which the final plan is judged, an assurance to both the applicant and the County.
23 The final plan will contain more detail than the preliminary of course, and in some circumstances
24 may differ from the preliminary plan. For example, the preliminary measure selected may not
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1 prove out under actual construction design drawings. Without a preliminary plan on which to
2 perform this review, the County is unable to state that the project is consistent with the adopted
County land use controls.

3 Q. Would you please address the stormwater management and control plan?

4 A. Section 2.10.2.2 at page 2.10-8, Section 2.10.2.9 at page 2.10-22, Section 2.10.3.1 at page 2.10-
5 25, Section 2.10.3.3 at page 2.10-27, Section 2.17.7 at page 2.17-2 and Section 2.17.10 at page
6 2.17-4, along with other locations, of the application state that an Erosion and Sediment Control
7 Plan and Stormwater Control Plan (or their equivalent) will be prepared. However, there is at
8 present no preliminary plans with which to review this statement for consistency with the
9 County land use controls. The application states this plan will be produced after permit approval
10 by a "Quality and Environmental Coordinator," per Section 2.13.5 at page 2.13-6. As with the
11 other examples, the application and its supporting documents are detailed for erosion control and
12 stormwater control. The application provides information on the wide variety of possible erosive
13 actions, likelihood of these types of erosive actions at typical locations, and the type of best
14 management practice necessary to address these circumstances. This discussion is very helpful
15 in understanding why individual measures are selected from among the alternatives. However,
16 the application stops just short of actually selecting from those alternatives a set of measures for
17 prevention of erosion and on-going control of stormwater, for example off of the Kittitas
18 Terminal site.

19 The reason for a Preliminary Erosion and Sediment Control Plan and a Permanent
20 Stormwater Control Plan at the beginning of the application process is so that the County can
21 judge the effectiveness of the actual alternatives selected. If the proposed alternatives are
22 appropriate, appear to match expected performance, then the preliminary plan is approved as a
23 part of the application approval. Upon approval, a set of these two types of plans are prepared
24 and submitted for approval. The preliminary plans acts as a benchmark on which the final plans
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1 are judged, an assurance of expectations to both the applicant and the County. The final plans
2 will contain more detail, to a construction design level, than the preliminary of course. In some
3 circumstances the final plans may differ from the preliminary plans. Rationale for any variations
4 in the final plans from the preliminary plans are discussed between the applicant and County.
5 For example, if the preliminary access location to the site was altered to improve sight distance
6 off of the highway, the original location of the detention pond may have to be moved back away
7 with the new access point. Another example would be if application review determined that the
8 adjacent Park Creek was located too close to the proposed overflow outlet, the overflow may
9 need to be relocated to the north to provide additional distance between the source of
10 contamination and the creek. Without a preliminary plan on which to perform this review, the

11 Q. Do you believe that requiring OPC to give specific preliminary plans for each site is a bit onerous
12 given the size of this project?

13 A. Not at all. The project is of this size because OPC has chosen the project to be of this size. A
14 single property owner whose is going to put up just one building has to present a plan which
15 demonstrates how the project will be done, the mitigation proposed, and the protections he/she
16 will undertake to make sure the land use complies with the applicable regulations. Simply
17 because a project is large doesn't mean it shouldn't also have that degree of specificity. In fact,
18 given the large size and the cumulative effect of all of the various parts of the project, it is
19 important to see that each component is properly planned to avoid adverse impacts not only with
20 each particular phase but with the cumulative effect of the entire project.

21 Q. How about land use issues like zoning: Is the OPC project in compliance with regard to those
22 issues in Kittitas County?

23 A. At this point, no, it is not. The Kittitas Terminal site is currently located in the City of Kittitas
24 UGA but the land is zoned Agricultural 20. Under the County Code, the terminal would only be
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1 allowed if the site was rezoned to Industrial zoning and obtained a conditional use permit for the
2 siting to this type of facility. To date the terminal site has not been rezoned and no conditional
3 use granted.

4 There is a Kittitas County utilities ordinance which has been recently adopted which
5 would allow such a pipeline and distribution center to be located in the County. That ordinance
6 has, however, been appealed to the Growth Management Hearing Board and if that ordinance
7 were to be deemed invalid, then there would also be consistency issues to deal with on those
8 issues.

9 Q. With the understanding that you will be supplying more detailed testimony at the consistency
10 hearings, is there any more you would like to add at the adjudicatory hearing?

11 A. No. The balance of my comments I will present as testimony at the consistence hearing.

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END OF TESTIMONY OF WITNESS

DECLARATION OF SERVICE

The undersigned certifies under penalty of perjury that on the below date, I mailed or caused delivery of a true copy of this document as authorized by WAC 463-30-120(2)(a) to: the Energy Facility Site Evaluation Council and Counsel for All Parties at the regular office or residence thereof.

Dated this _____ day of _____ 1999 at Seattle, Washington.

Paula Polet

EXHIBIT DCR - T

Williams, Kastner & Gibbs PLLC

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PRE-FILED TESTIMONY OF
DEBORAH C. RANDALL - 12

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EXHIBIT DCR-1

PROFESSIONAL EXPERIENCE

Preparation and analysis of local land use and environmental controls and planning policies.

Production and peer review of environmental and technical documentation.

Facilitator of elected official bodies, quasi-judicial review bodies, professional and nonprofessional advisory committees, and citizen planning committees.

Budget preparation and compliance.

Director of local government land use planning department.

Presentation, defense, and interpretation of local land use actions before regional Washington Growth Hearings Board.

Research, analysis, drafting, and adoption of city and county resolutions and ordinances, including SEPA procedures, application processing, rural and urban zoning, code enforcement, subdivision, natural resource lands (forest, agriculture, mineral, range) classification and designation criteria and conservation measures, environmentally sensitive areas classification and designation criteria and conservation measures, and wildfire prevention, as exemplified by the following documents:

Kittitas County (draft format) Title 20 Comprehensive Plan – Master Planned Resort land use designation; and, Title 17 Zoning Code – Master Planned Resort zoning district, 1997

Kittitas County Title 17A Project Permit Review Procedures, 1996-1997

Kittitas County Comprehensive Plan, 1996

Kittitas County Countywide Planning Policies, 1996

Kittitas County (draft format) Title 16 Subdivision, Title 17 Zoning, and Ch. 15.04 SEPA, 1996

City of Kittitas (draft format) Comprehensive Plan, 1995

City of Kittitas SEPA Code, 1994

Kittitas County Chapter 17.58 Commercial Forest zoning district, 1994

Kittitas County Comprehensive Plan, Commercial Forest land use designation, 1993

Kittitas County (draft format) Critical Areas Classification and Designation System, 1993

Kittitas County Growth Management Act Citizen Guide, 1991

Kittitas County Planning Department GMA Newsletter, 1991-1993

Project management, land use and environmental analysis for public and private development projects, including applications for:

PROFESSIONAL EXPERIENCE cont.

Comprehensive Plan text and Land Use Designation amendments; Zoning text amendments

Zoning Conditional Uses and Variances

Rezone actions

Shorelines Master Program Conditional Uses, Substantial Developments, Variances, and Exemptions

Flood Damage Prevention Permits and Exemptions

Hydraulic Project Approvals

Short Plats, Long Plats, and Boundary Line Adjustments

Zoning Code Administrative Interpretation and defense of Administrative Appeals to same

SEPA Environmental Checklist review and actions, including defense of Administrative Appeals to same

SPECIAL SKILLS AND EXPERTISE

Local land use control research and drafting.

Technical writing and editing.

AutoCAD proficient.

EDUCATION

M.S., Natural Resource Management, Central Washington University, Ellensburg, WA, 1996

B.A., Anthropology, Central Washington University, Ellensburg, WA, 1988

B.A., Sociology, Central Washington University, Ellensburg, WA, 1988

Sample of continuing professional education:

Washington Bar Association Land Use Law Section Boundary Line Adjustment course (Seattle), 1997

Washington Bar Association Land Use Law Section Mid-Year (Orcas Island), 1995

APA/PAW Joint Fall Planning Conference (Bellevue), 1995

APA/PAW Joint Fall Planning Conference (Portland), 1994

APA/PAW Joint Spring Planning Conference (Spokane), 1993

Department of Ecology Wetlands Training (Cheney), 1992

PAW Fall Planning Conference (Mt. Vernon), 1992

APA/PAW Joint Spring Planning Conference (Wenatchee), 1991

PRIOR EXPERIENCE

Administrative Assistant, Property management company

Rural Development Volunteer, International aide organization

PROFESSIONAL AFFILIATIONS AND ORGANIZATIONS

Peninsula Section - American Planning Association

Central Washington University Campus Master Plan Committee (former)

Mountains to Sound Greenway Board of Directors (former)

Snoqualmie Pass Planning Advisory Council (former)

DEBORAH C. RANDALL
1106 ADAMS ST.
PORT TOWNSEND, WA 98368
(360) 379-2651 H. (360) 379-9661 W.

EXPERIENCE:

TILLMAN ENGINEERING, INC.; Port Hadlock WA

Planner: September 1997 - present

Design, preparation and presentation of public agency land use applications, including: preliminary and final subdivisions; zoning conditional uses; Shorelines substantial developments, conditional uses, variances and exemptions; Hydraulic Project Approvals; water system plans; and, supporting documentation such as State Environmental Policy Act environmental checklists, and permanent stormwater quality control plans and temporary erosion and sediment control plans.

Preparation of land use feasibility studies.

Representative projects:

Shorelines

Loving residential dock, protective bulkhead, Jefferson County, WA 1997-1998. Scope included design of single-family residential use dock and protective shoreline bulkhead, and application processing.

Huggins bridge, Jefferson County, WA 1998. Scope included design for replacement bridge for single-family residential use, including erosion control features, and application processing.

Berner-Nelson Street, Jefferson County, WA 1997-1998. Scope included design of mitigation measures for land clearing activities performed without benefit of permit approvals, and application processing.

Zoning

Pleasant Harbor restaurant, Jefferson County, WA 1997-1998. Scope included design of commercial land use, including access, utilities, stormwater, and erosion control features, and application processing.

Cotton Asphalt batch plant, Jefferson County, WA 1997-1998. Scope included design of secondary-processing land use, including access, stormwater, and erosion control features, and application processing.

Subdivisions

Wenger Long Plat, Pacific, WA 1997-1998. Scope included design of 8-lot single-family residential subdivision, including access, utilities, stormwater, and erosion control features, and application processing.

Mountain View Vista Long Plat, Jefferson County, WA 1997-1998. Scope included design of 14-lot single-family residential subdivision, including access, utilities, stormwater, and erosion control features, and application processing.

Goode Long Plat, Kitsap County, WA 1997-1998. Scope included design of 10-lot single-family residential subdivision, including access, utilities, stormwater, and erosion control features, and application processing.

Bailey Short Plat, Jefferson County, WA 1997-1998. Scope included design of 3-lot single-family residential subdivision, including access, utilities, stormwater, and erosion control features, and application processing.

KING COUNTY DEPARTMENT OF DEVELOPMENT & ENVIRONMENTAL SERVICES; Renton WA

Planner II (Temporary): June 1997- August 1997

Reviewed and processed subdivision applications.

KITTITAS COUNTY PLANNING DEPARTMENT; Ellensburg WA

Planning Director: September 1996 - June 1997

Interim Planning Director: February-May 1995, February-September 1996

Assistant Planner: April 1993 - September 1996

Planner I: March 1991 - April 1993

Managed department of seven staff, assigned position duties and supervised work products, administered grant projects and provided general trouble shooting.

Administered local land use controls, including subdivision, zoning and environmentally sensitive area codes.

Comprehensive plan and development regulation drafting and adoption, including facilitation of citizen advisory committees, commissions, and elected officials.