

1 **Proposed New Definitions 14.04.020:**

2 **Hazardous liquid and natural gas transmission pipelines:** pipelines designed and operated for the
3 purpose of transporting oil, diesel, jet fuel, gasoline, other petroleum products, or natural gas.

4 **High Consequence Land Use:** a land use that if located in the vicinity of a hazardous liquid or gas
5 transmission pipeline represents an unusually high risk in the event of a pipeline failure due to
6 characteristics of the inhabitants or functions of the use. High consequence land uses include:

7 (1) Land uses that involve a high-density on-site population and/or that are difficult to evacuate.

8 These uses include schools, hospitals, clinics, multi-family housing, facilities exclusively for elderly or
9 handicapped including adult group care facilities, stadiums or arenas, and day care centers, however
10 does not include group care facilities or adult family homes.

11 (2) Land uses that serve critical "lifeline" or emergency functions, such as fire and police facilities,
12 utilities providing regional service, or water supplies that if exposed to a significant risk that will curtail
13 its lifeline function for a critical period of time.

14 (3) Uses with similar characteristics as determined by the Administrative Official.

15 **Sensitive Utility Corridor:** the geographic area located within [up to 660] feet of one or more of the four
16 major hazardous liquid or gas transmission pipelines within Skagit County. This distance includes the
17 "Potential Impact Radius" used in the gas transmission pipeline integrity management regulations (49
18 CFR 192.903).

19

20 **Proposed New Section:**

21 **14.16.205 Sensitive Utility Corridor Overlay.**

22 (1) Purpose.

23 The purpose of this Section is to help prevent damage and minimize unnecessary risk to the public
24 health, safety, and welfare in direct proximity to hazardous liquid and natural gas transmission pipelines
25 by:

26 (a) Supplementing existing federal and state regulations related to hazardous liquid and natural
27 gas pipeline corridor management.

28 (b) Ensuring early communication between those developing property and pipeline operators.

29 (c) Minimizing the likelihood of damage to existing pipelines during development activities.

30 (d) Avoiding exposure of land uses with high on-site populations and/or are difficult to evacuate
31 and land uses that serve emergency functions to the risk of injury or damage in the event of
32 a pipeline failure.

33 (e) Helping reduce adverse impacts to life and property in the event of a pipeline failure.

34 (2) Determination of Sensitive Utility Corridor Overlay.

35 The provisions of this Section apply to all existing and proposed land uses within the Sensitive Utility
36 Corridor. For purposes of this Section, the Sensitive Utility Corridor is that geographic area located within
37 [up to 660] feet of one or more of the four major hazardous liquid or gas transmission pipelines within
38 Skagit County. The pipeline locations and boundaries of the sensitive utility corridor are as delineated by
39 Skagit County and depicted on the Skagit County Sensitive Utility Corridor Overlay map. Maps portraying
40 the sensitive utility corridor shall be on file for public inspection in the Skagit County Planning and
41 Development Services department and on the official County website.

1 (3) Application of Sensitive Utility Corridor Overlay Review.
2 Buildings, structures, land divisions, binding site plans, and/or land uses and their associated
3 permits/approvals, which lie within the Sensitive Utility Corridor, shall be subject to the provisions of this
4 subsection.

5 (a) High Consequence Land Uses and Essential Public Facilities

6 (i) New high consequence land uses and essential public facilities are prohibited within
7 the [up to 660] feet of the Sensitive Utility Corridor nearest a hazardous liquid or natural
8 gas transmission pipeline.

9 (ii) Modifications and/or expansions to existing high consequence land uses or
10 essential public facilities located within the [up to 660] feet of the Sensitive Utility Corridor
11 nearest a hazardous liquid or natural gas transmission pipeline must be designed to
12 avoid an increase in the level of risk in the event of a pipeline failure to the greatest
13 extent possible, and where feasible, reduce the risk compared to the existing
14 development. Techniques to minimize or reduce risk include but are not limited to:

15 (A) Site design elements, such as increasing the distance between occupied
16 structures, or structures that provide critical lifeline functions, and the hazardous
17 liquid or natural gas transmission pipeline.

18 (B) Building features, such as building design and construction
19 methods/materials to provide greater protection to on-site populations or to
20 expedite evacuation.

21 (C) Technological features, such as building alarms or intercom systems to
22 notify building occupants of the need to evacuate or other features that help
23 avoid or limit damage and promote safety in the event of a pipeline failure.

24 (D) Operational features, such as emergency plans, early detection systems,
25 notification and education programs for building occupants concerning pipeline
26 safety.

27 (iii) Modifications to existing buildings that do not increase the onsite populations or
28 impede or hinder evacuation routes are not required to comply with subsection (ii) above,
29 but are encouraged to utilize the techniques outlined above to minimize or reduce risk.

30 (b) Other Development

31 (i) New land divisions shall not include any new building envelopes within the [up to
32 300] feet of the Sensitive Utility Corridor nearest a hazardous liquid or natural gas
33 transmission pipeline. The land within this area may, however, be used for the purposes
34 of calculating the overall density of the proposed land division.

35 (ii) Applicants for the following types of new or expanded development (excluding
36 prohibited high consequence land uses and essential public facilities) within the [up to
37 300] feet of the Sensitive Utility Corridor nearest a hazardous liquid or natural gas
38 transmission pipeline shall use appropriate mitigation measures to help reduce adverse
39 impacts in the event of a pipeline failure:

40 (A) Commercial, industrial, or institutional.

41 (B) Religious facilities.

1 (C) Other developments as determined by the Administrative Official that,
2 because of proximity to a hazardous liquid or gas transmission pipeline corridor,
3 pose a safety concern due to characteristics of the occupants, development, or
4 site.

5 (iii) Mitigation measures intended to reduce risk and minimize impact in the event of a
6 pipeline failure include but are not limited to:

7 (A) Site and building design techniques such as maximizing the distance
8 between new or expanded development and anticipated impact radius or flow
9 paths for leaking hazardous materials and controlling ignition sources as well as
10 construction methods/materials offering more protection to occupants.

11 (B) Emergency procedures such as emergency plans and guides, employee
12 training and drills, and education programs for occupants and employees
13 concerning pipeline safety, such as what to be aware of and how to respond in
14 the event of a problem.

15 (1) Applicants shall consult with the Fire Marshal regarding the level of
16 emergency planning and procedures appropriate for the proposed
17 development. Based on the nature, occupancy, or location of a proposed
18 development, the Fire Marshal may require emergency plans and
19 procedures for any occupancy classifications.

20 (2) Emergency plans and procedures shall be consistent with the Fire
21 Code and shall be approved by the Fire Marshal.

22 (c) Setback Requirements.

23 (i) No significant land disturbance or construction or expansion of structures are allowed
24 within hazardous liquid or natural gas transmission pipelines easements without the
25 express written consent of the pipeline operator.

26 (ii) Setbacks for buildings, structures, and land disturbance within the Sensitive Utility
27 Corridor shall be measured from the edge of easement containing the hazardous liquid or
28 natural gas pipeline and are as follows:

29 (A) New structures (for the purpose of human occupancy): [up to 150] feet.

30 (B) New structures (for the purpose of non-human occupancy): [up to 75] feet.

31 (C) Other activities (involving significant land disturbance): [up to 50] feet.

32 (D) Expansion of existing structures within the setback area is allowed
33 provided that expansions of human occupied structures must meet the following:

34 (1) Site design elements are utilized to minimize or reduce risk, such as
35 maximizing the distance between occupied structures and the hazardous
36 liquid or natural gas transmission pipeline; and

37 (2) Building features, such as building design and construction
38 methods/materials are used to provide greater protection to occupants.

39 (E) The Administrative Official may reduce the required setback through the
40 Administrative Variance process due to site-specific conditions and an applicant's

1 demonstration that the purpose of this section will be met by proposed mitigation
2 measures. In all cases, [up to 75] % of a minimum setback must maintained

3 (iii) Setbacks must be identified and protected prior to and during construction by
4 placement of a temporary barricade and on-site notices. Barricades and on-site notices
5 are subject to review throughout the development process.

6 (iv) The required setback from hazardous liquid and gas transmission pipeline corridors
7 shall not deny all reasonable economic use of property. If an applicant demonstrates to
8 the satisfaction of the Hearing Examiner through the Level II Variance process that strict
9 application of the required setback would deny all reasonable economic use of the
10 property, the setback may be lessened subject to appropriate conditions.

11 (A) An applicant for relief from strict application of the required setback shall
12 demonstrate the following:

13 (1) No reasonable economic use of the applicant's property can be made
14 if the required setback is strictly applied; and

15 (2) The proposed setback is the minimum necessary to provide the
16 applicant with a reasonable economic use of the property; and

17 (3) All reasonable mitigation measures have or will be implemented or
18 assured; and

19 (4) The inability to derive any reasonable economic use is not the result
20 of the applicant's actions or those of the applicant's predecessors in title;
21 and

22 (5) The location of the pipeline easement boundaries have been
23 definitively determined.

24 (B) As a condition of any relief granted under this section, the applicant shall
25 be required to record an instrument against the title of the property notifying all
26 subsequent purchasers of the fact that a lesser than standard setback from the
27 pipeline has been approved and of any and all conditions placed on the grant of
28 relief.

29 (4) Development Application Submittal Requirements.

30 (a) Prior to the issuance of any development permit within the Sensitive Utility Corridor, a letter
31 from the affected pipeline company shall be received by Planning and Development
32 Services indicating they have reviewed they project and including any comments. The
33 applicant may work with the pipeline company prior to application submittal in order to
34 reduce application review time. If the required letter from the pipeline company is not
35 submitted with the application, Planning & Development Services will notify the pipeline
36 company and additionally the applicant will be notified of the requirement during the
37 application review process. The letter must include the following: Pipeline Company
38 letterhead, the address and/or location of the proposed project, a description of the project
39 reviewed, and a statement indicating that no comments from the pipeline company will be
40 forthcoming or a statement including any comments and/or concerns. Pipeline companies
41 will have fifteen (15) days to respond to such inquiries.

- 1 (i) Any comments provided by the pipeline operators will be provided to the applicant.
 2 Planning and Development Services may require modifications to project proposals in
 3 response to pipeline company comments based on severity of risk.
- 4 (ii) If no response is forthcoming from the affected pipeline company within fifteen (15)
 5 days or an applicant is unable to contact the affected pipeline company, the applicant
 6 must submit a written account of the attempted contact including: the name, phone
 7 number, address or other contact information as well as the dates of attempted contact.
 8 Where failed contact is documented, Planning and Development Services may proceed
 9 with permit issuance absent a response from the affected pipeline company.
- 10 (b) Applicants for development permits within the Sensitive Utility Corridor on parcels including
 11 pipeline easement(s) must show the location of the pipeline easement on the site plan and
 12 such permits will be conditioned that applicants notify utilities through the one-call locator
 13 service prior to any land disturbance.
- 14 (c) All land division applications for property within the Sensitive Utility Corridor must include
 15 required overlay setbacks and a note on the subdivision map including the following
 16 language:
- 17 (i) The subject property is located within the Sensitive Utility Corridor Overlay which
 18 is defined as an area within [up to 660] feet of one or more of the four major
 19 hazardous liquid or gas transmission pipelines within Skagit County.
 20 **[Note to code publisher: Also amend SCC 14.18.200(2) to include new**
 21 **subsection (x) with the language shown in (c)(i) above.]**
- 22 (d) SEPA environmental checklists for all development within the Sensitive Utility Corridor must
 23 include reference to affected pipeline and provide information concerning any impact the activity
 24 will have upon the integrity of the transmission pipeline(s).
- 25 (e) All other applicable development application submittal requirements of this Section and this
 26 Chapter apply.
- 27 (5) Notice and Acknowledgement. The owner of any parcel, for which an application for a
 28 development permit within the Sensitive Utility Corridor is submitted, shall record a title notification with
 29 the Skagit County Auditor. The content and form must be approved by the Administrative Official and
 30 the Prosecuting Attorney. The notice shall be notarized and shall be recorded prior to approval of any
 31 development proposal for the site, and include the following language:

32
 33 NOTICE AND ACKNOWLEDGEMENT
 34 SENSITIVE UTILITY CORRIDOR OVERLAY

35 Permit Number: _____

36 Property Legal Description:

37 _____
 38 _____

1 Property Address/Location:

2 _____
3 * * * * *

4 NOTICE

5 The above referenced property is located wholly or partially within the Sensitive Utility Corridor Overlay and within [up
6 to 660] feet of one or more of the four major hazardous liquid or natural gas transmission pipelines in Skagit County.
7 This disclosure shall be notice that the subject property is within the "Potential Impact Radius" of a transmission
8 pipeline as identified in the gas transmission pipeline integrity management regulations (49 CFR 192.903). Any
9 development within the Sensitive Utility Corridor Overlay may be subject to safety, maintenance, or nuisance
10 potential that may arise due to the proximity of a hazardous liquid and/or natural gas transmission pipeline to this
11 property. The subject pipeline(s) are depicted on the maps attached as exhibit(s).

12 ACKNOWLEDGEMENT

13 I, _____, the owner of the referenced property,
14 hereby acknowledge that I have read and understand the NOTICE provided above. I understand
15 that this NOTICE AND ACKNOWLEDGEMENT will be recorded with the Skagit County Auditor.

16 The Auditor will convey notice of its contents to all persons or entities acquiring or obtaining an
17 interest or right to occupancy in or on the subject property. I have freely executed this
18 ACKNOWLEDGEMENT as a condition of approval for permit/subdivision/binding site plan
19 application number _____, as required by SCC 14.16.205(5).

20 Dated the _____ day of _____, 20__.

21 Owner Signature _____

22 Owner Signature _____

23 Printed Name _____

24 Printed Name _____

25 (Acknowledgement for Individual Grantor)

26 (Acknowledgement for Corporate Grantor)