



PLANNING & DEVELOPMENT SERVICES

GARY R. CHRISTENSEN, AICP, DIRECTOR

BILL DOWE, DEPUTY DIRECTOR

PATTI CHAMBERS
Administrative Coordinator

TIM DEVRIES, CBO, ACO
Building Official & Floodplain Manager

MEMORANDUM

To: Skagit County Planning Commission
From: Planning & Development Services Staff
Date: July 13, 2011
Re: Pipeline Safety Deliberations

Attached please find information related to your upcoming deliberations on pipeline safety. The documents include:

1. Revised draft of pipeline safety ordinance (tracked changes version and clean version)
2. Tables of contents for written comments (periods 1 and 2)
3. Whatcom County's proposed and adopted pipeline safety ordinance
4. Redmond's adopted pipeline safety ordinance
5. MRSC model ordinances (consultation zones and setbacks)
6. WAC 480-93-020 and 49 CFR 192.903
7. Excerpts from the November 2010, PIPA Report

Also, for easy reference the following previously transmitted items are also attached:

8. PDS staff report
9. A jurisdictional comparison chart
10. Period 1 written comments
11. A map of pipelines within the County
12. Original draft ordinance

The attached revised pipeline safety proposal is provided to assist you with your deliberations. The revised draft is intended to help streamline your deliberations by illustrating how the large volume of comments could potentially be addressed and incorporated. The revised draft does not include any new provisions, but instead proposes removal of some previously included provisions. The proposed changes are in direct response to public comments and concerns raised during the written comment period and public hearing on the issue. Because the revised proposal falls entirely within the range of options that the public has already commented on – in that some requirements from the original proposal have been removed, and no new substantive requirements have been proposed – a new public comment period is not required.

Public involvement on this issue has included a direct mailing to approximately 3,200 landowners, a community meeting, a public hearing, and an extended written comment period (36 days in total). The majority of the written comments include similar positions with regard to setbacks (concerns), consultation zones (support), and restrictions on high consequence land uses (support). The revised draft attempts to incorporate the comments received as well as align more closely with Whatcom County pipeline safety code as desired by several commenter's.

The track changes version of the document indicates proposed deletions in red strikethrough, inserts in red underline, and moved paragraphs in green double underline. Each of the changes proposes relaxing or eliminating requirements on landowners; one change adds a new instruction to the Department. The new draft differs from the original draft in the following ways:

- **Deleted:** setbacks for new structures, land disturbances, and land division building envelopes from the Sensitive Utility Corridor.
- **Reduced:** the Sensitive Utility Corridor from 660 ft (PIPA recommended area) to 500 ft (Whatcom Co. ordinance).
- **Restricted:** the setback for new high-consequence land uses now applies only to *occupied* buildings, consistent with Whatcom County's ordinance.
- **Reduced:** the setback for new high-consequence land uses from 660 ft to 500 ft, consistent with Whatcom County's ordinance.
- **Added:** ability for applicant to reduce setback for new high-consequence land uses by calculating actual potential impact radius.
- **Replaced:** the requirement to use techniques to mitigate risk for modifications to high-consequence land uses and land divisions, with requirement to submit a statement that the applicant considered risk mitigation techniques.
- **Replaced:** the list of (now optional) techniques with a reference to the County website.
- **Moved:** the defined terms and their definitions from the "definitions" chapter to inline in the rest of the document, for clarity.
- **Deleted:** criteria for Level II Variance.
- **Replaced:** language regarding pipeline company review of applications for consistency with Whatcom County's ordinance.

Attached for your information is the adopted Whatcom County code as well as the original proposal. As you will see, Whatcom County initially recommended setback and other provisions which were

removed through the public comment process. The City of Redmond proposed and adopted provisions including setbacks. The Municipal Research Services Center recommends each jurisdiction consider and determine setbacks appropriate for them. The Pipelines and Informed Planning Alliance (PIPA) Final Report, November 2010, recommends local governments establish consultation zones and planning areas which, in some communities, has included fixed-distance setbacks. Although setbacks are an important part of the discussion of pipeline safety, it is the prerogative of each community to decide how best to address the risks that may impact people and property beyond the edge of the pipeline rights-of-way, which may or may not include building setbacks. It seems that no matter the source, it is recommended that communities implement a risk-informed approach to land use planning and development and establish good communication with the transmission pipeline operators.

Also, attached is a copy of WAC 480-93-020, which provides a basis for the proposed 500-ft sensitive utility corridor in that the State requires approval for new pipelines within 500 ft of any building. Excerpts from the final PIPA Report as well as 49 CFR 192.903 are also attached for your information. The PIPA report can be reviewed in its entirety on the Pipeline Safety page of the County website.

The Planning Commission could make any of the following recommendations to the Board of County Commissioners:

1. A recommendation to adopt the original proposal, with or without modifications.
2. A recommendation to adopt the revised proposal, with or without additional modifications.
3. A recommendation to not adopt either proposal.

The Planning Commission should make an effort to identify its collective findings of fact and reasons for action for inclusion in the recorded motion.

Please feel free to contact the Department with any questions you may have.