

Pipeline Safety Ordinance; ZON2007-00014
4th Draft (April 14, 2010)

Section 1: Purpose

The purpose of this chapter is to help minimize unnecessary risk to the public from hazardous liquid and natural gas transmission pipelines by:

- (1) Minimizing the likelihood of accidental damage to pipelines by ensuring early communication between those developing property and pipeline operators.
- (2) Limiting exposure of land uses with high on-site populations that are difficult to evacuate and land uses that serve emergency functions to the risk of injury or damage in the event of a pipeline failure.
- (3) Ensuring that there is adequate protection of existing pipelines from inadvertent damage during nearby construction.

Section 2: Definitions

2.1. **Transmission Pipeline** means a pipeline carrying hazardous liquids, and all natural gas pipelines equal to or larger than 12 inches in diameter that operate at over 500 psi.

2.2. **Hazardous liquid** means petroleum, petroleum products, or anhydrous ammonia.

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

2.3.1. Land uses that involve a high-density on-site population that is more difficult to evacuate. These uses include schools, ~~(through grade 12), hospitals, clinics, multi-family housing or other facilities exclusively for the~~ elderly or handicapped housing or facilities, stadiums ~~or arenas~~, and day care centers. Day care centers do not extend to family day care or adult family homes.

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

Comment [S1]: GH email recommendation to remove this because he foresees that, ". . . it will take away the ability to develop property within the setback distance to the pipeline as an example."

2.4. **Pipeline Corridor** means the pipeline pathway defined by rights-of-way and easements in which the pipelines and facilities of a hazardous liquid or gas transmission pipeline operator are located, including rights-of-way and easements over and through public or private property.

2.5. **Essential public facilities** are those facilities "typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities group homes, and secure community transition facilities as defined in RCW 71.09.020" (RCW 36.70A.200, Siting of essential public facilities). The county has also designated telecommunication towers, water treatment plants, sewer treatment plants, and water storage facilities as essential public facilities; however, telecommunication towers are

exempt from the provisions of this ordinance.

Section 3: Development notice when adjacent to transmission pipeline

The purpose of this section is to improve communication between property owners and transmission pipeline owners to minimize the risk of inadvertent damage to transmission pipelines and to provide guidance to property owners about minimizing further risk through site design or construction.

3.1. Land divisions, high consequence land uses and essential public facilities

3.1.1. Applicants for divisions of land creating new lots, high consequence land uses and essential public facilities shall show hazardous liquid and gas transmission pipeline corridors and ~~applicable setbacks~~ other required construction limits on applications when proposed development is located within ~~660~~ 500 feet of the centerline of the pipeline corridor. Minor modifications to existing structures that do not involve significant land disturbance on-site or changes to off-site improvements are exempt from this requirement.

3.1.2. Whatcom County should notify the transmission pipeline owner at the earliest possible stage of application review. ~~This may occur at pre-application, review under State Environmental Policy Act (SEPA) or at the development permit application.~~ Whatcom County shall provide the transmission operator ~~twelve (12)~~ fifteen (15) days to provide comments to Whatcom County on the development application prior to approval. Any comments provided by the pipeline operators will be passed on to the applicant.

~~3.1.3. The written verification required by this section can be in any form acceptable to the county, including electronic communications, so long as it is clear that the pipeline operator(s) has received and reviewed documentation showing the proposed activity and its location.~~

Comment [S2]: GH email recommendation to change to 350 feet, after talking to Michael Abendhoff, BP America Inc.
MBT email response to above; Recommends leaving it at 500 feet because of the potential blast zone impacts, with a reminder this is ONLY for High Consequence Structures – not all structures.

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3.2. Other development

3.2.1. Development applications not addressed by Section 3.1 above are not required, but encouraged to show transmission pipeline corridors that are on or ~~immediately adjacent abuts~~ to the proposed development property.

3.2.2. Whatcom County should notify the pipeline transmission pipeline operator at the earliest possible stage of application review. ~~This may occur at pre-application, review under State Environmental Policy Act (SEPA) or at the development permit application.~~ Whatcom County may issue development permits without written response from the transmission pipeline owner. Any comments provided by the pipeline operator will be passed on to the applicant.

Section 4: Ensuring land use compatibility with pipelines

The purpose of this section is to limit exposure of land uses with high on-site populations that are difficult to evacuate and land uses or essential public facilities from the risk of injury or damage in the event of a pipeline failure.

4.1. High Consequence Land Uses and Essential Public Facilities

- 4.1.1. New structures for high consequence land uses and essential public facilities proposed for within 500 feet of a hazardous liquid or natural gas transmission pipeline corridor are prohibited.
- 4.1.2. Proposed expansions to existing high consequence land uses or essential public facilities located within 500 feet of a hazardous liquid or natural gas transmission pipeline corridor shall at a minimum be designed to avoid increasing the level of risk in the event of a pipeline failure, and where feasible, reduce the risk compared to the existing development. Potential techniques to minimize or reduce risk include but are not limited to:
 - (a) Site design features, such as maintaining or increasing the distance between occupied structures, or structures that provide critical lifeline functions, and the hazardous liquid or natural gas transmission pipeline, ~~and anticipated blast zones or flow paths for leaking hazardous materials.~~
 - (b) Building features, such as building design to avoid a significant increase in risk to on-site populations or to expedite evacuation.
 - (c) Technological features, such as accelerated notice of a pipeline failure to the high consequence land use to facilitate evacuation or features that help to avoid damage in the event of a pipeline failure.
 - (d) Operational features, such as emergency plans and education programs for occupants and employees concerning pipeline safety, developed in accordance with the procedures in 4.2.2(b).

Comment [S3]: GH email recommendation to add after "existing", "structures in" to be consistent with 4.1.1. MBT email response to this recommendation, saying she thought it was left at "land uses" to protect ability of existing schools (Mt Baker).

Comment [S4]: GH email recommendation for this to be consistent with 4.1.2 (b) with the idea that any increase in size increases the risk.

Modifications to existing buildings that do not increase the onsite population or hinder evacuation, or change evacuation routes are exempt from this requirement.

~~4.2. Other Development.~~

~~4.2.1. Applicants for the following types of new or expanded development shall use appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure:~~

- ~~(a) Commercial or industrial.~~
- ~~(b) Multi-family⁺.~~
- ~~(c) Religious facilities.~~
- ~~(d) Other developments as required by the Code Administrator that, because of proximity to a hazardous liquid or gas transmission pipeline corridor,~~

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⁺ See WCC 20.97.264 "Multifamily dwelling" means a single building, or portion thereof, designed for or occupied by three or more families living independently of each other in separate dwelling units on one lot of record and, for the purpose of this code, includes triplexes, fourplexes, apartment buildings, and residential condominiums. (Ord. 2001-024 § 1, 2001; Ord. 94-002, 1994).

~~pose a safety concern due to characteristics of the occupants,
development, or site.~~

~~4.2.2. Mitigation measures intended to reduce risk and minimize impact in the event of a
pipeline failure include but are not limited to:~~

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- ~~(a) Site and building design techniques such as maximizing the distance
between new or expanded development and anticipated blast zones or
flow paths for leaking hazardous materials and controlling ignition
sources.~~
- ~~(b) Emergency procedures such as emergency plans and guides, employee
training and drills, and education programs for occupants and employees
concerning pipeline safety, such as what to be aware of and how to
respond in the event of a problem.~~
 - ~~(i) Applicants shall consult with the Fire Marshal regarding the level
of emergency planning and procedures appropriate for the
proposed development. Based on the nature, occupancy, or
location of a proposed development, the Fire Marshal may require
emergency plans and procedures for any occupancy classifications.~~
 - ~~(ii) Emergency plans and procedures shall be consistent with the Fire
Code and shall be approved by the Fire Marshal.~~

~~Modifications to existing buildings that do not increase the onsite population,
hinder evacuation, or change evacuation routes are exempt from this
requirement.~~

Section 5: Pipeline Corridor Protection Requirements.

The purpose of this section is to ensure that the pipeline pathway defined by rights-of-way and easements are protected during construction in the manner set forth below.

- 5.1. No significant land disturbance or construction or expansion of structures is allowed within defined right-of-way or easements of transmission pipelines corridors without the express written consent of the pipeline operator.
- 5.2. Pipeline corridors shall be identified and protected during construction by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review by the Code Administrator.

~~5.3. Reasonable Use Provision.~~

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~~5.3.1. The required pipeline corridor protection requirements from hazardous liquid and
natural gas transmission pipeline corridors shall not deny all reasonable
economic use of property. If an applicant demonstrates to the satisfaction of the
Hearing Examiner that strict application of these requirements are greater than
any legal easement requirements, and would deny reasonable economic use of
the property, the requirements may be lessened subject to appropriate~~

~~conditions.~~

- ~~5.3.2. An applicant for relief from strict application of the requirements shall demonstrate the following:~~
- ~~(a) No reasonable economic use of the applicant's property can be made if the requirements are strictly applied; and~~
 - ~~(b) The proposed use on the corridor is the minimum necessary to provide the applicant with a reasonable economic use of the property; and~~
 - ~~(c) All reasonable mitigation measures have or will be implemented or assured; and~~
 - ~~(d) The inability to derive any reasonable economic use is not the result of the applicant's actions or those of the applicant's predecessors in title; and~~
 - ~~(e) The pipeline corridor protection requirements are greater than any legal easement or right of way requirements for the corridor; and~~
 - ~~(f) The pipeline location has been definitively determined.~~
- ~~5.2.1. As a condition of any relief granted under this section, the applicant shall be required to record an instrument against the title of the property notifying all subsequent purchasers of the fact that a lesser requirement on the pipeline corridor has been approved and of any and all conditions placed on the grant of relief.~~

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5.3 The County shall require evidence that applicants and designees have notified utilities through the one call locator service before issuing development permits for land disturbance or other significant work on sites contiguous to the pipeline corridor.

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Staff recommendation for 5.3 (combining Comments S5 and S6):

On sites that directly abut or are located within the pipeline corridor, the County shall verify that applicants and designees have notified utilities through the one call locator service by checking the website www.managetickets.com before issuing development permits for land disturbance or other significant work.

← - - - Comment [S5]: Email discussion between MBT, DS and GH to change "contiguous" to "abuts". GH recommends the language; ". .on sites that directly abut or is located within the pipeline corridor."

← - - - Comment [S6]: MBT Email Recommendation: After talking to the Washington Utilities Notification Center (811 call center) change language to; "The County shall verify that applicants and designees have notified utilities through the one call locator service by checking the website www.managetickets.com before issuing development permits for land disturbance or other significant work on sites contiguous to the pipeline corridor."

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