

14.16.205 Pipeline Safety—Sensitive Utility Corridor Overlay.

(1) Purpose.

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

- (a) Supplementing existing federal and state regulations related to hazardous liquid and natural gas pipeline corridor management.
- (b) Ensuring early communication between those developing property and pipeline operators.
- (c) Minimizing the likelihood of damage to existing pipelines during development activities.
- (d) Avoiding exposure of land uses with high on-site populations and/or 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.
- (e) Helping reduce adverse impacts to life and property in the event of a pipeline failure.

(2) Sensitive Utility Corridor Overlay.

The provisions of this Section apply to all existing and proposed land uses within the Sensitive Utility Corridor. For purposes of this Section, the Sensitive Utility Corridor is that geographic area located within 500 feet of any hazardous liquid or gas transmission pipelines as delineated by Skagit County and depicted on the Skagit County Sensitive Utility Corridor Overlay map on file in the Skagit County Planning and Development Services department and on the official County website.

(3) High Consequence Land Uses and Essential Public Facilities

- (a) A “High Consequence Land Use” is 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:

- (i) Land uses that involve a high-density on-site population and/or that are difficult to evacuate. These uses include schools, hospitals, clinics, multi-family housing, facilities exclusively for elderly or handicapped including adult group care facilities, stadiums or arenas, and day care centers, however does not include group care facilities or adult family homes.
- (ii) Land uses that serve critical “lifeline” or emergency functions, such as fire and police facilities, utilities providing regional service, or water supplies that if exposed to a significant risk that will curtail its lifeline function for a critical period of time.
- (iii) Uses with similar characteristics as determined by the Administrative Official.

(b) Requirements

- (i) New occupied buildings for high consequence land uses and essential public facilities are prohibited within the Sensitive Utility Corridor, *provided* that such a development may be allowed within the Sensitive Utility Corridor but outside the Potential Impact Radius of the relevant pipeline(s) if the applicant can determine and demonstrate the radius, consistent with 49 CFR 192.903, to the satisfaction of the Administrative Official.
- (ii) Applications for modifications and/or expansions to existing high consequence land uses or essential public facilities located within the Sensitive Utility Corridor must include a statement demonstrating that the applicant considered techniques to avoid an increase in the level of risk in the event of a pipeline failure to the greatest extent possible, and where feasible, reduce the risk compared to the existing development. Techniques to minimize or reduce risk are available on the county website at www.skagitcounty.net/pipelinesafety/.

- (4) Sensitive Utility Corridor Protection Requirements.
 - (a) No significant land disturbance or construction or expansion of structures are allowed within hazardous liquid or natural gas transmission pipelines easements without the express written consent of the pipeline operator.
 - (b) Easements and setbacks must be identified and protected prior to and during construction by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review throughout the development process.
- (5) Application Requirements

Buildings, structures, land divisions, binding site plans, and/or land uses and their associated permits/approvals, which lie within the Sensitive Utility Corridor, shall be subject to the provisions of this subsection.

- (a) The Department must notify the transmission pipeline operator(s) at the earliest possible stage of application review, and provide the operator 15 days to provide comments on the development application prior to approval. Any comments provided by the operator will be passed on to the applicant. Planning and Development Services may require modifications to project proposals in response to operator comments.
 - (b) Applicants for development permits within the Sensitive Utility Corridor on parcels including pipeline easement(s) must show the location of the pipeline easement on the site plan and such permits will be conditioned that applicants notify utilities through the one-call locator service prior to any land disturbance.
 - (c) All land division applications for property within the Sensitive Utility Corridor must include:
 - (i) A note on the subdivision map including the following language: The subject property is located within the Sensitive Utility Corridor Overlay which is defined as an area within [up to 500] feet of one or more major hazardous liquid or gas transmission pipelines within Skagit County.
- [Note to code publisher: Also amend SCC 14.18.200(2) to include new subsection (x) with the language shown in (c)(i) above.]**
- (ii) A statement demonstrating the applicant considered locating the building envelopes away from the transmission pipeline.
 - (d) SEPA environmental checklists for all development within the Sensitive Utility Corridor must include reference to affected pipeline and provide information concerning any impact the activity will have upon the integrity of the transmission pipeline(s).
- (6) Notice and Acknowledgement. The owner of any parcel, for which an application for a development permit within the Sensitive Utility Corridor is submitted, must record a title notification with the Skagit County Auditor. The notice must include the following language:

NOTICE AND ACKNOWLEDGEMENT
SENSITIVE UTILITY CORRIDOR OVERLAY

Permit Number: _____

Property Legal Description:

Property Address/Location:

NOTICE

The above referenced property is located wholly or partially within the Sensitive Utility Corridor Overlay and within 500 feet of one or more hazardous liquid or natural gas transmission pipelines. This disclosure is notice that the subject property may be within the "Potential Impact Radius" of a transmission pipeline as identified in the gas transmission pipeline integrity management regulations (49 CFR 192.903). Any development within the Sensitive Utility Corridor Overlay may be subject to safety, maintenance, or nuisance potential that may arise due to the proximity of a hazardous liquid and/or natural gas transmission pipeline to this property. The subject pipeline(s) are depicted on the maps attached as exhibit(s).

ACKNOWLEDGEMENT

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

The Auditor will convey notice of its contents to all persons or entities acquiring or obtaining an interest or right to occupancy in or on the subject property. I have freely executed this ACKNOWLEDGEMENT as a condition of approval for permit/subdivision/binding site plan application number _____, as required by SCC 14.16.205(6).

Dated the _____ day of _____, 20__.

Owner Signature _____

Owner Signature _____

Printed Name _____

Printed Name _____

(Acknowledgement for Individual Grantor)

(Acknowledgement for Corporate Grantor)