

ORDINANCE NO. 2011-1

WYOMING COUNTY

An Ordinance amending the Wyoming County Subdivision and Land Development Ordinance of December 27, 2007.

- Section 202 – Add Definition
- Section 402 – Add Requirements
- Section 403 – Add Requirements
- Section 404 – Add Requirements
- Section 609 – Add Buffer & Setback Standards

SECTION 202 – Specific Terms

Pipeline – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

Surface land uses affiliated with transmission & gathering pipelines – Above-ground transmission & gathering pipelines facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

Transmission Pipelines – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a “gas” or “petroleum gas”, except a “service line”, as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included pipelines designed for the transmission of a “hazardous liquid”, as defined by Title 49, Code of Federal Regulations, Section 195.2.

Gathering Pipelines – means any pipeline that transports gas from a current production facility to a transmission line or main (Reference 49 CFR 192.3).

SECTION 402 – Preliminary Plan Requirements for Major Subdivisions

SECTION 402.2(U) – Reserved

Add:

The location, centerline, right of way, and limits of easements for all Transmission and Gathering pipeline on the tract or on any abutting property.

SECTION 403 – Final Plan Requirements for Major Subdivisions

SECTION 403.2(M) – Reserved

Add:

The location, centerline, right of way, and limits of easements for all Transmission and Gathering pipeline on the tract or on any abutting property.

SECTION 404 – Minor Subdivisions Final Plan Requirements

SECTION 404.2 Minor Plan Information

Add:

EE. The location, centerline, right of way, and limits of easements for all Transmission and Gathering pipeline on the tract or on any abutting property.

SECTION 609 – Reserved

Add:

Section 609 – Gas Pipeline

609.1 Buffer Standards and Setbacks from Transmission & Gathering Pipelines

A. Purpose

The purpose of this section is to help prevent and minimize unnecessary risk to the public health and welfare due to transmission & gathering pipelines and ensure consistency with the intent of the County's Comprehensive Plan. Recognizing it is impossible to eliminate risk entirely, this section is intended to:

- (1) Minimize the likelihood of accidental damage to transmission & gathering pipelines due to external forces, such as construction activity and equipment.
- (2) Avoid exposing land uses with high on-site populations that are difficult to evacuate.
- (3) Help reduce adverse impacts in the event of a pipeline failure.
- (4) Ensure compliance with and supplement existing federal and state regulations related to transmission & gathering pipeline corridor management, among them the Federal Energy Regulatory Commission (FERC) and the Pennsylvania Oil and Gas Act.

B. Applicability

- (1) Setbacks. New residential buildings and all commercial, industrial and institutional uses other than those surface uses affiliated with transmission & gathering pipelines shall be set back a minimum of one hundred (100) feet from any existing or proposed transmission &

gathering pipeline right-of-way. Other unoccupied residential or non residential accessory uses such as but not limited to detached garages, parking areas, storage facilities or garden sheds shall not be located within fifty (50) feet of any pipeline right-of-way. No activity or grading within the pipeline setback shall create depressions or areas in which flammable or explosive materials may collect or accumulate; examples include but not limited to grading for structures, stormwater management facilities or landscape beds. Furthermore, pipeline rights-of-way shall be identified and protected during construction by erecting suitable temporary barricades (non disturbance fencing or silt fencing) and posting notices on-site.

- (2) Consultation zone. Any application for new residential structures and all commercial, industrial and institutional uses other than those surface uses affiliated with transmission & gathering pipelines proposed within two hundred (200) of any existing or proposed transmission & gathering pipeline right-of-way shall include written verification from the applicant that:
 - (a) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;
 - (b) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and
 - (c) The pipeline operator(s) has reviewed the documents for compatibility with continued or proposed safe operation of the transmission & gathering pipeline(s).

It shall be clear in the written notification submitted with the application that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.

- (3) Land uses with high on-site populations. Applicants for land uses with high on-site populations within five hundred (500) feet of a transmission & gathering pipeline shall develop appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure. Such measures and/or corresponding plans shall be submitted to the County for review. Land uses with high on-site populations include schools (through grade 12), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to: 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. Applicants shall consult with the County EMA regarding the level of emergency planning and procedures appropriate for the proposed development; the EMA may also require submission of plans for review and approval where deemed appropriate.

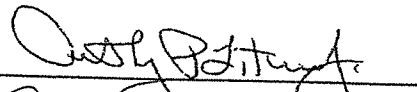
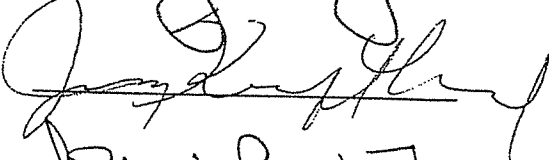
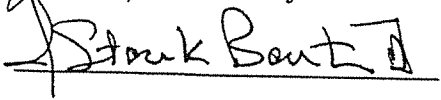
C. Land Development Design, Buffering and Screening. Applicants shall consider existing or proposed pipelines in their design and placement of lots, structures and roads. Specifically, consideration shall be given to incorporating the linear appearance of the pipeline right-of-way into the overall development design or landscaping in a manner that works with or minimizes the linear appearance of the pipeline right-of-way. Attempts shall be made to avoid creating a bisecting and unnatural linear space that does not relate to the land development.

The applicant shall provide a plan prepared by a landscape architect showing landscaping proposed to be installed to minimize the linear appearance of the pipeline right-of-way and screen and buffer new development from transmission & gathering pipelines in the event of an accident or failure. Landscaping can be used both to minimize the linear appearance of the pipeline right-of-way and buffer structures from those remedial activities associated with pipeline failure and clean-up.

The landscape plan shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to meet the objectives outlined herein while permitting suitable points of access for pipeline personnel providing routine maintenance. Existing vegetation in proximity to transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of this Ordinance.

D. Signage. Applicants shall consult with transmission pipeline operators to determine the need for, number of, and placement of utility identification signs, appropriate warning signs and owner identification signs. The number and placement of signs and their content shall be shown on plan submissions.

BE IT HEREBY ENACTED AND ORDAINED THIS 5th DAY OF July 2011 BY
THE WYOMING COUNTY COMMISSIONERS

ATTEST:

