

C. Consultation Zone Model Ordinance - MRSC

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A CONSULTATION ZONE FOR PERMITS FOR DESIGNATED ACTIVITIES WITHIN 660 FEET OF HAZARDOUS LIQUID OR NATURAL GAS TRANSMISSION PIPELINES

Whereas, hazardous liquid and natural gas transmission pipelines are a crucial part of our energy infrastructure; and

Whereas, transmission pipelines need to be protected from activities that may impact the integrity of the pipelines; and

Whereas, the best way to balance the interests of property owners, developers, and transmission pipeline operators is to make sure that the permitting agency and all relevant parties are aware of the plans, concerns and interests of the other parties; and

Whereas, early communication between the interested parties will assist with prudent land use permitting decisions;

NOW, THEREFORE, THE CITY [COUNTY] OF _____ DOES ORDAIN:

Section 1. Definitions.

(1) "Transmission Pipeline" means natural gas pipelines as defined in RCW 81.88.010 and all hazardous liquid pipelines.

(2) "Development Permit", for purposes of this consultation zone requirement, means any permit for activity that involves construction, grade modification, excavation, blasting, land clearing, or the deposit of earth, rocks or other materials that places an additional load upon the soil. Construction that involves work totally within an existing building footprint, such as residential remodeling projects, are specifically exempted from these consultation zone requirements.

Section 2. Consultation Zone Distance.

The consultation requirement applies to development permits involving any parcel that is within 660 feet of the centerline of a transmission pipeline easement. The 660 foot consultation zone distance may be lessened for certain development activities if the distance changes are first reviewed with the pipeline operator(s) and found to be consistent with prudent pipeline operation given the local conditions, such as terrain, soil types, etc. There must be written documentation from the pipeline operator(s) showing their agreement to any lessening of the consultation zone distance for certain types of development permits. The intent of this section is to provide flexibility and to avoid unnecessary paperwork and delays in the permitting process while also

making sure that all activities that may impact the integrity of a transmission pipeline are thoroughly reviewed.

Section 3. Consultation Zone Notification

Whenever any individual applies for a development permit within the consultation zone established for transmission pipelines, the staff at the permit counter shall notify the individual that they are within the consultation zone, explain the relevant application procedures, and provide contact information for the applicable pipeline operator(s). This same procedure shall be followed whenever an individual inquires about development regulations or zoning restrictions for property within the consultation zone.

Section 4. Complete Application for Development Permit within Consultation Zone.

A complete application for any development permit within the designated consultation zone must include written verification from the applicant that:

1. 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; and
2. The pipeline operator(s) has reviewed the documents for compatibility with continued safe operation of the transmission pipeline(s).
3. The written verification required by this section can be in any form acceptable to the city [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.

Section 5. SEPA Checklist.

A SEPA checklist submitted by an applicant for a development permit involving any parcel that is within 660 feet of the centerline of a transmission pipeline easement must reference the transmission pipeline(s) and provide information concerning any impact the activity will have upon the integrity of the transmission pipeline(s).

Section 6. Effective Date.

[Insert appropriate wording.]

PASSED/ADOPTED this ____ day of _____, 20__.

SIGNATURE LINE:

ATTEST:

APPROVED AS TO FORM:

PUBLISHED