

D# 78 PLANNING NEAR PIPELINES

General Description

This docket request was made by the City of Renton Planning Division upon Council referral and proposes revisions to Title IV regulations to guide development near transmission pipelines that carry hazardous liquid substances. The regulations proposed by this docket item are based on reports and data from the Municipal Services Research Center (MSRC) as well as regulations from the City of Redmond.

As urban uses expand into areas where transmission pipelines exist, there is a need for regulations that minimize potential conflicts between pipelines and development. Federal and state regulations attempt to ensure pipeline safety by regulating the design, operation, and maintenance of pipelines. However, local governments control land use regulations and can use such regulations to minimize the likelihood of accidental damage to pipelines from construction activities and avoid exposing high-density land uses, vulnerable populations, and emergency functions to risk of injury or damage in the event of a pipeline failure.

The proposed regulations require a 50-foot setback from the edge of hazardous liquid and gas pipelines for most structures. The 50-foot setback is the distance proposed in MSRC's *Model Setback Ordinance for Transmission Pipelines*. High consequence land uses such as schools, hospitals, arenas, day care centers, and emergency services would require a 500-foot setback. This is the same setback standard adopted by the City of Redmond for high consequence land uses. Measuring setbacks from the edge of the pipeline is consistent with MSRC's model ordinance as well as several other jurisdictions in the region. Measuring setbacks from the pipeline creates a consistent setback standard that does not vary based on easement width.

The proposed amendments incorporate the general setbacks proposed in the MSRC model ordinance as well as the increased setbacks for high consequence land uses and reasonable use provisions incorporated in the City of Redmond's ordinance. However, the proposed code requirements do not include the review procedures and application submittal requirements from the City of Redmond's code. The proposed revisions attempt to balance the need for careful development near pipelines without becoming onerous on applicants or needlessly complicating the City's development regulations.

Impact Analysis

Effect on rate of growth, development, and conversion of land as envisioned in the Plan

The proposal is not anticipated to have an effect on rate of growth, development, and conversion of land as envisioned in the Plan.

Effect on the City's capacity to provide adequate public facilities

The proposal is not anticipated to have an effect on the City's capacity to provide adequate public facilities, generally. The setbacks for critical emergency services are intended to protect the City's capacity to provide public services in the event of a pipeline explosion.

Effect on the rate of population and employment growth

The proposal is not anticipated to have an effect on the rate of population and employment growth.

Whether Plan objectives are being met as specified or remain valid and desirable

The proposal does not modify Plan objectives. The proposal adopts setbacks to reduce conflicts between development and hazardous liquid and gas pipelines and establishes standards to reduce the risk of damage to such pipelines. The proposed amendments are consistent with Plan objectives.

Effect on general land values or housing costs

The proposed amendment is not anticipated to have an effect on general land values or housing costs.

Whether capital improvements or expenditures are being made or completed as expected

No specific capital improvements or expenditures are associated with this proposal.

Consistency with GMA, the Plan, and Countywide Planning Policies

Requiring setbacks from pipelines help to reduce the likelihood of damage to such facilities. The proposed regulations protect public health, safety and welfare and consistent with GMA, Countywide Planning Policies, and the Comprehensive Plan.

Effect on critical areas and natural resource lands

The proposed amendment is not anticipated to have an effect on critical areas or natural resource lands.

Staff Recommendation

It is recommended that Title IV be amended to include setbacks from hazardous liquid and gas pipelines.

Implementation Requirements

1. Adopt new code section RMC 4-3-070, as shown on Attachment A.
2. Cross-reference new code section on zoning use table and development standards tables.

4-3-070 PIPELINE SETBACKS:

A. PURPOSE AND APPLICABILITY:

The regulations in this section are intended to reduce the likelihood of accidental damage to the hazardous liquid pipelines and to help reduce adverse impacts in the event of a pipeline failure. This section applies to all development within 500 feet of hazardous liquid or gas pipelines.

B. SETBACKS:

1. **Generally:** In addition to existing easements, all residential, commercial and industrial buildings shall be a minimum of 50 feet from the nearest edge of a hazardous liquid or gas pipeline.
2. **Exceptions:** No setbacks are required for streets, utilities, trails and similar uses unless the Planning Director determines a particular use serves a critical emergency function.
3. **Increased Setbacks for High Consequence Land Uses:** The following uses must be located at least 500 feet from the nearest edge of a hazardous liquid or gas pipeline:
 - a. K-12 educational institutions;
 - b. Medical institutions and convalescent centers;
 - c. Sports arenas, auditoriums, exhibition halls;
 - d. Day care centers;
 - e. Fire and police facilities; and
 - f. Other land uses that the Community and Economic Development (CED) Administrator or designee determines involve high-density on-site populations that would be difficult to evacuate in the event of a pipeline failure or serve a critical "lifeline" or emergency function.
4. **Existing Uses within Required Setbacks:** Existing land uses may be altered or expanded within the required setback if an applicant can demonstrate to the satisfaction of the (CED) Administrator or designee that the alteration or expansion will not increase the level of risk in the event of a pipeline failure.
5. **Reasonable Use Provisions:** The required setbacks shall not deny all reasonable economic use of property. The (CED) Administrator or designee has the authority to reduce the required setbacks if an applicant can demonstrate the following:
 - a. The required setbacks deny all reasonable economic use of the applicant's property;
 - b. The inability to derive reasonable economic use is not the result of the applicant's actions;
 - c. The proposed setback is the minimum necessary to provide reasonable economic use of the property; and
 - d. Reasonable mitigation measures have been implemented and assured.