ORDINANCE NO. 2137

AN **ORDINANCE** OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND MUNICIPAL CODE AND THE REDMOND COMMUNITY DEVELOPMENT **GUIDE** ADOPT **REGULATIONS** TO RELATED HAZARDOUS LIQUID PIPELINES (DGA 02-005) AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, two hazardous liquid pipelines extend through the western portion of Redmond carrying gasoline, diesel and aviation fuel; and

WHEREAS, these pipeline facilities, if ruptured or damaged, can pose a significant risk to public safety and the environment due to the high operating pressure and the highly flammable, explosive and toxic properties of the products transported; and

WHEREAS, the City of Redmond desires to adopt policies and regulations 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; and

WHEREAS, the Planning Commission has conducted a public hearing to receive public comments on the proposed policies and regulations; and

WHEREAS, a SEPA Checklist was prepared and a Determination of Non-Significance was issued June 6, 2002, for the proposed policies and regulations; and

WHEREAS, the City Council of the City of Redmond acknowledges that the proposed policies and regulations are for the benefit of the public health, safety, and welfare, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. After carefully reviewing the record and

considering the evidence and arguments in the record and at public meetings, the City Council

hereby adopts the findings, analysis and conclusions in the Planning Commission Report dated

August 30, 2002.

Section 2. New Regulations Related to Hazardous Liquid Pipelines. Chapter 20D, City-

wide Regulations, of the Redmond Municipal Code and Redmond Community Development

Guide is hereby amended to add the regulations as set forth in Exhibit 1, incorporated herein by

this reference as if set forth in full.

Section 3. New Definitions. Section 20A.20.080, Definitions, of the Redmond

Municipal Code and Redmond Community Development Guide is hereby amended to read as

shown in Exhibit 1, incorporated herein by this reference as if set forth in full.

Section 4. Severability. If any regulation, section, sentence, clause, or phrase of this

ordinance, or any regulation adopted or amended hereby, should be held to be invalid or

unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not

affect the validity of any other regulation, section, sentence, clause, or phrase of this ordinance or

any regulation adopted or amended hereby.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically

delegated to the city legislative body, is not subject to referendum, and shall take effect five days

after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

ROSEMARIE IVES, MAYOR

ATTEST/AUTHENTICATED:	
BONNIE MATTSON, CITY CLERK	
APPROVED AS TO FORM: OFFICE OF THE CITY ATTORNEY:	
By:	
FILED WITH THE CITY CLERK:	September 23, 2002

October 1, 2002

October 1, 2002 October 5, 2002

October 10.2002

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:

EFFECTIVE DATE:
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EXHIBIT 1: RECOMMENDED AMENDMENT REDMOND COMMUNITY DEVELOPMENT GUIDE

20D.55 Hazardous Liquid Pipelines (NEW)

20D.55.10 Purpose.

The purpose of this section is to help prevent and minimize unnecessary risk to the public health, safety, and welfare due to hazardous liquid pipelines. Recognizing it is impossible to eliminate risk entirely, this section is intended to:

- (1) Minimize the likelihood of accidental damage to hazardous liquid pipelines due to external forces, such as construction equipment.
- (2) Avoid exposing land uses with high on-site populations that are difficult to evacuate and land uses that serve emergency functions to risk of injury or damage in the event of a pipeline failure.
- (3) Help reduce adverse impacts in the event of a pipeline failure.
- (4) Supplement existing federal and state regulations related to hazardous liquid pipeline corridor management.

The provisions of this section are intended to protect the health, safety and welfare of the general public and are not intended to protect any particular individual, class of individuals, or organization.

20D.55.20 Development Application Submittal Requirements.

- (1) Applicants shall show the hazardous liquid pipeline corridor and applicable setbacks on site plans and subdivision plats when proposed development is located within 150 feet 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.
- (2) The City shall require evidence that applicants and designees for private and public development 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.
- (3) All other applicable development application submittal requirements apply, see RCDG 20F, Administration and Procedures.

20D.55.30 Setback Requirements.

(1) <u>Hazardous Liquid Pipeline Corridor</u>. No significant land disturbance or construction or expansion of structures are allowed within the hazardous liquid pipeline corridor.

(2) Areas Along the Hazardous Liquid Pipeline Corridor:

- (A) Construction or expansion of structures or other activities involving significant land disturbance shall be setback a minimum of 25 feet from the edge of the hazardous liquid pipeline corridor.
- (B) The Code Administrator may measure the setback from a hazardous liquid pipeline when measurement from the corridor is not appropriate due to site-specific conditions, such as an open easement.
- (C) The Code Administrator may expand the setback when necessary to meet the purpose of this section due to site-specific conditions, such as extraordinary land disturbance.
- (D) The Code Administrator may reduce the setback due to site-specific conditions and an applicant's demonstration that the purpose of this section will be met. Factors that may be considered include but are not limited to:

- (i) Pipeline location as determined using normal locating procedures.
- (ii) Type of construction proposed.
- (E) If the Code Administrator reduces the setback or measures it from a hazardous liquid pipeline, the following applies:
 - (i) The setback shall be a minimum of 30 feet from the nearest hazardous liquid pipeline and shall comply with 20D.55.30(1).
 - (ii) The setback shall be measured from the nearest edge of the hazardous liquid pipeline.
 - (iii) Applicants shall show the location of the hazardous liquid pipeline and setback on site plans and subdivision plats.
- (3) Exemptions. Streets, utilities, trails and similar uses shall be exempt from RCDG 20D.55.30(1) and (2).
- (4) <u>Setback Protection.</u> Setbacks 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) Reasonable Use Provision.

- (A) The required setback from the hazardous liquid pipeline corridor shall not deny all reasonable economic use of property. If an applicant demonstrates to the satisfaction of the Hearing Examiner that strict application of the required setback would deny all reasonable economic use of the property, the setback may be lessened subject to appropriate conditions.
- (B) An applicant for relief from strict application of the required setback shall demonstrate the following:
 - (i) No reasonable economic use of the applicant's property can be made if the required setback is strictly applied; and
 - (ii) The proposed setback is the minimum necessary to provide the applicant with a reasonable economic use of the property; and
 - (iii) All reasonable mitigation measures have or will be implemented or assured; and
 - (iv) 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

(v) The pipeline location has been definitively determined.

(C) 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 setback from the pipeline has been approved and of any and all conditions placed on the grant of relief.

20D.55.40 Requirements for Land Use Compatibility.

(1) <u>High Consequence Land Uses</u>.

- (A) New high consequence land uses proposed for location within 500 feet of a hazardous liquid pipeline corridor are prohibited.
- (B) Proposed expansions to existing high consequence land uses located within 500 feet of a hazardous liquid 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:
 - (i) Site design features, such as maintaining or increasing the distance between occupied structures, or structures that provide critical lifeline functions, and the hazardous liquid pipelines and anticipated flow paths for leaking hazardous materials.
 - (ii) Building features, such as design to avoid a significant increase in on-site population or to expedite evacuation.

(iii)	Technological features, such as accelerated notice of a pipeline failure to the high consequence
lar	nd use to facilitate evacuation or features that help to avoid damage in the event of a pipeline failure.

(iv) Operational features, such as emergency plans and education programs for occupants and employees concerning pipeline safety, developed in accordance with the procedures in 20D.55.40(2)(B)(ii).

Minor modifications to existing buildings are exempt from this requirement.

(2) Other Development.

- (A) Applicants for the following types of new or expanded development in the Willows/Rose Hill or Grass

 Lawn Neighborhoods shall use appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure:
 - (i) Commercial or industrial.
 - (ii) Multi-family.
 - (iii) Religious facilities.
 - (iv) High consequence land uses proposed for locations not covered by RCDG 20D.55.40(1).
 - (v) Other developments as required by the Code Administrator that, because of proximity to a hazardous liquid pipeline corridor, pose a safety concern due to characteristics of the occupants, development, or site.

- (B) Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to:
 - (i) Site and building design techniques such as maximizing the distance between new or expanded development and anticipated flow paths for leaking hazardous materials and controlling ignition sources.
 - (ii) 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.
 - (a) 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 Redmond Fire Chief may require emergency plans and procedures for any occupancy classifications.
 - (b) Emergency plans and procedures shall be consistent with the Redmond Fire Code and shall be approved by the Redmond Fire Chief.

Definitions

20A.20.080 "H" Definitions

Hazardous Liquid Pipeline.

As defined by RCW 81.88.040, Hazardous liquid means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide. Pipeline, pipeline system, or hazardous liquid pipeline mean all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. Pipeline or pipeline system does not include process or transfer pipelines.

Hazardous Liquid Pipeline Corridor.

The pipeline pathway in which the pipelines and facilities of a hazardous liquid pipeline operator are located, including public rights-of-way and easements over and through public or private property.

High Consequence Land Use.

A land use that if located in the vicinity of a hazardous liquid 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:

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

(b)	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.

(c) Uses with similar characteristics as determined by the Code Administrator.