CHAPTER 39
PIPELINE CONSULTATION ZONE (PCZ)

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11-39-1 Definitions:

A. TRANSMISSION PIPELINE means all natural gas pipelines as defined in RCW 81.88.010 and all hazardous liquid pipelines.

B. DEVELOPMENT, for purposes of this consultation zone requirement, means activity that involves construction, demolition, grade modification, excavation, filling, blasting, land clearing, new and replacement septic systems, or the deposit of earth, rocks or other materials that places an additional load upon the soil or vibrations through the soil. Construction that involves work totally within an existing building footprint, such as residential remodeling projects, is specifically exempted from these consultation zone requirements so long as said construction does not result vibrations through the soil.

C. DEVELOPER, for purposes of this consultation zone requirement, means any person, firm or corporation undertaking development as defined in this Section.

D. DEVELOPMENT PERMIT, for purposes of this Chapter, means a Permit for any of the activities described in this Section.

E. PIPELINE OPERATOR. The pipeline operator in the singular shall also mean pipeline operators in the plural. Where there is more than one pipeline operator, a developer shall contact each operator and receive documentation therefrom. (Ord. 863, 12-12-2011)

11-39-2 Consultation Zone Distance: The consultation requirement set forth in this Chapter is triggered by any development that is within 660 feet of the centerline of a transmission pipeline easement. The consultation requirement applies to development permits, and other development not requiring permits, including but not limited to mining, drilling, or extraction of any materials involving any parcel. The 660 foot consultation zone distance may be lessened for certain development activities if the distance changes are first reviewed with the pipeline operator and found by the pipeline operator to be consistent with prudent pipeline operation given the local conditions, including but not limited to terrain, soil types and other potentially affected properties. Developers shall obtain and present to the City of Roy written documentation from the pipeline operator showing agreement to any lessening of the consultation zone requirement. The documentation may be presented by electronic communication, so long as it is clear that the pipeline operator has received and reviewed documentation showing the proposed activity and its location. The intent of this section is to provide flexibility and to avoid unnecessary paperwork and delays in the permitting or development process while also making sure that all activities that may impact the integrity of a
transmission pipeline are thoroughly reviewed. (Ord. 863, 12-12-2011)

11-39-3 Consultation Zone Notification: Whenever any developer applies for a development permit or plans to undertake development as defined in this Chapter, said developer shall first determine whether the development falls within the consultation zone established for transmission pipelines. A copy of the Pipeline Consultation Zone shall be available in the City Clerk/Treasurer’s Office. A notice setting forth the relevant application procedures along with a copy of this Chapter shall also be available in the City Clerk/Treasurer’s Office. To the extent possible, the City Clerk/Treasurer shall provide contact information for the applicable pipeline operator(s). At all times, however, the responsibility for ensuring compliance with this Chapter shall remain with the developer. (Ord. 863, 12-12-2011)

11-39-4 Complete Application for Development Permit within Consultation Zone:

A. A complete application for any development permit or development as defined in this Chapter within the designated consultation zone must be presented to the City Clerk/Treasurers office and must be approved by the City prior to initiation of the development activity. The application shall include written verification from the applicant that:

1. The pipeline operator confirms that the applicant has contacted the pipeline operator and has provided the pipeline operator with documentation detailing the proposed development activity and where the activity is to take place; and

2. The pipeline operator has reviewed the documents for compatibility with continued safe operation of the transmission pipeline(s), and

3. The pipeline operator provides sufficient contact information for verification as deemed appropriate by the City.

4. The written verification required by this section may be presented in letter form so long as it includes all required information, and may be presented by electronic communication, so long as it is clear that the pipeline operator has received and reviewed documentation showing the proposed activity and its location.

B. Developers shall show the restricted pipeline area, as determined by all pertinent laws and the pipeline owner, and the consultation zone on all site plans, plats, engineering and construction drawings.

C. Developers shall contact a utility locate service to locate the pipeline across the parcel and the developer shall clearly flag and maintain the restricted pipeline area until completion of all work. The federally-mandated national "Call Before You Dig" 811 telephone contact, created to help protect homeowners or professional excavators from unintentionally hitting underground utility lines while working on digging projects and that results in free underground lines marking by the utility may be used for this purpose; however said use of 811 shall not relieve the developer from contact with and confirmation from the pipeline owner of the location and depth of the pipeline.

D. In calculating minimum lot area under this chapter, the restricted pipeline area shall be excluded.
E. All uses specifically permitted but not limited or conditional in the zoning district or overlays as set forth elsewhere in this Title shall continue to be permitted in accordance with and as limited by the review procedures of this Chapter. (Ord. 863, 12-12-2011)

11-39-5 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). (Ord. 863, 12-12-2011)