



**Planning & Development
Scott County, Iowa**

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June 15th, 2023

To: Planning & Zoning Commission
From: Chris Mathias, Planning Director
Re: Hazardous Liquid Pipelines

As decided upon at our last meeting, Staff have prepared for a public hearing on June 20th to discuss a proposed ordinance amendment for hazardous liquid pipelines. The language is essentially the same as what you saw at the last meeting. It removes the exemption for pipelines and applies a 1600' setback from hazardous liquid pipelines to dwellings, certain zoning districts, land uses where large amounts of people gather and areas "to be annexed" by municipalities within the County. This is the version that Alan sent you last week.

We have not talked much about depth of the pipeline, referred to as "cover" in the Federal guidelines. We did receive a question on it so some explanation is needed. Staff are not proposing to change the cover standard for hazardous liquid pipelines. We do not believe it's in the County's interest to add another regulation to this ordinance change, especially if the pipeline could be moved to a safer distance from sensitive uses.

Finally, we will also discuss the addition of some kind of relief language to this ordinance. Staff have proposed a second version of the ordinance with some language that would allow the applicant to apply for a special use permit from the Zoning Board of Adjustment for a pipeline within the 1600' setback. The applicant would be required to provide a third party report from a qualified engineer including plume modeling and other relevant information that would show that the reduced setback is safe at that location. This version of the ordinance is attached to this memo. As you can see, the only change from what Alan sent last week is the addition of paragraph 6-6 W(4). We will talk about both ordinance options and get your thoughts on how to proceed.

We will see you on Tuesday and as always thanks for your volunteer service to Scott County.

Prepared by: Scott County Planning & Development, 600 West Fourth Street, Davenport Iowa

SCOTT COUNTY ORDINANCE NO. 23 - _____

AN ORDINANCE TO AMEND PORTIONS OF THE ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY TO CREATE REGULATIONS FOR HAZARDOUS LIQUID PIPELINES.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:

Section 1. Amend Section 6-4(B) FARM EXEMPTIONS of the Zoning Ordinance for Unincorporated Scott County by editing:

A special exemption applies to certain matters regulated by the Iowa Utility Board. The exemption from complying with the ordinance applies to public utilities and associated structures and equipment. Exempted public utilities are urged to comply voluntarily with the zoning requirements and Scott County Land Use Policies. This exemption does not include communications towers for telephone, cellular, and cable television companies, and other public and private towers as referenced in Section 6-9 D.(1) herein below.

Section 2. Amend Section 6-5 DEFINITIONS of the Zoning Ordinance for Unincorporated Scott County by editing:

Section 6-5(98) PIPELINE All parts of those physical facilities through which a gas or liquid moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

Section 6-5(101) PUBLIC UTILITY A public utility as defined in the Iowa Code Chapter 476.1 and municipally owned waterworks or wastewater facilities, waterworks having less than two thousand customers, joint water utilities established pursuant to Iowa Code Chapter 389, rural water districts incorporated and organized pursuant to Iowa Code Chapters 357A and 504, cooperative water associations incorporated and organized pursuant to Iowa Code Chapter 499, districts organized pursuant to Iowa Code Chapter 468, or a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro facility, from electricity that is produced primarily for the person's own use.

Section 3. Amend the Zoning Ordinance for Unincorporated Scott County by adding a new Section 6-6 W as follows:

6-6. GENERAL REGULATIONS PROVISIONS

W. Hazardous Liquid Pipelines: Hazardous liquid pipelines are allowed in A-P and A-G districts, subject to the requirements of this section. These standards do not apply to existing pipelines.

1. Setbacks Required.
 - A. A setback of 1,600 feet shall be required from dwellings, areas zoned R-1 (Single Family Residential), R-2 (Multi-Family Residential), CAD-R (Community Area Development Residential), CAD-PVC (Community Area Development Parkview Commercial), C-1 (Neighborhood Commercial), C-2 (Commercial and Light Industrial), I (Industrial), and I-F (Industrial Floating), retirement and nursing homes, family homes, schools, childcare homes and centers, group homes, hospitals, detention facilities, human service facilities, campgrounds, day camps, cemeteries, stables, amphitheatres, shooting ranges, golf courses, stadiums, parks, houses of worship, and auditoriums.
 - B. A setback of 1,600 feet shall also be required from city boundaries and areas identified as “To Be Annexed “on the Future Land Use Map.
 - C. The setback shall be measured from the pipeline to the closest point of the building or property line, depending on the identified use type.
2. Emergency Plan. A copy of an emergency response or preparedness plan shall be submitted to assist with the County’s emergency response planning. The plan may be a preliminary or draft version of an emergency response plan that would meet the requirements of the federal Pipeline and Hazardous Materials Safety Administration. The County will determine whether the information in the plan is sufficient for the County to plan its own emergency response and may request additional information.
3. Authorizations Required. Any person proposing to construct a hazardous liquid pipeline shall obtain all required federal, state, and local permits and any private easements or other land use permissions prior to commencing construction and submit documentation of such authorizations with the permit application.
4. Petition for Reduced Setback. Any person proposing to construct a hazardous liquid pipeline can apply to the Scott County Zoning Board of Adjustment for a special use to allow a hazardous liquid pipeline with a reduced setback from that required in Section 6-6 W(1)A. The application should include a detailed third party report prepared by a qualified engineer that includes plume modeling and other relevant information on why the required setback is excessive and how the proposed reduced setback will be safe.

Section 4. Amend the Zoning Ordinance for Unincorporated Scott County by editing Section 6-9 B(5) as follows:

Public utilities and gas/commodity pipe lines and associated structures and equipment, including substations and hazardous liquid pipelines which shall meet the standards of Sec 6.6 W, which includes required setbacks and other requirements. All structures of the utilities which exceed 35 feet shall be located

where disruption of agricultural, residential or commercial activity is minimized. The base of towers shall be located at least the distance of the height of the tower from any existing, and adjacent neighboring structure(s).

Section 5. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 6. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of the Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 7. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Public Hearing / First Consideration _____,

Second Consideration _____,

Third Consideration _____,

Ken Beck, Chair
Scott County Board of Supervisors

Attested by: _____

Kerri Tompkins, County Auditor

Published on _____