21A.12.140 Setbacks - from regional utility corridors.

A. Except as otherwise provided in subsection B. of this section, in subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.

B. For a subdivision or short subdivision:

1. Upon mutual agreement of the utility and applicant for the subdivision or short subdivision submitted at the time of application for the preliminary plat, the area of the regional utility corridor placed in a separate tract may be less than the entire utility right-of-way or easement. The agreement may be evidenced by correspondence between the utility and the applicant;

2. If the utility and applicant enter into an agreement under subsection B.1. of this section:

a. The location of the easement or right-of-way shall be shown on the face of the plat;

b. The applicant shall record on the title of all lots that extend into the right-of-way or easement a notice approved by the department that there is an easement or right-of-way for a regional utility corridor that may subject use of that area of the property to conditions established by the utility; and

c. The department shall include as conditions of plat approval the conditions on use of the area within the regional utility corridor included in the agreement between the utility and the applicant.

C. In land development permits other than subdivisions or short subdivisions, easements shall be used to delineate regional utility corridors.

D. All structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor or when structures are allowed by mutual agreement in the regional utility corridor.

E. Any structure designed for human occupancy, except for utility structures not normally occupied that are necessary for the operation of the pipeline or a minor communication facility, shall maintain a minimum distance of one hundred feet from a hazardous liquid or gas transmission pipeline located within a regional utility corridor. The setback distance may be modified if the applicant demonstrates the following:

1. A one-hundred-foot setback would deny all reasonable use of the property; or

2. That the structure would be protected from radiant heat of an explosion by berming or other physical barriers; or

3. That a one-hundred-foot setback would be impractical or unnecessary due to existing geographical features, streets, lot lines, or easements; or

4. That no other practical alternative exists to meet the demand for service; and

5. That the applicant will construct a hazardous liquid or gas transmission containment system or other mitigating actions if the county finds that leakage could accumulate within one hundred feet of the pipeline. Any containment system or other mitigating actions required by this section shall meet all applicable federal, state and local regulations. (Ord. 15245 § 7, 2005: Ord. 14045 § 23, 2001: Ord. 13190 § 17, 1998: Ord. 10870 § 351, 1993).