

# **TULSA METROPOLITAN AREA PLANNING COMMISSION**

## **For Meeting No. 2558**

**August 26, 2009, 1:30 PM**

**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center**

**Tulsa City Council Chambers**

### **CONSIDER, DISCUSS AND/OR TAKE ACTION ON**

Call to Order:

### **REPORTS**

#### **Chairman's Report:**

#### **Worksession Report:**

#### **Comprehensive Plan Report:**

Report on the update of the Comprehensive Plan

#### **Director's Report:**

### **CONSENT AGENDA**

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

1. **LS-20330** – Steve Schuller (9312)/Lot-Split (PD 5) (CD 5)  
Northeast corner of East 21<sup>st</sup> Street and South Memorial Drive, 1939  
South Memorial Drive East (Related to Item 2)
2. **LC-204** – Steve Schuller (9312)/Lot Combination (PD 5) (CD 5)  
Northeast corner of East 21<sup>st</sup> Street and South Memorial Drive, 1939  
South Memorial Drive East (Related to Item 1)
3. **LS-20331** – Kyle Hrdlicka (9033)/Lot-Split (County)  
West of South 225<sup>th</sup> Avenue and North of West 51<sup>st</sup> Street, 22626 West  
51<sup>st</sup> Street South
4. **Nickel Creek** - (8211) Final Plat (PD 8) (CD 2)  
Northwest corner of West 81<sup>st</sup> Street and U.S. Highway 75

### **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

#### **PUBLIC HEARING CITY OF TULSA ZONING CODE**

5. **Consider Possible Amendments to the Zoning Code and/or the City of Tulsa Subdivision Regulations for the City of Tulsa to Regulate Development on and/or near land containing underground pipelines.**

### **OTHER BUSINESS**

6. Land Use Education & Communication Committee Report and Response (Continued from 8/19/09).
7. **Commissioners' Comments**

### **ADJOURN**

PD = Planning District/CD = Council District

**NOTICE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526**

**Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG.**

**Ringling/sound on all cell phones and paggers must be turned off during the Planning Commission.**

Visit our website @ [www.tmapc.org](http://www.tmapc.org)

The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

**TMAPC Mission Statement**

# **A G E N D A**

## **TULSA METROPOLITAN AREA PLANNING COMMISSION**

### **TRAINING SESSION**

**INCOG**

**Two West 2<sup>nd</sup> Street, Suite 800  
Large Conference Room/North**

**Wednesday, August 26, 2009  
11:00 a.m.**

### **CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Introduction to the Planning Commission, Part 1, APA Training CD.

**Adjourn**

[www.tmapc.org](http://www.tmapc.org)

# **A G E N D A**

## **TULSA METROPOLITAN AREA PLANNING COMMISSION**

### **WORK SESSION**

**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center  
Tulsa City Council Chambers**

**Wednesday, August 26, 2009– 1:45 p.m.\***

**(\*Or immediately following adjournment of the TMAPC Meeting)**

#### **CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Presentation from PlaniTulsa Comprehensive Plan update and responses.
2. Review and discuss Tulsa Preservation Commission request that TMAPC hold a public hearing on a proposed zoning text amendment regarding quorum requirements/Amanda DeCort.
3. Review and discuss parking requirements in PUDs.

#### **Adjourn.**

**Visit our website at [www.tmapc.org](http://www.tmapc.org)**

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## Final Subdivision Plat

**Nickel Creek** - (8211) (PD 8) (CD 2)

Northwest corner of West 81<sup>st</sup> Street and U.S. Highway 75

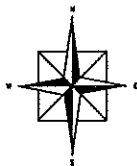
This plat consists of 1 Lot in 1 Block on 15.14 acres.

Staff recommends **APPROVAL** of the Final Plat. All release letters have been received. An oil well was identified by the Corporation Commission in the section but it is not on the site in question as certified by the surveyor for the property.

4.1

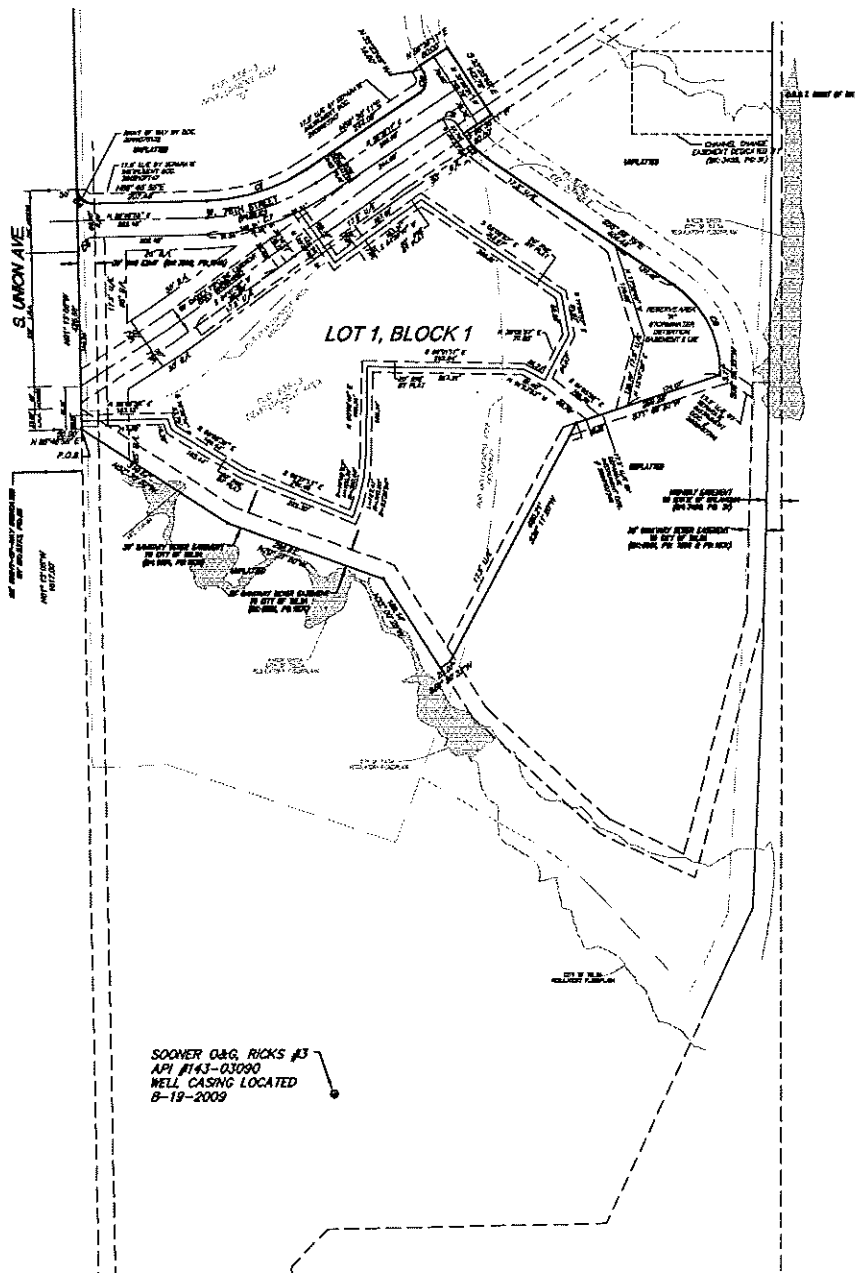
8/19/09





# PLOT PLAN NICKEL CREEK

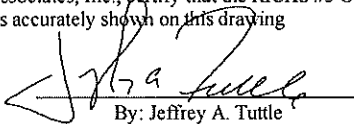
A PART OF THE SW/4 OF SECTION 11, TOWNSHIP 18 NORTH,  
RANGE 12 EAST, TULSA COUNTY, OKLAHOMA  
A PART OF P.U.D. 636-3



SW CORNER SW/4,  
SEC. 11, T-18-N,  
R-12-E, TULSA COUNTY

I, Jeffrey A. Tuttle, of Tuttle & Associates, Inc., certify that the RICKS #3 Oil Well was field located by me on 8-19-2009 and is accurately shown on this drawing

8-19-09  
Date

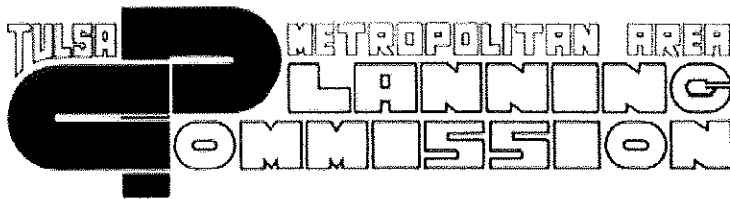
  
By: Jeffrey A. Tuttle

RPLS No. 1094, State of Oklahoma

Tuttle & Associates, Inc.  
C.A. No. 465  
Expires: 6-30-11



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MEMO

TO: TMAPC MEMBERS

FROM: DANE MATTHEWS, AICP, ASSISTANT MANAGER, LAND  
DEVELOPMENT SERVICES

SUBJECT: REPORT ON PUBLIC SAFETY ISSUES FOR LAND DEVELOPMENT  
ADJACENT TO PIPELINES

DATE: AUGUST 26, 2009

Pursuant to the City Council's request by consensus that the TMAPC hold a public hearing with regard to development issues adjacent to high-pressure pipelines, staff offers the following synopsis and update of a report presented by Wayne Alberty, TMAPC Manager of Land Development Services (memo dated April 11, 2006).

In that memo, Mr. Alberty correctly pointed out two primary issues involving development of properties containing pipeline easements. These two are as follows.

- a. Does the presence of an underground pipeline pose a threat to public safety?
- b. Is the ability of the pipeline owner impaired in his/her ability to conduct the required monitoring and maintenance of the pipeline due to surface development on/near the property?

In response, Mr. Alberty offered the following. If ruptured or otherwise damaged, pipelines transporting hazardous liquid or gas materials can pose a serious threat to public safety and the environment. Mr. Alberty cites data that indicate the relatively low occurrences of such incidents to date.

By Federal law, the owners/operators of the pipelines are responsible for the upkeep and safety of their lines. Therefore, any surface modifications that impede the pipeline owners' ability to assess the conditions of their lines impair the owners' ability to maintain the lines and pose a potential threat to the public/environmental safety. Such surface modifications may include paving, landscaping, constructing a building or other structure on top of or within a given distance from a pipeline. A few instances of such proposed modifications have occurred within recent years in cases before the TMAPC involving either the PUD process or a subdivision plat.



Based on continued staff research, we offer a third primary issue, and one that may become increasingly critical as more and more development in the City of Tulsa is on infill properties.

- c. How does the presence of an underground pipeline affect the rights and expectations of the owners of the property under which the pipelines have been extended? Is the property owner entitled to remuneration for the use of his/her land?

As Mr. Alberty indicated, there are two main methods of regulating or controlling development on land adjacent to or on top of pipelines, one private and the other public. Private easements, which are negotiated between the property owner and the pipeline owner, are enforceable in court. This is currently the means used within the city limits.

Public regulations, such as setback requirements, restriction of land uses and encouragement of other land uses, are methods used by some communities to control adjacent development. In a comparative study of various communities' setbacks, Mr. Alberty ascertained that the average setback in urban areas was 50', which is the City of Broken Arrow's requirement as contained in the Land Subdivision Code of that city.

An update/further explanation of some of the other communities discussed in Mr. Alberty's memo is given below.

<b>CITY</b>	<b>REQUIRED SETBACKS/NOTES</b>
Norwalk, CT	40' from pipeline; contained in subdivision regulations
Apple Valley, CA	100' from pipeline
Ulysses, KS	75' from pipeline; contained largely in fuel codes
Lincoln, NB	first reported as 220' from pipeline; now reported as only a recommendation from the Health Department
Redmond, WA	25' from edge of "hazardous corridor"; size of hazardous corridor varies with diameter of pipeline
Austin, TX (added)	no placement within 25' of hazardous pipeline or within a hazardous pipeline easement; contained within Zoning Code
Houston, TX (added)	no building allowed on easement; size of easement depends on type (oil, gas, water, sewer) of line; if type of easement not indicated, requires 15' building line setback from easement. Easements must be shown on subdivision plats.

Citing reports from the Transportation Research Board and the American Petroleum Institute regarding pipeline safety and radius of danger, Mr. Alberty's report noted that two-thirds of the deaths and damage and three-fourths of the injuries caused by pipeline failures occurred within 150' of the discharge. The TRB argued that these results could be interpreted to provide support for 150' setbacks from existing pipelines. Uses often prohibited from sitting on or adjacent to pipelines ("sensitive uses") are those involving concentrations of persons for long periods of time and presenting difficulties in their evacuation. Examples include prisons and other penal institutions, schools, nursing homes and hospitals.

Mr. Alberty's report presented two recommendations to be addressed if the City chooses to examine a means other than the current privately negotiated arrangements. The first is to determine if the current means are adequate, and Mr. Alberty correctly pointed out that a study to make that decision is beyond the scope of the 2006 report (and of this report). The second recommendation, if an alternate means of development control is deemed worthy of study, is to appoint a task force made up of representatives of all stakeholders and other affected parties to research and assemble the necessary information. These recommendations still stand, as do the following alternative actions.

1. Amend the Subdivision Regulations to require specific standards for development near pipelines, based on study findings.
2. Adopt an ordinance (an amendment to the Zoning Code) restricting the uses permitted in pipeline easements.
3. Continue to rely on private negotiations between property owners and pipeline owners/operators.

Finally, conditions have changed little since the 2006 report. The urbanization trends within the City continues and increasingly relies on infill development. If policy changes are to be addressed on the issue of development adjacent to pipelines, it is incumbent upon the City to consider all affected viewpoints and the possible consequences of development.

## MEMO

**TO:** Tulsa City Council

**FROM:** Wayne Alberty, Manager Land Development Services

**DATE:** April 11, 2006

**SUBJECT:** Report on Public Safety Issues for Land Development Adjacent to Pipelines

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Councilor Sullivan, at the Urban and Economic Development Committee meeting on March 7, 2006, requested a response to safety issues raised surrounding the development of property that contains underground pipelines. His specific concern was the proposed corridor development plan for the southwest corner of 81<sup>st</sup> Street and Garnett Road. We were asked to return with a reply to the safety issues raised at that meeting. The response was continued to the UED committee meeting to be held on April 11, 2006.

The response is the following:

1. There are two distinct issues concerning development of properties that contain pipeline easements. The first issue is: Does the presence of an underground pipeline present a threat to public safety? The second issue: Is the ability of the pipeline owner impaired to conduct required surveillance and maintenance by the surface development of the property?

**Response:** Pipelines transporting hazardous liquid or gas materials, if ruptured or damaged, can pose a significant risk to public safety and the environment due to the high operating pressures and the highly flammable, explosive and toxic properties of the transported products. Covering the pipeline with paving, plant materials or other man-made facilities impair the ability to provide surveillance of the pipeline and restricts the ability to detect leaks and access the pipeline for repair.

Hazardous liquid materials are defined as petroleum, petroleum products, anhydrous ammonia, liquid natural gas, or a liquid that is flammable or toxic.

2. Regulating or controlling the development of land adjacent to or over pipelines can be accomplished in two ways. It can be set out in the language of the easements, which is privately controlled, or by government regulations, which is publicly controlled. Currently within the

City of Tulsa there are no City regulations or other government regulations controlling development adjacent to pipelines. There is total reliance on the sufficiency of the easements negotiated between property owners and the pipeline companies.

3. Government regulations that attempt to control development in proximity to pipelines have accomplished it through establishing setbacks, regulating or prohibiting certain land uses (such as schools, hospitals and apartments) and encouraging other uses and activities (such as linear parks and recreational paths).

The Transportation Research Board released a very comprehensive document in 2004 regarding transportation pipelines and land uses titled "Special Report 281". The report dealt with a number of issues concerning authorities, responsibilities and public safety measures. It addressed how some local communities attempted to regulate public safety through building setbacks from existing or proposed pipelines. In those communities imposing building setbacks from pipelines, the average setback in urban areas was 50 feet from the pipeline. This is the requirement imposed by the Land Subdivision Code in Broken Arrow, Oklahoma.

Further research of other US communities revealed the following:

CITY	REQUIRED SETBACK
Norwalk, Connecticut	40 feet from pipeline
Apple Valley, California	100 feet from pipeline
Kern County, California	15 feet from pipeline easement
Ulysses, Kansas	75 feet from pipeline
Maplewood, Minnesota	100 feet from pipeline
Lincoln, Nebraska	220 feet from pipeline
Redmond, Washington	25 feet from edge of "hazardous corridor"

4. A report published by the Transportation Research Board National Research Council in 1988 titled "Pipelines and Public Policy" stated the following regarding setbacks from pipelines:

"The American Petroleum Institute recently conducted an analysis of the damage radius of a sample of liquid pipeline accidents reported by member companies in response to Congressional legislation proposed in 1987 (H.R. 262) that would have prohibited siting new pipelines within 150 feet of any residence, school, hospital, nursing home, correctional institution, or other permanently-inhabited facility. The analysis showed that two-thirds of the deaths and damage and three-fourths of the injuries caused by liquid pipeline failures took place within 150 feet of the point of

discharge;...these results could be interpreted to provide support for minimum building setbacks of 150 feet from existing pipelines to provide a good margin of safety."

In the summary assessment of the report, it stated:

"Major additions to the transmission pipeline network in the United States are unlikely in the foreseeable future, so opportunities are limited for reducing accident potential by locating new pipelines away from population centers, or in special transportation utility corridors. Attention should be focused, instead, on controlling development on or adjacent to existing pipeline right-of-way."

The report further stated:

"Despite precautions taken by the pipeline industry and all levels of government, pipeline accidents cannot be prevented entirely. Inspections and anticorrosion measures are not always fail-safe, and damage prevention programs do not always dissuade homeowners and developers from excavating too near pipelines."

5. The State of Oklahoma addresses the pipeline safety issue in O.S.S. Title 52, Section 47.1 - 47.8, the "Hazardous Liquid Transportation System Safety Act." The Act is directed towards the operators or owners of a hazardous liquid transportation system and does not address any land development issues. According to the Manager of the Pipeline Safety Department of the Oklahoma Corporation Commission Transportation Division, they have not addressed any regulations for land development over or adjacent to underground pipelines. He commented that the State and the Corporation Commission "was leaving the establishment of land development regulations to the local communities."
6. In an effort to define the magnitude of the problem, statistics on accidents on a national level and local level were obtained from the United States Office of Pipeline Safety for the national data and the State Department of Pipeline Safety for the local data. On the national level from year 1986 through 2005, there were 3,573 accidents recorded by hazardous liquid pipeline operators. Of those accidents, there were 44 fatalities and 272 injuries. The monetary property damage was recorded at \$1,066,628,603.00. The State of Oklahoma records indicate since 1988 to present there have been 49 recorded pipeline accidents in the Tulsa area. In all instances, these were releases of product. There were no fatalities or injuries and no other statistics were available.

## **CONCLUSION**

This report was requested to address the issue of public safety for development occurring near pipelines. The increasing urbanization of areas that were previously rural open fields has placed more people living and working closer to pipelines. A number of high-profile national incidents involving pipelines in urban areas has focused public attention on pipeline safety. The result has been that communities have examined their land use practices for properties adjacent to pipelines. Tulsa has now joined the list of cities questioning if the issue of public safety is adequately addressed for development to occur adjacent to pipelines.

The state and federal governments have produced reports identifying the public safety issues, but neither have developed any recommended land use controls to be implemented by local jurisdictions. The development of local land use regulations has been left to the individual communities. Several of those communities that have undertaken land use regulations are listed in this report.

The issue remains, "is the current reliance on the easement conditions negotiated between the pipeline owners and the property owners sufficient to adequately address public safety or are additional measures needed?" The city has the responsibility in its policies and land use decisions to be confident public safety has been adequately addressed. Any decision to change how the city addresses the public safety issue should be based on information beyond the scope of this report.

Should the decision be reached that additional measures are needed to ensure public safety for development adjacent to pipelines, then a detailed study should be commissioned. A task force should be created composed of city departments, pipeline representatives, affected property owners representatives and planning staff. This would allow information of a technical nature to be assembled sufficient for an informed decision to be made.

Upon completion of the detailed study the resulting action could be of the following:

1. Amendment to the Subdivision Regulations requiring specific standards for development near pipelines based on study findings.
2. Adopt ordinance restricting the uses permitted in pipeline easements.
3. Determine no regulations by the city are required, relying on the easements negotiated by the pipeline company and the land owner.