

- Consider adding goals and policies regarding pipelines to the General Plan, and amending Contra Costa County Zoning Code 82-2.010 so that all gas and hazardous liquid transmission pipelines would be subject to (and not exempt from) the General and Land Use District regulations (divisions 82 and 84). Consider additional ordinance(s) pertaining to zoning and land use permitting for hazardous liquid pipelines and possibly also intrastate gas transmission pipelines that are proposed for construction, replacement, modification, or abandonment.

Land Use and Zoning Provisions

Land use and zoning authority in the unincorporated portions of the county lies within Contra Costa County Department of Conservation and Development (DCD) jurisdiction. The county does not address pipelines in the General Plan goals or policies. Apart from limited involvement with certain high-hazard proposals (as rated by Hazardous Materials Program staff), the county does not review pipelines under their land use authority. They have a specific exemption for pipelines and other utilities stating:

The use of land for rights-of-way for the construction, maintenance and repair of public utilities and publicly owned utilities and for privately owned pipelines for the transportation of oil, gas, water, and other substances transportable by pipelines, is not regulated or restricted by Divisions 82 and 84. Accessory and appurtenant structures forming a part of public utilities, publicly owned utilities and pipelines are not regulated or restricted by Divisions 82 and 84, except for setback regulations. (Contra Costa County Zoning Code § 82-2.010)

Divisions 82 and 84 referred to in the above citation are, respectively, the General Regulations and Land Use Districts divisions of the County Zoning Code.⁴³

There are examples in California of other counties that do not exempt privately owned transmission pipelines from land use regulations (see sidebar on Santa Barbara County on page 21). Using land use and zoning authority to require permits for HL pipeline construction, replacement, modification, or abandonment may allow a local government to conduct California Environmental Quality Act (CEQA) review if warranted, and negotiate conditions and mitigation requirements with certain permits.

RECOMMENDATION TO CONTRA COSTA COUNTY BOARD OF SUPERVISORS AND DEPARTMENT OF CONSERVATION AND DEVELOPMENT: Consider adding goals and policies to the General Plan,⁴⁴ and amending Contra Costa County Zoning Code 82-2.010 so that all privately owned pipelines and appurtenant structures are not exempt, but rather only privately owned gas distribution pipelines under 12” in diameter are exempt from the General and Land Use District regulations (divisions 82 and 84).⁴⁵ Consider additional ordinance(s) pertaining to zoning and land use permitting for hazardous liquid pipelines and possibly also intrastate gas transmission pipelines that are proposed for construction, replacement, modification, or abandonment.

43 See https://www.municode.com/library/ca/contra_costa_county/codes/ordinance_code?nodeId=TIT8ZO

44 See the Trust's Local Government Guide to Pipelines for specific suggestions about what kind of General Plan (also called Comprehensive Plan) language may be used relating to pipelines and pipeline safety.

45 Language can be written specifically to exempt most distribution pipelines. For