

RESOLUTION NO. 2024 - _____

A RESOLUTION OF SALINE COUNTY NEBRASKA TO ADD A SECTION 621 “CARBON PIPELINES” TO THE SALINE COUNTY ZONING REGULATIONS; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE

WHEREAS certain land use practices can reduce the likelihood of accidental damage to carbon dioxide pipelines and reduce adverse impacts of pipeline failures in Saline County; and

WHEREAS the purpose of these regulations is to reduce the likelihood of pipeline damage and the adverse impact of pipeline failures through risk-based land management decisions;

THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SALINE COUNTY, NEBRASKA:

Section 1. A new Section 621 “Carbon Pipelines” shall be added to Article 6 of the Saline County Zoning Regulations as follows:

621 CARBON PIPELINES

A. DEFINITIONS. The following definitions shall apply to this section.

AFFECTED PROPERTY OWNERS. Affected property owners shall mean any property owner within 1000 feet of the Carbon Pipeline, which shall be measured from the center line of the pipeline to the parcel boundary. or town within 1 mile

Business shall also mean structure, office building, or place offering services or retail shopping

BUSINESS. Business means any structure or use where products are grown, produced, assembled, manufactured, or sold, but shall not include conventional agricultural uses, such as row-crop and livestock production activities.

CARBON PIPELINE. A carbon pipeline means a pipeline with an outer diameter of four inches (4”) or greater used to transport a gas, liquid, or supercritical fluid comprised of at least fifty percent (50%) carbon dioxide (CO₂) for geologic sequestrations, enhanced oil recovery, or other use. A carbon pipeline shall include the pipe used to transport carbon dioxide and any structure related to the pipeline and any space, resource, or equipment necessary for such transportation, including but not limited to related pump or compressor stations, valves, cathodic protection systems, and communication and control systems.

DWELLING. Dwelling means any structure that includes an occupied residential living quarters within it.

EMERGENCY INFORMATION. Emergency information means a copy of the applicant’s emergency response and hazard mitigation plan as may be required by PHMSA regulations for emergency preparedness, emergency response, and hazard mitigation; the names, phone numbers, email addresses, and mailing addresses of the applicant’s emergency response personnel and personnel authorized by the applicant to receive legal process and to respond to citizen complaints, concerns, or other requests; and the exact content and all known dangers of the substance being transported in the Carbon Pipeline.

- B. **CONDITIONAL USE.** The construction, modification, or removal of a Carbon Pipeline shall be a conditional use subject to Article 10. No work shall be performed on the construction, modification, or removal of a Carbon Pipeline without a conditional use permit issued in accordance with Article 10.
- C. **APPLICATION.** In addition to the requirements of Section 1002, the following information shall be set forth in an application for a conditional use permit for a Carbon Pipeline:
1. All proposed surveyed route information in Saline County,, prepared by a professional land surveyor licensed in the State of Nebraska, clearly showing the center line of the Carbon Pipeline
 2. A map identifying each entry into a municipal right of way and each proposed crossing of a municipal road or other municipal property.
 3. A map and list containing the names and addresses of all Affected Property Owners in Saline County.
 4. A set of plans and specifications showing the dimensions and locations of the Carbon Pipeline, including plans and specifications for all related facilities and below- and above-ground structures, including without limitation pumps, valve sites, and shutoff valves.
 5. A copy of the applicant's emergency response and hazard mitigation plan as may be required by PHMSA regulations for emergency preparedness, emergency response, and hazard mitigation.
 6. The names, phone numbers, email addresses, and mailing addresses of the applicant's emergency response personnel and personnel authorized by the applicant to receive legal process and to respond to citizen complaints, concerns, or other requests.
 7. The exact content and all known dangers of the substance being transported in the proposed Carbon Pipeline.

- D. **CHANGES.** The applicant or permit holder shall notify the Planning and Zoning Administrator within five (5) business days if any of the information required in the application changes, specifically including but not limited to the Emergency Information, whether before or after the issuance of a conditional use permit.

E. Public hearing shall include current location maps, contract information for property owners and dispersion models for current routes and escape routes and safety information for affected landowners.

- E. **NOTICE OF HEARING.** Notice of any public hearing required by Article 10 shall be mailed to all Affected Property Owners at least ten (10) days in advance of the public hearing. The applicant shall be responsible for all costs of publication and mailing of notices for any public hearings.

F. out or not, for your discussion.

- F. **MINIMUM SETBACKS.** The following minimum setbacks shall apply to the routing and siting of a Carbon Pipeline. The setbacks shall be measured from the center line of the pipeline to the nearest parcel boundary of a use listed below. For a village of city, such setback shall be measured from the center line of the

pipeline to the corporate boundaries or boundary of the extraterritorial zoning jurisdiction (ETJ).

Use	Distance
Dwelling	
Business	
Church	
Public Park / Recreational Area	
School	
Village (corporate limits)	
City (corporate limits)	
Cemetery	

- G. **REDUCTION OF SETBACKS BY AGREEMENT.** A private property owner may grant a waiver of the minimum setbacks in the same manner and with the same effect as a conveyance of an interest in real property. Any such waiver shall be created in writing, and the waiver, or a memorandum thereof, shall be filed, duly recorded, and indexed in the Office of the Saline County Register of Deeds. Any such waiver shall run with the land(s) benefited or burdened and shall terminate upon the conditions stated in the waiver. Any such waiver shall be automatically void if the applicant fails to obtain, or loses, the necessary permits from any local, state, or national regulatory entity.
- H. **REDUCTION OF SETBACKS BY MUNICIPALITY.** A village or city may grant a waiver of the minimum setback requirements from its corporate boundaries or extraterritorial zoning jurisdiction in the form of a resolution approved by the governing body and duly filed, recorded, and indexed in the Office of the Saline County Register of Deeds.
- I. **TRAINING.** As a condition for the issuance of a conditional use permit, an applicant may be required to conduct annual emergency preparedness training for first responders at location(s) within Saline County.
- J. **BINDING EFFECT.** The requirements of this Section shall be binding upon the applicant or permit holder's heirs, successors, assigns, and agents.
- K. **SEVERABLE.** If any part or provision of this Section is deemed invalid by a court of competent jurisdiction, such part or provision shall be severed and shall not affect the validity of the remaining parts or provisions.

Section 2. Within fifteen (15) days after adoption, this Resolution shall be published in book or pamphlet form or published in a newspaper of general circulation within Saline County.

Section 3. This Resolution shall be effective upon its passage, approval, and publication as required by law.

MOTION: _____

SECOND: _____

AYES: _____

NAYS: _____

Dated this _____ day of February 2024.

COMMISSIONERS

ATTEST

Clerk