

SECTION 17 ESSENTIAL SERVICES

SUBDIVISION 1. SCOPE OF REGULATIONS

For purposes of this Ordinance essential service facilities shall be classified into two (2) categories (major and minor essential service facilities) and regulated according to the procedures described herein.

SUBDIVISION 2. EXEMPT FROM REGULATIONS

Required maintenance or rebuilding of any major or minor essential service facility, when such maintenance or rebuilding does not expand the capacity or change the capability or location of the existing facility, shall be exempt from the regulation of this Section.

SUBDIVISION 3. MINOR ESSENTIAL SERVICES

All underground telephone lines, pipelines for local distribution, underground transmission lines, overhead utility lines, and electric transmission lines less than 35kv, as well as public utility buildings not customarily considered industrial in use are minor essential services, and are permitted uses in all zoning districts subject to the following:

1. Before construction of any essential services, the owner shall file with the Zoning Administrator such maps and drawings of the proposed service relating to site location as shall be requested. The Zoning Administrator shall consult the County Engineer and make suggestions to the owner as to modifications considered desirable under this Ordinance.
2. Essential Service located in right-of-way requires a permit from the road authority.
3. Essential Service is located outside of the right-of-way
 - A. Any essential service line located outside of the right-of-way shall meet a 150 foot setback from center line of road, unless the owner of the utility has submitted a signed, notarized agreement with the road authority to relocate their utility, at their cost, if the road is upgraded.
4. The County Engineer may require in conjunction with the issuance of a permit, that the applicant submit as-built drawings of the essential service after construction.

SUBDIVISION 4. MAJOR ESSENTIAL SERVICES

A Conditional Use Permit shall be required for all transmissions pipelines (i.e., pipelines not required for local distributing network), overhead transmission and substation lines in excess of 35 kv, electrical substations and similar essential services structures, and sewage lagoons shall be subject to the following procedural requirements. Unless specifically exempted herein, all activities in this section shall be conducted only under a conditional use permit issued pursuant to Section 22 of this Ordinance.

1. The applicant shall, on forms provided by the county, file an application, with the Zoning Administrator. The application shall include such maps indicating location, alignment, and type of service proposed, together with the status of any applications made or required to be made under state or federal law to any state or federal agency. The application shall provide the name, address and telephone number of a contact person to which post construction inquiries related to exact location and depth of essential service facilities may be addressed. The application, in the case of pipelines other than water, shall outline a contingency plan including steps to be taken in the event of a failure, leak, or explosion occurring during operation of the pipeline. The operator of the pipeline shall demonstrate its capability and readiness to execute the contingency plan. The county shall have sixty (60) days from the date of initial completed application to accept, reject or modify the application.
2. One set of the information required in Paragraph 1 of this Subdivision shall be furnished to the County Engineer, who shall review the information and forward his comments and recommendations to the County Planning Commission and County Board.

SUBDIVISION 5. PROVISIONS FOR MAJOR ESSENTIAL SERVICE CONSTRUCTION

1. Conditions. The following conditions shall apply to major essential service lines:
 - A. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after construction.
 - B. Rocks, slash and other construction debris shall be removed from each individual section of land where construction takes place within ninety (90) working days of the commencement of major essential service construction on that individual section of land. For purposes of this subsection, working days are defined as: all days except days between November 15 and April 15 (winter), or any day when more than 1/2 inch of precipitation has fallen. For purposes of this subsection, section of land is defined as a numbered section as defined by the Government Land Survey, or a portion thereof.
 - C. Shelterbacks, windbreaks, fences and vegetation shall be restored to pre-construction condition with the following exceptions.
 - 1.) Shelterback and windbreak replacement shall be to pre-construction density and may allow for operation maintenance of essential service lines.
 - 2.) Critical areas (slopes greater than 12%, drainage ditch banks and areas subject to severe erosion) shall be seeded and mulched as soon as possible after construction. Drainage ditch banks shall be seeded and mulched a minimum of 16 ½ feet in width from the top of the ditch spoil banks on each side of the ditch.

- D. If preliminary engineering, surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
- E. Major essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.

2. Setbacks

- A. Any essential service line not located within the County and/or Township Road Right Of Way shall meet a 150 feet setback from center line of road, unless the owner of the utility has a signed, notarized agreement with the road authority to relocate their utility, at their cost, if the road is upgraded.
- B. Any essential service structure must meet the setbacks of the Zoning District in which it is located.